



Rochester Hills Minutes City Council

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

*John L. Dalton, Bryan K. Barnett, Jim Duistermars, Melinda Hill,
Barbara L. Holder, Linda Raschke, Gerald Robbins*

Wednesday, September 15, 2004

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:40 p.m. Michigan Time.

ROLL CALL

Present: John Dalton, Bryan Barnett, Melinda Hill, Barbara Holder, Linda Raschke and Gerald Robbins

Absent: Jim Duistermars

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Kurt Dawson, Director of Assessing/Treasury
Bruce Halliday, Fleet Supervisor
Julie Jenuwine, Interim Finance Director
Pam Lee, Director of Human Resources
Deb Millhouse, Deputy Director of Planning/Development
Roger Rousse, Director of DPS/Engineering
Bob Srogi, Facilities Operations Manager*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved to Amend the Agenda of the Wednesday, September 15, 2004 Regular meeting to remove the following from CONSENT AGENDA:

Agenda Item 2004-0554: Approval of the 2004-2005 Police/School Liaison Budget

A motion was made by Barnett, seconded by Raschke, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Dalton, Barnett, Hill, Holder, Raschke and Robbins

Absent: Duistermars

(Mr. Duistermars Entered at 7:42 p.m.)

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

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton expressed his condolences to Mayor Somerville on the loss of her husband, Kenneth Somerville.

Mayor Somerville thanked the members of Council and the residents who expressed their sympathy through cards and flowers.

Council members expressed their sympathy to the Mayor.

Ms. Holder noted that Council members seem to be receiving an inordinate amount of junk email through their City email accounts and she asked residents to contact her via an alternate email address: councilatlarge@aol.com. Ms. Holder described the CERT (Citizen Emergency Response Team) program being conducted by the Oakland County Sheriff's Department and asked that interested residents contact Sergeant Dave Fournier at 248-537-3530 for more information.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

2004-0690 Approval of Minutes - Regular City Council Meeting - July 21, 2004

Attachments: Minutes 072104.pdf; 0690 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on July 21, 2004 be approved as presented.

Enactment No: RES0293-2004

2004-0700 Approval of Minutes - Regular City Council Meeting - July 28, 2004

Attachments: Min CC 072804.pdf; 0700 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on July 28, 2004 be approved as presented.

Enactment No: RES0294-2004

2004-0726 Approval of Minutes - Regular City Council Meeting - August 4, 2004

Attachments: Min CC 080404.pdf; 0726 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on August 4, 2004 be approved as presented.

Enactment No: RES0295-2004

2004-0682

Acceptance of the Warranty Deed for Public Road Right of Way granted by American Land, Inc., Parcel No. 15-25-351-040

Attachments: Agenda Summary.pdf; Warranty Deed.pdf; 0682 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by American Land, Inc., 30555 Hoover Rd., Warren, MI 48093 for the dedication of the public road right of way described as Parcel No. 15-25-351-040.

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

Enactment No: RES0296-2004

2004-0721

Acceptance of Warranty Deed for South Boulevard, East, road rights of way granted by Spalding DeDecker Associates, Inc., formerly known as Spalding DeDecker and Associates, for Parcel No. 15-35-477-005

Attachments: Agenda Summary.pdf; Warranty Deed.pdf; 0721 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed for the public road rights of way for South Boulevard, East, granted by Spalding DeDecker Associates, Inc., formerly known as Spalding DeDecker and Associates, Inc., whose address is 905 South Boulevard, East, Rochester Hills, MI 48307, to the City of Rochester Hills, a Municipal Corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, for Parcel No. 15-35-477-005.

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

Enactment No: RES0297-2004

2004-0692

Acceptance of an Amendment to a Pathway Easement for Butler Road granted by 1185 River Oaks L.L.C., and Foxfire River Oaks, L.L.C., as tenants in common for Parcel Nos. 15-19-200-004 and 15-19-200-005

Attachments: Agenda Summary.pdf; Easement.pdf; 0692 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an amendment to a pathway easement for Butler Road granted by 1185 River Oaks L.L.C., a Michigan limited liability company, and Foxfire River Oaks, L.L.C., a Michigan limited liability company, as tenants in common, (collectively the "Grantor") whose address is c/o W & M Properties, L.L.C., 60 E. 42nd Street, 26th Floor, New York, New York 10165 (the Grantor being a successor in interest to River

Oaks Limited Partnership) for the construction, operation, maintenance, repair and/or replacement and public use of a Pathway easement over, on, under, through and across land more particularly described as Parcel Nos. 15-19-200-004 and 15-19-200-005.

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

Enactment No: RES0298-2004

2004-0361

Acceptance of amended Pedestrian/Bicycle Pathway Easement granted by Leader Dogs for the Blind, Inc, Parcel No. 15-23-101-024

Attachments: Agenda Summary.pdf; Easement.pdf; 0361 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an Amendment to a Pedestrian/Bicycle Pathway Easement granted by Leader Dogs for the Blind, Inc., 1039 S. Rochester Road, Rochester Hills, MI 48307, for the construction, operation, maintenance, repair and/or replacement of a Pedestrian/Bicycle Pathway over, on, under, through and across land more particularly described as Parcel No. 15-23-101-024.

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

Enactment No: RES0299-2004

2004-0779

Approval of Agreement between the City of Rochester Hills, a Michigan municipal corporation and the Philip F. Greco Title Company, a Michigan corporation to relocate the Van Hoosen Jones Stoney Creek Cemetery Access Easement

Attachments: Agenda Summary.pdf; Letter Staran 081704.pdf; Easement Agreement.pdf; 0779 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Agreement between the City of Rochester Hills, a Michigan Municipal Corporation, 1000 Rochester Hills Dr., Rochester Hills, MI and Philip F. Greco Title Company, a Michigan corporation, 118 Cass Avenue, Mt. Clemens, Michigan, to relocate the Van Hoosen Jones Stoney Creek Cemetery Access Easement;

Further Resolved that the Mayor and City Clerk are authorized to execute the document on behalf of the City of Rochester Hills.

Enactment No: RES0300-2004

2004-0741

Request for Purchase Authorization - DPS/Fleet: Purchase one (1) new sewer camera truck, in the amount of \$33,771.00; Red Holman Pontiac GMC, Westland, MI

Attachments: Agenda Summary.pdf; Bid Tabulation.pdf; 0741 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves a purchase order to Red Holman Pontiac GMC, Westland, Michigan for the purchase of one (1) new

sewer camera truck in the amount of \$33,771.00 as the lowest, responsive, responsible bidder that meets all specifications.

Enactment No: RES0301-2004

2004-0755

Request for Approval to Add Delinquent Charges to 2004 Winter Tax Roll

Attachments: Agenda Summary.pdf; 0755 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2004 winter tax roll; and

Further Resolved that the City Assessor be and is hereby authorized to spread said amount on the 2004 winter tax roll

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$279,249.69	Ch 102-92.(b)
Delinquent Weed Control General Fund	\$15,168.61	Ch 106-125.(e)
Delinquent SAD Water Fund]	\$62.71	Ch 90-114.(b)
Delinquent SAD Local Road Funds	\$24,909.78	Ch 90-114.(b)
Delinquent Temporary Safeguards General Fund	\$97.50	Ch 90-30.(d)

Enactment No: RES0302-2004

2004-0744

Request for Purchase Authorization: HUMAN RESOURCES: Group Life, Accidental Death and Dismemberment and Disability Insurance, blanket purchase order not-to-exceed \$212,000.00; CIGNA Group Insurance, Southfield, MI

Attachments: Agenda Summary.pdf; Company Literature CIGNA.pdf; Bid Tabs.pdf; 0744 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to CIGNA Group Insurance, Southfield, Michigan, for the purchase of group life, accidental death and dismemberment and disability insurance, in the amount not-to-exceed \$212,000 through December 31, 2006.

Further Resolved that the Mayor is authorized to execute the contract on behalf of the City.

Enactment No: RES0303-2004

Passed The Consent Agenda

A motion was made by Barnett, seconded by Robbins, including all the preceding items marked as having been adopted on the Consent Agenda. The

motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

PUBLIC HEARINGS

2004-0740

Reprogramming of CDBG Funds from existing (3436) Parks / Recreational Facilities - \$15,000.00 to (3188) Minor Home Repair - \$15,000.00

Attachments: Agenda Summary.pdf; 2004-09-15 Reprogram (Memo).pdf; Public Hearing Notice.pdf; 0740 Resolution.pdf

President Dalton Opened the Public Hearing at 7:50 p.m.

There being no public comment, President Dalton Closed the Public Hearing at 7:51 p.m.

Ms. Julie Jenuwine, Interim Finance Director, explained that the funds in question were available due to an overestimate of the cost of another project. She stressed that the funds needed to be reprogrammed and expended by December 31, 2004 or they would be forfeited.

A motion was made by Hill, seconded by Robbins, that this matter be Adopted by Resolution.

Whereas, the City of Rochester Hills has been involved in Oakland County Community Development Block Grant (CDBG) projects since the program's inception in 1975. During this time period, over \$3.7 million dollars has been expended; and

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

Whereas, the City of Rochester Hills City Council held a public hearing on September 15, 2004 on the reprogramming of Program Year 2001 / 02 funds of \$15,000.00 from Parks / Recreational Facilities (3436) to Minor Home Repair (3188) or forfeit the funds at the end of Fiscal Year 2004;

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

Reprogram From Existing:

- (3436) Parks / Recreational Facilities - \$15,000.00

Reprogram To:

- (3188) Minor Home Repair - \$15,000.00

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0304-2004

2004-0763

Adoption of 2004 Millage Rates

Attachments: Budget Millage Rates Summary Adobe.pdf; Agenda Summary Budget.pdf; Public Hearing Notice.pdf; 0763 Master Report.pdf; 0763 Resolution.pdf

President Dalton Opened the Public Hearing for the 2004 Millage Rates at 7:52 p.m.

There being no public comment, President Dalton Closed the Public Hearing on the 2004 Millage Rates at 7:53 p.m.

President Dalton Opened the Public Hearing for the proposed 2005 Budget at 7:54 p.m.

There being no public comment, President Dalton Closed the Public Hearing on the proposed 2005 Budget at 7:55 p.m.

Ms. Julie Jenuwine, Interim Finance Director, explained that the millage rate would remain the same as the previous year and noted that the rate must be submitted to Oakland County by October 1st, thus necessitating the Public Hearing.

Presented

Enactment No: RES0319-2004

ORDINANCE FOR ADOPTION

2004-0672

Acceptance for Second Reading and Adoption - An Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations concerning recovery of restitution for violations, repeal conflicting ordinances and prescribe a penalty for violations

Attachments: 091504 Agenda Summary.pdf; 081804 Agenda Summary.pdf; Letter Staran 082504.pdf; Ordinance Amendment Section 58-58.pdf; Second Rdg 58-58 Fire Prevention Amendments.pdf; Letter, Staran 061004.pdf; First Rdg 58-58 - Fire Prevention, Amendments.pdf; CC 111903

Ms. Hill requested that approval of the ordinance be postponed to allow the City Attorney the opportunity to address some inconsistencies in the proposed wording of the ordinance. Specifically, she noted the following:

- * Eliminating specific references to outdoor fireplaces or barbecue pits.*
- * Limiting permitted fuels to dry seasoned fire wood, commercial logs and charcoal.*
- * Examining the permitted size and duration of recreational campfires to take into consideration the various vessels that are now used for recreational fires.*

City Attorney John Staran agreed with Ms. Hill's suggestions and stated he and Fire Chief Greg Walterhouse would examine the issues further and return to Council with the changes at a later date.

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

Resolved that the City Council of Rochester Hills hereby POSTPONES acceptance for second reading and adoption of an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations concerning recovery of restitution for violations, repeal conflicting ordinances and prescribe a penalty for violation.

Further Resolved that the City Council of Rochester Hills hereby directs the City Attorney, in conjunction with the City Fire Chief, to examine and clarify the ordinance with regards to the definition of recreational fires, permitted recreational fire fuel, and the size and duration of recreational fires.

Be It Further Resolved that, following these modifications, the ordinance be brought back before City Council for second reading and adoption.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

NEW BUSINESS

2004-0644

Request for Preliminary Site Condominium Plan Approval - City File No. 04-007 - Bloomer Park Estates Site Condominiums, a proposed four (4) unit development on approximately 1.82 acres, located on the north side of Bloomer Road, east of John R, and south of Bloomer Park, zoned R-4, One-Family Residential, known as Parcel No. 15-13-151-019, P.E.G. Construction, Applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Report Staff 20040811.pdf; 0644 Resolution.pdf

Ms. Deb Millhouse, Deputy Director of Planning/Development, briefly described the condominium development under consideration, specifically noting the preservation area designed to maintain the number of required regulated trees and to allow the planting of replacement trees.

Mr. George Ostrowski, Landscape Architect for Nowak & Fraus, 1310 Stephenson Highway, Royal Oak, Michigan, explained that the development was designed with individual driveways for each condominium on Bloomer Road, rather than a single-entrance cul-de-sac, to comply with the City's tree preservation ordinance.

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

Resolved that the Rochester Hills City Council hereby approves the Preliminary Plan for Bloomer Park Estates (City File No. 04-007), a four (4) unit site condominium development on 1.82 acres located on the north side of Bloomer Road, east of John R, and south of Bloomer Park, zoned R-4 (One Family Residential) and known as Parcel Number 15-13-151-019, based on the preliminary plan dated received by the Planning Department on June 4, 2004 with the following findings and subject to the following condition.

Findings:

- 1. The preliminary plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.**
- 2. Adequate utilities are currently available to properly service the proposed development.**
- 3. The preliminary plan represents a reasonable and acceptable plan for developing the property.**
- 4. The preliminary plan represents a reasonable lot layout and orientation. In addition, all units have access to an existing roadway.**
- 5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.**

CONDITION:

1. The Master Deed/Bylaws indicate that the natural preservation area is limited in its use to passive recreation activities and that signs denoting it as a natural preservation area are to be placed selectively around the edge of the area.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0306-2004

2004-0743

Request for Sidewalk Waiver - City File No. 04-007 - Bloomer Park Estates, a proposed four (4) unit site condominium development on 1.82 acres, located on the north side of Bloomer Road, east of John R, zoned R-4, One Family Residential, known as Parcel No. 15-13-151-019, P.E.G. Construction, Applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Minutes PC 20040817.pdf; Letter PEG 20040901.pdf; 0743 Resolution.pdf

Ms. Millhouse explained that the Planning Commission had approved this request unanimously, having made the request for a sidewalk waiver a condition of approval of the Preliminary Site Condominium Plan.

A motion was made by Robbins, seconded by Barnett, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby grants a waiver of the sidewalk requirement in accordance with the provisions of Section 122-95 of the Subdivisions Ordinance, for Bloomer Park Estates (City File No. 04-007), a four (4) unit site condominium development on 1.82 acres located on the north side of Bloomer Road, east of John R, and south of Bloomer Park, zoned R-4 (One Family Residential) and known as Parcel Number 15-13-151-019, based on the preliminary plan dated received by the Planning Department on June 4, 2004 with the following findings.

FINDINGS:

1. The proposed sidewalk would not currently connect with any established non-motorized vehicle-pedestrian pathway or sidewalk.
2. The proposed sidewalk would not be likely to connect to any non-motorized vehicle-pedestrian pathway or sidewalk in the future.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0307-2004

2004-0646

Request for Extension of the Final Preliminary Plat until September 23, 2006, City File No. 89-156.4 - Clear Creek Subdivision No. 4, the fourth phase totaling 52 lots of a 264-lot subdivision, located east of Sheldon, north of Tienken, zoned R-1, One-Family Residential, known as Parcel No.15-02-200-014, Harry Terbrueggen, Elro Corporation, Applicant

Attachments: 0646 Agenda Summary.pdf; Map aerial.pdf; Letter Terbrueggen 20040517.pdf; 0646 Resolution.pdf

Ms. Millhouse and Mr. Harry Terbrueggen of Elro Corporation, 201 West Big Beaver Road, Troy, Michigan, explained that this request was to meet an impending deadline

and that the developer would be submitting the plans for Final Plat Approval within days.

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

Resolved that the Rochester Hills City Council grants an extension of final approval of the preliminary plat for Clear Creek Subdivision No. 4, parcel number 15-02-200-014, zoned R-1, One Family Residential (City File No. 89-156.4) until September 23, 2006.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0308-2004

2004-0768

Adoption of Resolution to change September 22, 2004 Regular Work Session to a Regular Meeting

Attachments: Agenda Summary.pdf; 0768 Resolution.pdf

President Dalton suggested that if Council were to approve the 2004 Millage rates this evening there would be no need for a Council meeting on September 22nd.

Ms. Hill noted that the Millage Rates required further discussion by Council.

Council agreed to recess the current meeting and convene a Special Budget Work Session to complete the budget discussions, including the Millage Rates.

(RECESS 8:20 p.m. - 10:50 p.m.)

President Dalton noted that it would be preferable to postpone the vote on the Millage Rates until the Council's decision could be broadcast at the next Regular Council meeting scheduled for September 22, 2004.

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

Resolved that the Rochester Hills City Council hereby agrees to change its Regular Work Session of September 22, 2004 to a Regular Meeting;

Further Resolved that the City Clerk shall provide proper notice of the Meeting type change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill and Raschke

Nay: Holder

Absent: Robbins

Enactment No: RES0309-2004

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Wednesday, September 22, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 10:56 p.m.

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

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

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

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

Complete proceedings recorded in the Official Minutes Book on file in the office of the City Clerk and by this reference is made a part hereof.