

**PUBLIC HEARINGS**

2006-0707

Approval of the Proposed Brownfield Redevelopment Plan for the Hamlin Adams Brownfield Project, Parcel Numbers 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

**Attachments:** Agenda Summary.pdf; 11-21-06 Strobl & Sharp Air Quality Letter.pdf; 11-20-06 STS Air Monitoring Letter.pdf; 11-21-06 Revised Brownfield Redevelopment Plan.pdf; 111506 Resolution.pdf; 11-09-06 Assessing Memo.pdf; 111506 Agenda Summary.pdf; Public Hearing N

**Mr. Neil Silver**, Strobl & Sharp, 300 East Long Lake Road, Bloomfield Hills, attorney for the applicant, provided a brief overview of the project noting that approval of the Brownfield Redevelopment Plan (BRP) and 381 Work Plan will begin the process of evaluating the contaminants on the property at Hamlin and Adams Road. He explained that the outcome of that investigation would determine the amount of money needed to remediate the site to the level dictated by the Consent Judgment. He stressed that if the estimated remediation costs exceed the current estimate of \$4.5 million certain aspects of the Reimbursement Agreement may need to be renegotiated.

**Mr. Derek Delacourt**, Deputy Director of Planning, noted that the City's Assessing Department had provided Council with a tax table describing in more detail various tax capture scenarios and time frames for Council's consideration.

President Rosen **Opened the Public Hearing at 8:17 p.m.**

**Ms. Deanna Hilbert**, 3234 Quail Ridge Circle, questioned whether certain environmental testing was being conducted, whether the testing would be paid through tax capture and, if so, whether that was setting a precedent for these types of projects.

**Mr. Steve McGarry**, 2164 Clinton View, President of the Heritage Homeowner's Association, requested that base line air quality and ongoing monitoring be required of the remediation of this site. He noted that, when discussed at the Brownfield Redevelopment Authority (BRA) the developer stated such testing and monitoring was not budgeted. Mr. McGarry asked if this could be reimbursed through tax capture.

**Ms. Melinda Hill**, 1481 Mill Race, noted that she does not recommend repaying interest through tax capture. She also noted that it appears the reference to the revolving fund in the BRP "ties your hands" with how it can be used. She stressed that the City should not get into the finance business for the cleanup of privately owned contaminated properties. She suggested that the City pay the full 100% of tax capture to help ensure that the City does not have to make up any short fall in tax capture reimbursements following build out of the project.

**Mr. Silver** noted that if the Michigan Department of Environmental Quality (MDEQ) determines that base line air testing and monitoring is reimbursable through tax capture then his client would comply with the request, assuming the cost is reasonable. He also noted that he was not sure of the benefit of that type of monitoring, noting readings can be affected by many uncontrollable or unrelated factors. He requested that the City specify the type of monitoring to allow his client to gather more information and determine an estimated cost.

**President Rosen** suggested that Mr. Silver's client work in conjunction with the City's Environmental Consultant to determine the type of monitoring and the likely cost.

**Mr. Bill Windscheif**, 2872 River Trail, stated he was informed by the MDEQ that the City has the only authority to require air quality testing and monitoring and asked that it be made a requirement. He further suggested that the decision on this project be postponed until all of the questions regarding this matter can be addressed.

*Mr. Delacourt* stressed that the BRA had determined that an air quality requirement be included in the 381 Work Plan before it is submitted to the MDEQ.

*Mr. Silver* suggested that if the MDEQ does not consider air testing/monitoring an eligible expense for reimbursement that the City could reimburse it through local tax dollars.

*Mr. Ed Baron*, 3310 Green Spring Lane, stated that Council should postpone this decision until they can receive input on this matter from the City's Environmental Consultant.

*Ms. Brenda Savage*, 1715 Northumberland Drive, Chairperson of No New Taxes, agreed with Mr. Baron and Mr. Windscheif and urged Council to postpone this decision.

There being no further Public Comment, **President Rosen Closed the Public Hearing at 8:58 p.m.**

**Council Consensus** was to not include reimbursement for interest and to postpone further consideration of the BRP until the City's Environmental Consultant could be present to address the issue of air quality testing and monitoring.

*Mr. Yalamanchi* called the question to end debate and vote on the motion to postpone action.

**2006-0707**

Call the Question to Close Debate on the Motion Currently on the Floor - To Postpone Consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

**A motion was made by Yalamanchi, seconded by Holder, that this matter be Adopted by Resolution.**

**Resolved by the Rochester Hills City Council to hereby Call the Question to Close Debate on the Motion currently on the Floor to Postpone Consideration of the Brownfield Redevelopment Plan for the Hamlin/Adams Brownfield Project, City File No. 03-013, based on the Plan dated received by the Planning Department on September 11, 2006.**

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Holder, Rosen and Yalamanchi

**Nay:** Raschke

**Absent:** Duistermars and Hooper

**2006-0707**

Resolution to Postpone Consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

**A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution.**

**Whereas, the City's Environmental Consultant was not present at the November 15, 2006 Regular City Council meeting; and**

**Whereas, unresolved issues arose during Council discussion regarding the need for an air quality baseline assessment.**

**Resolved that the Rochester Hills City Council hereby Postpones consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for**

Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant, until such time as an air quality baseline assessment is included in the 381 Work Plan before submittal to the Michigan Department of Environmental Quality (MDEQ).

Be It Further Resolved that the parameters of the air quality baseline assessment be determined by City staff and the City's environmental consultants.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

**Absent:** Duistermars and Hooper

(Recess 9:17 p.m. - 9:33 p.m.)

## ORDINANCE FOR INTRODUCTION

2006-0788

Acceptance for First Reading an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** Agenda Summary.pdf; 12/13/06 Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Agenda Summary.pdf; First Reading Resolution.pdf; 111406 AIS Minutes.pdf; 12/13/06 Resolution.pdf; 0788 Resolution.pdf

*Ms. Pam Lee, Director of Human Resources, explained that the amendments before Council to the Personnel Ordinance would allow impending and future changes to the City's pension plan to be adopted and incorporated into this ordinance by reference rather than the Council having to make a separate motion. Additionally, she noted that the language of the ordinance would be clarified to note that it covers all non-union employees including deputies and directors. Ms. Lee assured Council members that this did not change any of the rights afforded to non-union employees, nor did the ordinance provide that non-union employees would be forced to accept any changes to their benefits based on changes to union contracts.*

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for First Reading.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

**Absent:** Duistermars and Hooper

**Enactment No:** RES0011-2007