



Rochester Hills Minutes City Council Regular Meeting

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*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, September 20, 2006

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:34 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Absent: Jim Duistermars

Others Present:

*Ed Anzek, Director of Planning/Development
Bryan Barnett, Mayor
Ron Crowell, Fire Chief
Paul Davis, City Engineer
Bob Grace, Director of MIS
Julie Jenuwine, Director of Finance
Gerry Lee, Forestry Operations Manager
Jane Leslie, City Clerk
Roger Moore, Professional Surveyor
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of September 20, 2006 as presented.

A motion was made by Raschke, seconded by Holder, to Approve the Agenda as Presented.

The motion carried by the following vote:

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

Absent: Duistermars

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, described a conference she recently attended regarding green space and preservation, specifically noting the role they play in economic development. She then explained that she was unable to stay for the Master

Thoroughfare Plan (MTP) portion of the meeting and asked whether any Council members had participated in the RFP process when choosing the MTP consultant. She noted her concern that The Corradino Group had been chosen, although all bids were very close.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Ambrozaitis commented on the following items/issues:

- *The impending reduction of telecommunications revenues to the City as a result of pending legislation in the State House.*
- *Rode along with Fire Department personnel and Sheriff's deputies and cannot understand why the Fire Department Apparatus Fund has approximately \$3 million dollars and police services are under funded.*
- *Visited the City cemetery to evaluate the need for a chapel.*
- *Was recently subpoenaed to appear in a legal case involving blight in the City.*
- *The City's blight ordinance needs to be strengthened.*
- *Supports the paving of the Shadowoods subdivision in 2007 and Cumberland subdivision in 2008.*
- *The City should consider pursuing regional services, especially with regard to private ambulance services.*

Ms. Raschke noted her opposition to any privatization of the City's ambulance service.

Mayor Barnett announced that dead ash trees were being removed along the Walton Boulevard right-of-way and thanked Oakland County and the City's Forestry Department for their efforts. He then described a recent bank robbery within the City and the efforts of various law enforcement personnel, including the FBI, who were involved. He explained that the City is in the process of developing a new Steep Slopes Ordinance that may impact developments currently underway; thus, he noted he would likely be proposing in the near future a temporary moratorium in development of steep slope areas.

Ms. Holder noted that a comprehensive solution must be found to address the issue of paving local roads. She reminded Council that the City Charter provides a dedicated millage to fund the City's Fire Department; however, there are no Charter provisions for police services. She stressed that the City did have private ambulance service in the past and that the Fire Department provides far superior service to the residents of Rochester Hills.

(Mr. Duistermars Entered at 7:46 p.m.)

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

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.

- 2006-0653** Request for Purchase Authorization - PARKS/FORESTRY: Street Tree Maintenance Contract Blanket Purchase Order not to exceed \$86,000.00; J.H. Hart Urban Forestry, Sterling Heights, MI

Attachments: Agenda Summary.pdf; 0653 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council authorizes the Street Tree Maintenance Contract and Blanket Purchase Order to J.H. Hart Urban Forestry of Sterling Heights, Michigan, in the amount not to exceed \$86,000.00 through October 31, 2007.

Enactment No: RES0304-2006

- 2006-0664** Acceptance of a Watermain Easement granted by Walnut Brook Estates Association, a Michigan non-profit corporation, for Parcel No. 15-32-376-001

Attachments: Agenda Summary.pdf; Map.pdf; Easement.pdf; 0664 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 watermain easement granted by Walnut Brook Estates Association, a Michigan non-profit corporation, 2529 Elm Brook Court, Rochester Hills, Michigan 48309 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. 15-32-376-001.

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

Enactment No: RES0305-2006

- 2006-0668** Acceptance of the Offer to Purchase and Statement of Compensation for Right of Way acquisition on Leach Road in conjunction with the Adams Road Relocation Project for Bedient Land Development, LLC in the amount of \$8,030.00, plus closing costs

Attachments: Agenda Summary.pdf; Memo of Negotiation.pdf; Offer to Purchase.pdf; 0668 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Bedient Land Development, LLC was presented with an Offer to Purchase and Statement of Compensation for Right of Way in the amount of \$5,000.00; and

Whereas, Mr. Bedient negotiated a counter-offer based on the per square foot rate he received in 1994 from the City for other land along Leach Road. In addition, Mr. Bedient is to be compensated for two 24" diameter Maple trees that will be removed as a result of the road project; and

Whereas, Elexco land Services, Inc. will begin the process of closing the transaction through Philip F. Greco Title Company.

Resolved that the Rochester Hills City Council approves the Offer to Purchase and Statement of Compensation for Right of Way acquisition on Leach Road in

conjunction with the Adams Road Relocation Project for Bedient Land Development, LLC, a Michigan Limited Liability Company in the amount of \$8,030.00 plus closing costs.

Enactment No: RES0306-2006

Passed The Consent Agenda

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

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

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

2006-0680

Request for Purchase Authorization - DPS/Facilities: Snow Removal Services at Rochester Hills Municipal Offices (City Hall), Precinct #5, 52/3 District Court and Oakland County Sheriff's Department Substation for the 2006-2007 winter season in the not-to-exceed amount of \$51,520.00; Advanced Services Landscape, LLC of Sterling Heights, MI

Attachments: Agenda Summary.pdf; Bid Tabulation.pdf; 0680 Resolution.pdf

Mr. Ambrozaitis questioned the need for outside services when the City has a Department of Public Service (DPS) that is well funded, with a new facility being built. He asked that this issue be scheduled for discussion at an upcoming Council meeting.

President Rosen said that it would be added to the list of other items for future discussion.

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

Whereas, sealed proposals for snow removal services were solicited and awarded to Advanced Services Landscape, LLC; and

Whereas, the contract with Advanced Services Landscape, LLC, offers value to the City through price and the quality of service.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Advanced Services Landscape, LLC, of Sterling Heights, Michigan, as the lowest, responsive, responsible proposal for the purchase of snow removal services, in the amount not-to-exceed Fifty One Thousand Five Hundred Twenty (\$51,520.00) Dollars through October 15, 2007.

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

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Enactment No: RES0307-2006

2006-0658

Request for Purchase Authorization - DPS: Water service and repair parts,

blanket purchase order in the amount not-to-exceed \$60,000.00; S.L.C. Meter Service, Inc. of Davisburg, MI as the primary vendor and Etna Supply Company of Wyoming, MI as the secondary vendor

Attachments: Agenda Summary.pdf; Tabulation.pdf; Cost Comparison.pdf; Ford Meter Company Memo.pdf; PPI for Brass Products.pdf; 0658 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, noted that the City has used these products in the past and been very satisfied. He stressed that, as this equipment is buried underground, it needs to be reliable. He assured Council, "These are things that will outlive all of us."

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to S.L.C. Meter Service, Inc., of Davisburg, Michigan, as the Primary Vendor and Etna Supply Company, of Wyoming, Michigan, as the Secondary Vendor as overall lowest, responsive, responsible bidder for the purchase of water service and repair parts, in the total amount not-to-exceed \$60,000.00 through August 1, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0308-2006

PUBLIC HEARINGS

2006-0615

Adoption of General Fund - 2007 Budget

Attachments: Agenda Summary.pdf; Final Recap all changes.pdf; 092006 Agenda Summary - Public Hearing.pdf; Public Hearing Notice.pdf; 0615 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, noted that Council had been given an updated version of the 2007 Budget on CD, which incorporated changes resulting from the four Budget Work Sessions.

President Rosen reminded Council that they were reviewing the changes but would not be voting on the final budget until October 4th.

President Rosen **Opened the Public Hearing at 8:08 p.m.**

PUBLIC COMMENT:

Ms. Melinda Hill, 1481 Mill Race, provided the following questions and comments regarding the proposed 2007 Budget:

- Why does the Mayor's budget still have \$25,000 for a grant writer?
- The \$50,000 for a traffic signal at Grandview and Tienken should be removed as the intersection does not meet the appropriate warrants.
- Questioned the use of Metro Act Funds money to pay for irrigation of the Livernois Boulevard suggesting there are other ways to beautify boulevards without the ongoing water costs of irrigation.
- The monies earmarked for John R should only be used for a two-lane road replacement between Auburn and South Boulevard.

- Is the \$75,000 for Engineering on the Tienken Road Corridor for a five-lane road?
- Why did Maintenance - Contractual Services increase by 42%?
- Is the \$7,600 for off-site vehicle storage included in the overall cost of the new DPS Facility?
- Why is Traffic - Contractual Services \$91,200 when historically it has only been \$35,000?
- The SCATS intersections are becoming very expensive with a 50% increase for Contractual Services.
- Why has Travel & Seminars increased 66% in Local Roads?
- Is the Calcium Chloride program being increased from last year?
- Was happy to see \$25,000 to study the fire services issue.
- The City cannot continue to subsidize police services from the General Fund; another solution must be found.
- Is there a way to use Tree Fund dollars to improve boulevards?
- Is the City tracking the cost to maintain the City website?
- The City should not get into the business of conservation easements.
- What has happened to the Gateways program?

Mr. Lee Zendel, 1575 Dutton Road, spoke about the need to increase the number of police officers in the City and the frustration of not having the funds to support such an increase and encouraged Council to consider pursuing a police millage in the near future. He noted his opposition to any privatization of the City's ambulance services.

The following residents expressed their support for the plan to pave the Shadowoods subdivision and their gratitude to the administration and Council:

- **Mr. Karl Striebel**, 635 Timberlane Drive
- **Mr. Terry Lanker**, 583 Snowmass
- **Mr. Joe Cvengros**, 517 Sunlight
- **Mr. John Strzalka**, 2777 Winter Park Road
- **Mr. Jeff Leczel**, 2688 Steamboat Springs
- **Ms. Beth Tilove**, 769 Snowmass
- **Ms. Lorraine Mich**, 2933 Powderhorn

Mr. Paul Franklin, 2136 Elkhorn, noted he supports the paving of Shadowoods but called upon Council to create a comprehensive solution to the local roads problem.

There being no further Public Comment, **President Rosen closed the Public Hearing at 8:36 p.m.**

President Rosen assured his fellow Council members that, although he lives in Shadowoods, he will make his decisions regarding this matter based on what is best for the City as a whole, as well as the individuals in this neighborhood.

Ms. Holder noted her opposition to Mr. Ambrozaitis' request to reinstate \$6,000 for the RAYA budget, noting there were many worthy programs whose budgets were impacted by

the reduction in Federal funds for the CDBG program. She further noted her opposition to \$25,000 for a study of the City's dispatch services. She indicated that the City's dispatch services are superior to those of the Oakland County Sheriff's Department (OCSD). She suggested that the City consider the possibility of contracting with the Auburn Hills Police Department to patrol part of Rochester Hills as a means of saving tax dollars.

Mr. Duistermars noted he could not support paving Shadowoods, stressing it would set a precedent of the City paving roads from the General Fund and would discourage residents from approving any future roads millages.

Mr. Ambrozaitis expressed his support for paving Shadowoods, noting it is better to make incremental improvements until a comprehensive solution can be found.

President Rosen acknowledged that the plan to pave Shadowoods is not the best solution to the local roads problem. He stressed that the two major issues facing the City are local roads and police funding.

Ms. Raschke stressed the need for a local roads solution noting, "We are getting what we're not paying for with these failed millages."

Mayor Barnett acknowledged that the plan to pave Shadowoods is a temporary solution and a compromise. He praised the residents of Shadowoods who were involved in the local roads issue and encouraged them to continue their involvement to address the problem on a more comprehensive scale.

Mr. Hooper stressed that the repairs and improvements planned for Shadowoods will be minimal, not a full replacement. He then questioned the deferral of some Fleet equipment purchases.

Mr. Roger Rouse, Director of DPS/Engineering, explained that he would be returning to Council with more information regarding the deferred Fleet purchases and any eventual purchase would be addressed through a budget amendment.

Mr. Ambrozaitis explained that residents are not opposed to being taxed, but rather they are opposed to how their tax dollars are spent.

Discussed

(Recess 9:14 p.m. - 9:35 p.m.)

ORDINANCE FOR INTRODUCTION

2006-0682

Acceptance for First Reading - An Ordinance to Amend Sections 114-126, 114-129, 114-157, and 114-191, Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the new Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps to allow for the City's continued participation in the Federal Emergency Management Agency's National Flood Insurance Program, prescribe penalties for violations, and to repeal conflicting Ordinances

Attachments: Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Agenda Summary.pdf; 26125C0379F.pdf; 26125C0383F.pdf; 26125C0384F.pdf; 26125C0387F.pdf; 26125C0389F.pdf; 26125C0391F.pdf; 26125C0392F.pdf; 26125C0393F.pdf; 26125C0403F.pdf; 26125C0411F.pdf; 26125C

Mr. Roger Moore, Professional Surveyor, explained that the changes to the ordinance were primarily of a "housekeeping" nature, noting that new floodplain maps have been produced at a greater resolution. He assured Council that there are no residences that now fall within the floodplain that did not before.

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

Whereas, the City of Rochester Hills currently participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

Whereas, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions, which also apply for the purposes of this resolution:

- 1. Flood or Flooding means:**
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, (3) mudflows; and**
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.**
- 2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.**
- 3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).**
- 4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.**
- 5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.**
- 6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit**

Whereas, by an ordinance adoption action dated October 13, 2006, the City amended Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Rochester Hills Code of Ordinances, to adopt new Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps, and accepted the responsibility to administer, apply, and enforce the provisions of ordinance, including provisions of the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code and its Appendices which contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

Therefore, to maintain eligibility and continued participation in the NFIP,

1. The city directs its designated enforcing agent for the construction code act, the city engineer and/or city building inspector, to administer, apply, and enforce the floodplain management regulations as contained in city ordinance and the state construction code and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code, if adopted.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

UNFINISHED BUSINESS

2006-0661

Request for Purchase Authorization - DPS/ENGINEERING: John R Road and E. Ferry Drain Right-of-Way Acquisition Services; Revised Right Of Way Proposal in the amount of \$163,613.00; Hubbell, Roth & Clark, Pontiac, MI

Attachments: Agenda Summary.pdf; Revised Proposal.pdf; CIP and Budget History .pdf; 0661 Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, and Mr. Paul Davis, City Engineer, explained to Council members that, while the request before Council was for right-of-way acquisitions, they did desire Council input as to the proposed projects.

Council members questioned the need for moving the Michelson Pump Station as opposed to simply raising it.

Mr. Rousse and Mr. Davis explained that raising the station would cost approximately \$40,000 and would provide a temporary solution to flooding problems, whereas relocating the station would cost approximately \$350,000, but would last as long as 50 years. They further assured Council that relocating the station would not require the purchase of more right-of-way. They also noted that the pump equipment is overdue for replacement.

With regard to the other projects associated with the purchase of rights-of-way, it was noted that Council approval would still be required for each construction project brought forward.

Mr. Ambrozaitis noted he did not think paving the Spencer Park parking lot was necessary. He further requested that Council examine their Public Hearing Policy to include discussion such as this.

Mr. Yalamanchi questioned the budget increase for the Auburn to South Boulevard portion of the project.

Mr. Rousse noted he would investigate the issue and provide that information to Council.

Ms. Raschke stated her support for the paving of Spencer Park's parking lot as well as her support for moving the pump station, indicating that money will be saved in the long run by doing all projects simultaneously.

President Rosen noted that there was no compelling reason to move the pump station.

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

Resolved that the Rochester Hills City Council hereby approves the proposal between Hubbell, Roth & Clark, Inc. for Right-of-Way Acquisition Services for the John R Road Widening and East Ferry Drain Improvements in the amount of \$163,613.00 and authorizes the Mayor to execute a contract on behalf of the City.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Enactment No: RES0309-2006

NEW BUSINESS

2006-0632 Postpone Consideration of Proposed Road Vacation - The 20-foot wide alley North of Auburn Road between Dequindre Road and Hessel Avenue; Erich D. Becker and Peter C. Clauw, applicants

Attachments: Agenda Summary - Updated.pdf; Engineering Report.pdf; Legal Description.pdf; Area Map.pdf; 0632 Application (Becker).pdf; Application (Clauw).pdf; Application (C&F Invt).pdf; Ordinance.pdf; 082906 Memo M. Match.pdf; 0632 Resolution.pdf; Request to withdr

President Rosen indicated that the applicant requested that this item be postponed.

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

Resolved that the Rochester Hills City Council shall hereby postpone consideration of a proposed road vacation of a 20-foot wide alley north of Auburn Road between Dequindre Road and Hessel Avenue at the request of the applicants, Erich D. Becker and Peter C. Clauw.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

2006-0553 Request for Conditional Land Use Approval - City File No. 85-543.2 - Request for seating area for outdoor sales and service of food and beverages for Outback Steakhouse, located in the existing Hamlin Square shopping center at the northwest corner of Hamlin and Rochester roads, zoned B-3, Shopping Center Business, Parcel No. 15-22-451-030, Outback Steakhouse, applicant

Attachments: Agenda Summary .pdf; Report Staff.pdf; Map aerial.pdf; Staff Comments.pdf; Application.pdf; Lease Agree.pdf; PHN Clu.pdf; Site Plans.pdf; 0553 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby approves a Conditional Land Use to allow a seating area for outdoor sales and service of food and beverages for Outback Steakhouse, City File No. 85-543.2, located in the Hamlin Square shopping center at the northwest corner of Hamlin and Rochester Roads, zoned B-3, Shopping Center Business, Parcel No. 15-22-451-030 with the following findings and subject to the following condition:

Findings:

- 1. The existing development does promote the intent and purpose of this chapter.**
- 2. The subject site has been designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.**

3. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. The subject site is not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. Dates of operation shall be from May 15 through October 1.
2. Tables and chairs must be made of non-combustible materials.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0310-2006

2006-0406

Request for Approval of Preliminary Site Condominium Plan - City File No. 02-009 - Grace Oaks - a two-unit site condominium on 1.1 acres, located on the north side of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, Joseph Lombardo, applicant

Attachments: Agenda Summary.pdf; Map.pdf; Report Staff 06-06-06.pdf; Timber Wall.pdf; Site Plans.pdf; 0406 PC Minutes and Resolution.pdf

President Rosen asked Council to come to a decision regarding the request for a sidewalk waiver, as denial of that matter would negate Council's decision on the Preliminary Site Condominium Plan, as the plan would have to return to the Planning Commission without a sidewalk waiver.

Mr. Ed Anzek, Director of Planning/Development, explained that the process was rather cumbersome for this simple land split. He reassured Council that the Site Condominium Plan does have a condition that if the City determines that a sidewalk is needed in the future, the developer will construct one.

Mr. Ambrozaitis expressed concern regarding the building of a wall along the site boundary.

Mr. Anzek noted that this requirement has been a standard practice for natural features setbacks and the developer is agreeable to building it.

Mr. Hooper expressed concern about individuals straying into the wetland areas on the property to erect such things as swing sets, etc.

Mr. Anzek assured Council that the City's environmental consultant had approved the Site Condominium Plan and its protection of the wetlands. He also noted that the plans provide that flooding will not be a hazard as a result of the wetlands.

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

Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Grace Oaks Site Condominiums (City File No. 02-009), a two-unit development on 1.1 acres located north of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, based on plans dated received by the Planning and Development Department on May 9, 2006, with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. The proposed preliminary plan conforms to all applicable Ordinance Code provisions and regulations.
2. The proposed preliminary plan has demonstrated availability and adequacy of utilities.
3. The proposed preliminary plan presents a reasonable lot layout and orientation.
4. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions

1. That prior to issuance of a Land Improvement Permit, any additional issues be addressed during construction review by the City's Engineering Services Department.
2. The applicant shall show all survey markers and easements in accordance with City Ordinance on revised preliminary site plans, to be verified by the City's Public Service Department prior to Final Plan submittal.
3. That the note "not to be used as construction drawings" and the City File No. 02-009 be added to the site plan, prior to Final Plan approval.
4. Soil Erosion Permit must be obtained from Oakland County Drain Commissioner prior to Final Plan approval.
5. Tree Protective Fencing must be installed around the perimeter of the property to protect offsite trees, and inspected and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit.
6. Show note on the plan that a timber wall, as discussed at the August 1, 2006 Planning Commission meeting, and as shown on the sketch included in the City Council packet, will be constructed as a means of protecting the natural features area, as approved by Staff.
7. The applicant shall provide all Condominium Plan documents prior to Final Site Condominium Plan approval, which will include the means of marking the natural features setback area, to be approved by City Staff.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0312-2006

2006-0484

Request for Sidewalk Waiver - City File No. 02-009 - Grace Oaks Site Condominiums

Attachments: Agenda Summary.pdf; 0484 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, explained that the City was in support of granting a sidewalk waiver as there are no sidewalks to the east or west of this development and adding one at Grace Oaks could result in a walking hazard. He noted that there was no need for the developer to provide funds in escrow as the recorded deed acts as a binding document; therefore, if the City builds a sidewalk in the future the owner will be billed at that time. Mr. Anzek further noted that monies placed in an escrow account today may not be sufficient to cover the costs at a future date.

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

Resolved the Rochester Hills City Council hereby waives the requirement for a sidewalk on the north side of Hazelton, from the eastern property line to the western property line of Parcel No. 15-34-101-039, in accordance with the provisions of Section 122-95 of the Subdivision Ordinance, based on plans dated received by the Planning Department on May 9, 2006 with the following finding and subject to the following condition.

Finding:

- 1. The proposed sidewalk would not connect with any existing sidewalk nor would it connect with one in the foreseeable future.**

Condition:

- 1. The Sidewalk Waiver shall be a recordable document that runs with the land and obligates the homeowner to pay for a sidewalk should it be required in the future.**

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0311-2006

2006-0681

Request for Purchase Authorization - DPS/ENGINEERING: Local Street Concrete Slab Replacement Program - 2006, blanket purchase order not-to- exceed \$1,064,014.20; DiLisio Contracting, Inc., Clinton Township, MI

Attachments: Agenda Summary.pdf; Bid Tab.pdf; 0681 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, stressed that the contractor was very anxious to begin this project and that the City was realizing substantial savings in that the work was being concentrated and prioritized in certain areas, thus avoiding high mobilization fees. He further noted that the contractor was chosen following the City's competitive bid process.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket

Purchase Order to DiLisio Contracting, Inc., of Clinton Township, Michigan as the lowest, responsive, responsible bidder for the purchase of the Local Street Concrete Slab Replacement Program-2006, in the amount of \$1,064,014.20.

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duisternars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0313-2006

2006-0683

Request for Purchase Authorization - DPS/ENGINEERING: Consulting Services for Master Thoroughfare Plan Update to The Corradino Group, Southfield, Michigan in the amount not-to-exceed \$125,000.00 through December 31, 2007

Attachments: Agenda Summary.pdf; Tabulation.pdf; 0683 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, and Mr. Paul Davis, City Engineer, explained the recommendation of the committee that chose the consulting team to spearhead the update of the Master Thoroughfare Plan (MTP). Noting that the interview committee consisted of Mr. Anzek; Mr. Davis; Ms. Jean Farris, Supervisor of Procurement; Mr. Paul Shumajko, Transportation Engineer; Ms. Kim Murphey, Administrative Coordinator - DPS; and Ms. Barbara Key, Contract Specialist, the recommendation of The Corradino Group/Orchard, Hiltz, McCliment (Corradino/OHM) was based on the following factors:

- *The consultants will be geographically closer to the study area.*
- *The Corradino/OHM proposal included many more public meetings to gather resident input throughout the process.*
- *The Corradino/OHM team would provide both a new perspective (Corradino) as well as familiarity with the community (OHM).*
- *The Corradino Group has an outstanding reputation in their field.*
- *The Corradino Group has conducted many studies in this geographical area.*

It was the consensus of the interview committee that, while the Corradino/OHM proposal was higher than their competitors, it would be worth the cost for the greater public input.

Mr. Anzek also explained the request for the inclusion of a \$5,000 contingency noting previous experiences with these types of long-term studies have resulted in some unforeseen expenses.

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

Resolved that the Rochester Hills City Council hereby authorizes consulting services for the Master Thoroughfare Plan Update to The Corradino Group, Southfield, Michigan in the amount not-to-exceed \$125,000.00 through December 31, 2007.

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0314-2006

2006-0407

Request for approval of Revised Cost Participation Agreement for Construction of Crooks Road, Square Lake Road to Highway M-59, between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland

Attachments: Agenda Summary.pdf; Revised Cost Participation Agreement.pdf; MDOT Agreement.pdf; 062106 Agenda Summary.pdf; Cost Share Agreement.pdf; 062106 Resolution.pdf; 0407 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, and Mr. Paul Davis, City Engineer, explained to Council that this was an unusual circumstance and that they do not anticipate this happening again. Mr. Rouse clarified that, as this project will span multiple years, any monies budgeted for this year that are not expended will be reallocated for next year via budget amendments.

Mr. Yalamanchi asked that the revised costs associated with this agreement be reflected in the soon-to-be-approved 2007 Budget.

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

Resolved that the Rochester Hills City Council approves the Revised Cost Participation Agreement for Construction of Crooks Road, Square Lake Road to Highway M-59, between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland and authorizes the Mayor and Clerk to execute the agreement on behalf of the City; and

Further Resolved that the Rochester Hills City Council authorizes the City's share of the estimated total match, identified in the Revised Cost Participation Agreement, in the amount of \$1,855,100, and any additional cost that accrues through the terms of the agreement, if budgeted.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0315-2006

COUNCIL COMMITTEE REPORTS

Administration & Information Services (AIS) Committee

Ms. Holder, Chair of the AIS Committee, noted that the meeting had been cancelled due to the upcoming joint Committee meeting scheduled for the 27th.

Financial Services (FS) Committee

Mr. Yalamanchi, Vice Chair of the FS Committee, noted the Committee had discussed the potential changes to the Telecommunications Act and how they will impact the City financially.

Ms. Holder suggested that Council members at the joint Committee meeting on the 27th discuss dissolving the Communication Committees. She noted the Clerk's Department is short-staffed making it difficult to support these Committees. She stated that the Committees had served their purpose and many issues were being discussed at the

Council level despite Committee discussions and recommendations.

Mr. Yalamanchi expressed his support for the dissolution of the Committees, suggesting a change to Council's meeting schedule wherein Council would hold Work Sessions to discuss items in detail and then the following week hold Regular meetings to act upon those issues. He noted such a schedule would likely be more efficient.

Planning Commission (PC)

Mr. Hooper, Council's representative on the PC, explained that the PC is approaching completion of the Master Land Use Plan (MLUP) and will soon begin to address the Zoning Ordinance rewrite.

President Rosen suggested that the Zoning Ordinance rewrite should not begin until the MLUP is finalized.

Mr. Hooper noted that the two documents are very closely linked and any delay could cause the documents to be in conflict.

ANY OTHER BUSINESS

Mayor Barnett provided Council members with a memo regarding the proposed steep slope moratorium.

President Rosen urged his fellow Council members to give the issue some thought and it would be discussed in greater detail at a subsequent Council meeting.

City Attorney John Staran explained that the moratorium would likely impact two or three developments currently in the planning process. He noted that the issue of grandfathering these developments in would be a part of the discussion for Council to undertake.

Ms. Holder suggested that Council acquire a copy of a presentation on the recent traffic study done in conjunction with Auburn Hills to be reviewed at a Council Work Session.

Mr. Ambrozaitis reminded residents to attend the joint Communication Committee meeting on the 27th

NEXT MEETING DATE

Regular Meeting - Wednesday, October 4, 2006 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:28 p.m.

JAMES ROSEN, President
Rochester Hills City Council

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the February 14, 2007 Regular City Council Meeting.