

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, August 20, 2003 at 7:30 p.m.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:33 p.m. Michigan Time.

2. ROLE CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder

Absent: Member Gerald Robbins

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
Paul Davis, City Engineer/DPS
Derek Delacourt, Planner II
Roger Moore, Professional Surveyor
Roger Rouse, Director of DPS
Bob Spaman, Director of Finance

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated August 13, 2003 from Susan Galeczka, City Council Liaison).

Resolution A0001-2003-R0283

MOTION by Duistermars, seconded by Holder,

Resolved, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of August 20, 2003 as presented.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton expressed his hope that everyone made it through the recent blackout. He announced the birth of his grandson.

6. MAYOR'S REPORT

Mayor Somerville, addressing specific calls to her office, announced:

- Austin Drive was not scheduled for improvement.
- Outlined the reduction in City Hall employees from 2002.
- Explained that remodeling City Hall was necessary by law to meet ADA requirements.

7. COUNCIL COMMENTS

Ms. Hill expressed her displeasure that, despite Council's position as an official body representing the community, no Council members were contacted by the City Administration during the weekend blackout.

Ms. Golden noted that she received a number of complaints from residents regarding the lack of information from the City during the blackout. She suggested that procedures be put in place for obtaining after-hours information and questioned the current procedures for various emergencies.

Ms. Golden announced that Addison Oaks Country Club is hosting a "Women in the Wilderness" survival camp.

Mr. Duistermars acknowledged that the usual avenues for keeping residents informed, such as the City website and cable channel, were unavailable during this particular emergency. He described his experience of driving to the Fire Department to evaluate the situation, noting they had taken an extremely large number of calls.

Mr. Barnett praised all the individuals involved in restoring the power in a timely manner. He concurred that the situation could have been handled better by the City Administration. He announced that the schedule for RARA was delayed due to the blackout and advised those involved to visit www.rararecreation.org for more information.

Ms. Holder noted that the blackout was a first-time occurrence and the City would learn from the experience. She thanked those citizens who helped neighbors, friends and the elderly during the emergency.

Ms. Hill stated that this was not the first time she had received calls from constituents during a weekend emergency expressing frustration at the lack of communication from the City. She requested that Council be provided some way of gaining information during an emergency (i.e. a telephone number, an information line, an individual to contact, etc.).

Mr. Duistermars stated that he would add this issue to the Agenda of the next Public Safety Committee meeting, suggesting there should be a dedicated City hotline for emergencies.

8. ATTORNEY'S REPORT

City Attorney John Staran was not present.

- 9. CONSENT AGENDA** (All matters listed 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 the Consent Agenda for separate discussion.)

Approved by a single motion Items **9a, 9b, 9c, 9d, 9e** and **9f** from the Consent Agenda.

- 9a. Approval of Minutes** - Regular City Council Meeting, July 16, 2003 (Members received an Agenda Summary Sheet dated August 13, 2003, from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0284

MOTION by Barnett, seconded by Hill,

Resolved That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, July 16, 2003 be approved as presented.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

- 9b. Approval of Minutes** - Regular City Council Work Session, July 23, 2003 (Members received an Agenda Summary Sheet dated July 12, 2003, from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0285

MOTION by Barnett, seconded by Hill,

Resolved That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, July 23, 2003 be approved as presented.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

- 9c. **Approval of Minutes** - Special City Council Meeting, July 29, 2003 (Members received an Agenda Summary Sheet dated August 13, 2003, from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0286

MOTION by Barnett, seconded by Hill,

Resolved That the Minutes of a Special Rochester Hills City Council Meeting held on Tuesday, July 29, 2003 be approved as presented.

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

MOTION CARRIED

- 9d. **Approval of Minutes** - Regular City Council Meeting, August 6, 2003 (Members received an Agenda Summary Sheet dated August 13, 2003, from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0287

MOTION by Barnett, seconded by Hill,

Resolved That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, August 6, 2003 be approved as presented.

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

MOTION CARRIED

- 9e. **Request for Purchase Authorization** - MAYOR: Community Development Block Grant Funded Home Chore Program for Yard Maintenance - Fall 2003-Spring 2004, blanket purchase order not-to-exceed \$18,000.00; Advanced Services 1, Inc., Sterling Heights, MI (Members received a copy of a City Council Regular Meeting Summary Sheet dated July 29, 2003 from Jean Farris, Supervisor of Procurement)

Resolution A0403-2003-R0288

MOTION by Barnett, seconded by Hill,

Whereas, the Community Development Home Chore Program for yard maintenance for spring and fall clean up will continue for the 2003-2004 program year with administration by the Older Persons Commission; and

Whereas, competitive sealed bids were solicited and opened on July 24, 2003, and

Resolved that the Rochester Hills City Council award the contract for yard maintenance (Fall, 2003 and Spring, 2004 Clean Up) for the Community Development Block Grand funded Home Chore Program to Advanced Services 1, Inc., Sterling Heights, Michigan, as the lowest, responsive, responsible bidder, to provide these services for qualified residents 62 years of age and older and handicapped residents at the following rates:

\$25.00 per trailer park lot
\$75.00 per properties not exceeding one (1) acre

to the extent that CDBG funds are available, not-to-exceed \$18,000.00 through July 1, 2004; and authorize the Mayor to execute a contract on behalf of the City.

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

MOTION CARRIED

- 9f. Request for Purchase Authorization - MAYOR:** Community Development Block Grant Funded Home Chore Program for Snow Removal Services - Winter Season 2003-2004, blanket purchase order not-to-exceed \$26,555.00; Pro Maintenance, Rochester Hills, MI 48307 (Members received a copy of a City Council Regular Meeting Summary Sheet dated July 29, 2003 from Jean Farris, Supervisor of Procurement)

Resolution A0404-2003-R0289

MOTION by Barnett, seconded by Hill,

Whereas, the Community Development Home Chore Program for snow removal services will continue for the 2003-2004 program year with administration by the Older Persons Commission, and

Whereas, competitive sealed bids were solicited and opened on July 24, 2003, and

Resolved that the Rochester Hills City Council award the contract for snow removal services for the 2003-2004 winter season for the Community Development Block Grand funded Home Chore Program to Pro Maintenance Inc. of Rochester Hills, Michigan, as the lowest, responsive, responsible bidder, to provide these services for qualified residents 62 years of age and older and handicapped residents at the following rates:

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

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

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

MOTION CARRIED

10. PUBLIC COMMENTS

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

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

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

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

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

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

11. LEGISLATIVE / ADMINISTRATIVE RESPONSE

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

12. PUBLIC HEARING

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

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

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

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

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

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

PUBLIC COMMENT:

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

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

COUNCIL DISCUSSION:

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolution A0689–2003–R0290

MOTION by Hill, seconded by Golden,

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

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

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

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

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

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

MOTION CARRIED

(Recess 8:40 p.m. – 8:51 p.m.)

13. ORDINANCE ADOPTION

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

PUBLIC COMMENT:

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

COUNCIL DISCUSSION:

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

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

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

Resolution A0672–2003–R0291

MOTION by Barnett, seconded by Hill,

Resolved that an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations, repeal conflicting ordinances and prescribe a penalty for violations is hereby accepted for **Second Reading and Adoption** and shall become effective on Friday, August 29, 2003 the day following its publication on Thursday, August 28, 2003 in the *Rochester Eccentric* newspaper.

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

MOTION CARRIED

14. ADMINISTRATION

14a. Request for Conditional Approval of the Memorandum of Agreement for the Rouge River Local Management Assembly (Members received a copy of a City Council Regular Meeting Summary Sheet dated July 30, 2003 from Roger P. Moore, Professional Surveyor)

Mr. Roger Moore, Professional Surveyor, explained that the grants that funded the Rouge River Local Management Assembly are running out and they have decided to form an entity that will continue their efforts. He requested that the City join the assembly and pay a proportionate membership cost of \$1,860 for a voting membership of three (3) votes. Membership in the Assembly represents a large body of sub watersheds in Southeast Michigan.

Ms. Hill noted there were several different criteria established in the agreement so that one could revoke their membership, the final one being "other changes in the agreement that may be necessary." She asked for clarification of "other changes."

Mr. Moore indicated that several issues were resolved at the first Assembly meeting on August 5, 2003, such as adequate membership and participation to ensure viability of the organization.

Ms. Hill questioned whether the Assembly will continue beyond the seventeen (17) month agreement or would Mr. Moore return before Council for another contract.

Mr. Moore indicated that those issues had not yet been addressed by the Assembly. He assured Council he would return before them when necessary.

Ms. Hill acknowledged that the Assembly is in the early stages, but stressed how this agreement could be potentially costly and does not want the dues escalating drastically after two years. She stressed that she hopes this will result in good lobbying because the cost could be prohibitive and there is only so much financial burden the City can bear.

Mr. Duistermars questioned how the City's voting participation is determined and if the fee of \$1,860 is for the first year alone.

Mr. Moore stated the voting participation is based on a combination of population and land area and the dues of \$1,860 were for the initial seventeen (17) month agreement.

President Dalton thanked Roger Moore for his efforts regarding this matter.

Resolution A0690-2003-R0292

MOTION by Hill, seconded by Golden,

Whereas, the grant funded Rouge River Program Office (RPO) has provided public education, technical assistance, and water quality monitoring to the watershed communities which includes Rochester Hills; and

Whereas, the RPO federal funding levels has decreased substantially and local communities must now provide increased local funding to support storm water management and MS-4 permit requirements; and

Whereas, the Rouge River Local Management Assembly (Assembly) was created to replace the existing RPO and establish a basis for allocating the local costs between the participating communities in order to fund activities required to meet the storm water permit requirements; and

Whereas, there was concern that the Assembly would not be viable unless it had at least 20 members. For that reason the Drafting Committee initially asked for a conditional acceptance of the Memorandum of Agreement. The conditional approval to participate is revocable if there is not: 1) broad participation by other communities; 2) sufficient commitment of local funds to meet the first year's budget, or 3) other changes in the Agreement that may be necessary.

Resolved, that the Rochester Hills City Council approves joining with other Rouge River Watershed communities in the Rouge River Local Management Assembly by granting conditional approval of the Memorandum of Agreement and authorizes the administration to appoint a representative and alternate to represent the City of Rochester Hills.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

14b. Local Road Policy Issue - in regards to storm water improvements on road reconstruction projects (Members received a copy of a City Council Regular Meeting Summary Sheet dated August 7, 2003 from Kim Murphey, Administrative/Information Coordinator)

Mr. Roger Rouse, Director of DPS, explained there is a conflict between the City's Road Policy and Storm Water Policy. At the request of residents, Council agreed the City would install curb and gutter drainage improvements. Staff has since determined that these improvements are primarily cosmetic and aesthetic improvements and, thus, are not included in the Road Policy and should be the financial responsibility of the homeowner.

PUBLIC COMMENT/COUNCIL DISCUSSION:

Mr. Joe Gruits, 1350 New Love Lane, stated that he and **Mr. Don Wanner**, 1340 New Love Lane, feel that, as their street sits in a valley, their situation is unique and, thus, requires an exception to the standard Road Policy rules. Mr. Gruits stressed that the homeowners have paid for all sanitary and water systems. In addition, he has paid independent engineers for their evaluation of the drainage situation. He stressed that at the April 16, 2003 Council meeting, he presented Council with an estimate for these improvements that was half the cost of what was anticipated.

Ms. Golden noted that Council did commit to spending extra money on this project, however, there are several residential areas in the City needing road and drainage attention and, unfortunately, the funds are extremely limited.

Mr. Rouse acknowledged that the road is forty (40) years old and listed several suggestions for improved drainage. He expressed his concern that, from a policy standpoint, if the City made the improvements requested, it would set a precedent and the City would be called on to make similar improvements elsewhere. He also expressed a concern that curb and gutter improvements could be construed as assisting in the road's development potential.

Ms. Holder asked Mr. Rouse when the project is scheduled to proceed.

Mr. Rouse indicated that it is not a big project and estimated that construction could be completed this year. He also noted that, once a construction date was determined, area residents would receive the standard notification.

Mr. Rouse then played a video of the road in question, remarking on the specific drainage features and issues.

Ms. Holder questioned Mr. Gruits about hiring his own engineers.

Mr. Gruits stressed that, while he did hire engineers to evaluate the drainage situation, the additional lots are not under development. Noting he acquired the properties in the 1980s, he stated he chose not to develop them so as to maintain the natural surroundings.

Mr. Barnett asked how many lots remain undeveloped.

Mr. Gruits stated there were originally ten (10) lots; now there are eight (8) lots.

Mr. Wanner, referring to Mr. Rousse's video, suggested that August is not the best month to evaluate their particular drainage problems. He stressed that, following the meeting on April 16, 2003, he was under the impression that the issue had been settled and the budget of \$40,000 for curb and gutter installation was approved. He questioned the need to return before Council to "argue a policy issue."

President Dalton acknowledged approval of closed drainage at the April 16, 2003 meeting, but noted there was no discussion of curb and gutter other than for a small area. He then asked Mr. Gruits if he had plans to develop the remaining properties.

Mr. Gruits acknowledged that he had reduced the number of lots.

President Dalton asked if that reduction in the number of lots was for drainage purposes.

Mr. Paul Davis, City Engineer/DPS, attempted to clarify the question by asking Mr. Gruits if he plans to construct new homes in the near future. He noted that in early discussions, the City stressed that it would not go forward with repaving the road if heavy equipment would be used and possibly damage the improvements.

Mr. Gruits noted he had plans to build a private residence, but has not done so for twelve (12) years. He does not want to live in a high-density area.

President Dalton again asked Mr. Gruits if he had made a commitment to reduce the number of lots from six (6) to four (4) and noted that the City had received a letter to that effect from Mr. Gruits.

Mr. Gruits stated that the reduction of lots was not "a condition of anything" and was unaware of the letter to which President Dalton referred.

Mr. Rousse read from a letter Mr. Gruits sent to Mr. James Dietrick of the City's Engineering Department dated September 20, 1988 wherein he stated in part, "In consideration of the floodplain area and for our own personal use, we are reducing the density [of] the lots by increasing the already large lot sizes. Six existing lots will be grouped into four larger lots." He then noted there is a corresponding letter from the Drainage Commission approving the reduction of lots.

Mr. Gruits stated that this was not part of a condition but of a personal desire. He stressed that prior to that he could have built houses on all of the lots. He further stressed that he has come before Council as a homeowner not as a developer.

Mr. Barnett acknowledged that there are many roads in the City with similar drainage issues as New Love Lane. He stated that the City is willing to make the necessary road and drainage improvements as stipulated in City policy. However, Mr. Barnett stressed that he will not approve any drainage improvements beyond those deemed appropriate and necessary by City Staff.

Ms. Holder asked Mr. Gruits how many homes were present when he moved to the road.

Mr. Gruits stated there was originally only one home built in the late 1960s.

Ms. Hill noted Council's reliance on the City's engineering staff and their requirement to follow City policies as set forth. She stressed that the road improvement program was not intended to solve all problems, but, rather, was a "Band-Aid approach" using very limited City funds. While sympathetic to Mr. Gruits and Mr. Wanner's concerns, she noted that the City was addressing the drainage issues.

Mr. Duistermars concurred with Ms. Hill, noting that the current policy will correct the immediate drainage problems.

Mr. Gruits stressed that the homeowners have contributed financially to the road improvements and the City has paid nothing up to this point. He noted that the road is "basically turning to gravel after forty (40) years" and the culverts have been plugged for twenty (20) years.

Mr. Davis stated that, according to information submitted to the City years ago by Gruits Construction, it is his impression that the homes in question were built in a developer's format with the intent of being sold. He acknowledged that the City has not contributed to the utilities or the paving of this subdivision. He explained that in a typical development, those costs are incurred by the developer and passed along to future homeowners. He noted that the City now maintains the pump station and the roads.

Ms. Golden asked that the minutes from the April 16, 2003 meeting and any engineering reports be reviewed. She concurred with Mr. Rousse's assessment that the money for further improvements is not in the budget.

Mr. Wanner questioned how, after unanimously agreeing to the \$40,000 for curb and gutter installation, Council can now deny them these improvements.

President Dalton stated that the intent of the original vote was to improve the drainage problem. Subsequently it was determined that curb and gutter installation was not necessary to facilitate that original intent. He stressed that he cannot justify spending City money unnecessarily.

Ms. Golden clarified that the motion upon which Council was voting did not mention specific roads but was specific to the road policy.

Mr. Moore noted the City can address the drainage issue to protect the longevity of the road and the open ditch plan is a much better environmental method.

Mayor Somerville asked Mr. Gruits when he intends to build more homes and expressed her belief that the road has deteriorated due to heavy construction equipment.

Mr. Gruits respectfully disagreed with that assessment.

Resolution A0691–2003–R0293

MOTION by Barnett, seconded by Hill,

Resolved, that the Rochester Hills City Council in accordance with the Local Road Policy, Rehabilitation of Paved Roads, Item #3, recognize that the installation of curbing and storm sewer is not deemed necessary by the city and assess the homeowners the cost associated with construction of storm sewer and curb that is above the recommended road drainage solution.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

(Recess 10:09 p.m. – 10:20 p.m.)

15. COUNCIL COMMITTEE REPORTS

Mr. Duistermars announced that the Public Safety and Leisure Activities committees will be welcoming the new youth representatives when they next meet.

President Dalton announced that the youth representatives will be present on September 3, 2003 at 6:30 p.m. for an orientation before the Regular City Council Meeting and asked that all committee members be present.

Ms. Golden announced that the Trails Commission is working on the Master Plan and a Public Hearing will be held in October. A notice will be posted in the newspaper.

16. UNFINISHED BUSINESS

16a.i Discussion regarding Greenways and Open Space (A0499) (Members received a copy of a City Council Regular Meeting Summary Sheet dated August 13, 2003 from John Dalton, City Council President)

Ms. Golden requested that Council adopt a Greenway Initiative Plan similar to that adopted by the City of Rochester that would promote land conservancy and address deficiencies in City ordinances. She acknowledged the City Staff is in the process of reviewing and rewriting the zoning ordinances, but expressed her belief that there is much room for improvement.

PUBLIC COMMENT:

Mr. Bill Collins, 3335 Crooks, stressed his belief that the Council should focus on preserving the few forest fragments in the area, stressing that forest species are unable to survive in any other habitat. He stressed that these remaining forested areas will be easily identified. Mr.

Collins provided a map identifying the significantly large forest areas, while noting that it represented data from the 1980s and it is likely many of those areas are now gone.

Mr. Andrew Krupp, 168 Cloverport Avenue, noted that in the past Council had acknowledge a desire to protect the natural features of the City, but lacked the ability due to existing ordinances. Mr. Krupp asked that Council correct this situation and support these protections “with action.”

Ms. Pam Wallace, 168 Cloverport Avenue, stated that sustaining the natural beauty of Rochester Hills will distinguish the community in the future.

Ms. Jessica Opfer, 146 Terry, identified herself as Executive Director of the Clinton River Watershed Council, and, noting six (6) specific actions, encouraged the Council to preserve the natural areas along the Clinton River corridor and other open spaces in Rochester Hills.

Mr. Greg Doyle, 1141 Cripple Creek, representing the Oakland Land Conservancy, noted that, despite significant development, Rochester Hills remains a wonderful community due to its natural beauty. He noted that this natural beauty is an asset to the community and urged the Council to “take a small step toward empowering yourselves and the community to help the community to reserve the best of what’s left.”

Mr. Dan Keifer, 719 Fieldstone, expressed his belief that preserving green space provides “great economic value,” as residents and businesses locate in Rochester Hills for that very reason. He requested that Council adopt the resolution as submitted.

Mr. Gerald Carvey, 936 Ironstone, identified himself as the Chairperson for the Open Space Task Force and asked that Council work toward preserving the City’s green spaces.

Mayor Somerville recommended to Council that a resolution be made to donate the recently purchased land at Crooks Road and Hamlin Road to the Oakland Land Conservancy.

COUNCIL DISCUSSION:

Ms. Golden moved that the resolution be adopted; **Ms. Hill** seconded the motion and read the resolution into the record.

Mr. Duistermars voiced his concern that perhaps Council was moving too quickly and asked for reassurance that this resolution was advisory in nature and not binding.

President Dalton assured Mr. Duistermars that this was “the first step of a long journey.”

Ms. Holder asked if the Community Foundation Fund can be applied to any project.

Mr. Carvey stated that they were trying to establish a fund with the Community Foundation to develop grants.

Ms. Holder questioned the meaning of the eleventh (11th) line of the resolution adopted by the City of Rochester that reads, “declines to endorse any preference regarding general or specific attributes of special projects or other developments in the Clinton River Greenway.”

Mr. Carvey indicated that that specific line in the resolution referenced a specific piece of property.

Mr. Duistermars asked for assurance that this resolution would not limit people’s personal property.

Ms. Golden indicated that this is not a new issue and that the City is acquiring property and does not have an established plan for preservation. She considered it a “good first step.”

Ms. Hill noted that accepting this plan will assist interested parties in pursuing grants and funding.

Mr. Carvey stated that it is difficult for environmental groups to gain grant money without the City’s demonstrated support.

President Dalton stated that he felt the issue had unanimous support.

Mr. Barnett acknowledged that this is an excellent plan administered by excellent people tasked with protecting the City’s natural resources.

Ms. Hill suggested that the City needs an action plan and that it should be kept on the Community Development & Viability (CDV) committee agenda until the zoning rewrite was complete.

Ms. Golden proposed a second resolution which was briefly discussed and support was withdrawn.

Resolution A0499–2003–R0294

MOTION by Hill, seconded by Golden,

Whereas, the City of Rochester Hills has a wealth of the physical elements in a greenway already in place;

Whereas, a goal of the 1999 Strategic Plan for Rochester Hills was to “Implement a ten-year green space master plan that links all natural areas, parks, and watersheds, and returns native species”;

Whereas, at the inception it was clear the plan should also include the green space within the City of Rochester;

Whereas, a community driven initiative has identified the opportunities to preserve and enhance the corridors along the creeks and rivers coursing through the communities;

Whereas, the initiative has developed goals and projects to move forward with the opportunities to preserve and enhance the greenways within Rochester and Rochester Hills;

Whereas, the plan has identified and prioritized land parcels within the corridor for their value in meeting the four goals in the vision statement;

Whereas, both communities have acquired land for the Clinton River Trail and jointly with other communities, operate the Paint Creek Trail which follows the greenway;

Whereas, there is presently a narrow window of opportunity to implement this vision;

Therefore, Be Resolved the City of Rochester Hills receives, with gratitude, the report, "The Clinton River in Rochester and Rochester Hills: A Greenways Opportunity Plan";

Further Resolves the plan will be forwarded to the Planning Commission and Planning Department for review;

Further Resolves where appropriate the Master Plans and Ordinances will be reviewed for updating to reflect the desire to preserve and enhance the natural features of the greenways within the community;

Further Resolves this Council supports and encourages the Steering Committee to continue in their efforts of meeting the following goals:

- 1) Protect and Restore Natural Areas and Open Space along the Corridors
- 2) Enhance Recreational Opportunities along the Corridors
- 3) Protect and Restore Water Resources along the Corridors
- 4) Preserve, Restore and Interpret Historic and Cultural Resources along the Corridors

Finally Resolves that the Clinton River Greenway Opportunity Project Steering Committee should continue to provide feed-back to the Council and information on how this Council can assist in making this opportunity for a community greenway a reality.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

16a.ii Discussion support for Transportation Enhancements (A0499) (Members received supplemental information dated August 20, 2003 from Lois Golden, City Council Member)

Resolution A0499–2003–R0295

MOTION by Hill, seconded by Golden,

Whereas, Congress established Transportation Enhancements (TE) in 1991 as a guarantee to America's communities that a small percentage of gas tax dollars would be targeted to small-scale, locally-initiated transportation projects, as part of an effort to create balanced, intermodal transportation networks which address community concerns; and

Whereas, TE is the largest source of federal funding for pedestrian, bicycle and trail facilities, and also beautifies our roadways with landscaping, and protects our scenic and historic resources; and

Whereas, the TE program has supported more than 16,000 local transportation projects in almost every county and Congressional District in the country, making American communities better places to live by inspiring community revitalization, creating safe places to walk and bicycle, restoring historic transportation infrastructure, and sparking hometown pride; and

Whereas, TE accounts for approximately one-and-a-half cents per federal surface transportation dollar, but produces an exceptionally popular program which promotes health, safety, economic development and community pride; and

Whereas, on July 24, 2003, the United States House Appropriations Committee voted to eliminate funding for Transportation Enhancements in Section 114 of the transportation appropriations bill, even as the bill increased highway spending by \$4.5 billion more than the President's request; and

Whereas, the transportation appropriations bill, now known as H.R. 2989, will be voted on by the full House of Representatives in early September, at which time an amendment will be offered to reverse the committee action and restore the funding set-aside for TE; now therefore

Be It Resolved, that the Rochester Hills City Council expresses its unequivocal support of Transportation Enhancements, and asks the United States House of Representatives to restore full, guaranteed funding for Transportation Enhancements by striking Section 114 from H.R. 2989 and opposing any other amendments that might be offered that undercut the Transportation Enhancements program.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder

Nays: None

Absent: Robbins

MOTION CARRIED

17. NEW BUSINESS

- 17a. Adoption of Resolution** to change meeting time of August 27th City Council Regular Work Session from 7:30 PM to 7:00 PM (Members received a copy of a City Council Regular Meeting Summary Sheet dated August 13, 2003 from John Dalton, City Council President)

Resolution was briefly discussed and support was withdrawn.

18. ANY OTHER BUSINESS

Ms. Holder stressed that no political literature is allowed in City buildings.

19. NEXT MEETING DATES -

- a. Monday, August 25, 2003 - 7:00 PM - Special Work Session - 2004 Budget**
- b. Tuesday, August 26, 2003 - 7:00 PM - Special Work Session - 2004 Budget**
- c. Wednesday, August 27, 2003 - 7:30 PM - Regular Work Session - 2004 Budget**
- d. Thursday, August 28, 2003 - 7:00 PM - Special Work Session - 2004 Budget**

20. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 11:45 p.m.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET A. STRATE
Administrative Secretary
City Clerk's Office

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills