

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

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:30 PM Michigan Time.

2. ROLL CALL

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

Absent: None

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director, Planning Department
Deborah Millhouse, Deputy Director, Planning Department
Paul Davis, City Engineer
Captain Ron Crowell, Fire Department

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated April 30, 2003 from Susan Koliba-Galeczka, City Council Liaison).

Resolution A0001-2003-R0146

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of Wednesday, May 7, 2003, amended as follows:

MOVE: Agenda Item 17 (Community Development & Viability Committee – 2002 Year End Report for the Van Hoosen Jones Stoney Creek Cemetery)

BEFORE: Agenda Item 12 (Consent Agenda)

The remainder of the Agenda remained the same.

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

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton had nothing to report at this time.

6. MAYOR'S REPORT

Mayor Somerville had nothing to report at this time.

7. COUNCIL COMMENTS

Member Robbins stated he would appreciate receiving large documents on a CD rather than receiving paper copies. He indicated it would be beneficial for meeting notices to be e-mailed to Council Members.

Member Robbins referenced an article in the Sunday edition of the *Rochester Eccentric* regarding armed robberies that had recently taken place in the City. He stated it was important for Council to address the public safety and police funding issues, noting a recommendation had been made by the Public Safety Committee, which had not been scheduled for a City Council meeting.

Member Hill stated she agreed it would be helpful to receive large documents in a paperless format, but noted the paper copies were handy for use when a laptop or computer was not available.

Member Hill stated the Rochester Hills Museum was holding a lecture series about wartime journalism beginning on Wednesday, May 14, 2003 from 7:30 PM to 9:00 PM. She indicated a mill tour would be held on Saturday, May 17, 2003 from 1:30 PM to 3:00 PM.

Member Hill stated she wanted to comment on the joint meeting held between the City Council and the Planning Commission on Tuesday, May 6, 2003 regarding proposed development at the intersection of Rochester and Tienken Roads. She felt the Departments had been instructed to make the proposed projects happen. She indicated she was not happy with the presentation as it related to the traffic situation associated with this type of development. She stated there had been studies conducted regarding the traffic problems associated with Rochester and Tienken Roads, and she felt the proposed development contained a very minor solution to a very difficult and expensive situation that exists at that intersection. She felt the tools developed and provided to the City should be used in resolving traffic issues.

Member Golden stated the Public Safety Committee had recommended a resolution regarding the police funding issue which was to be scheduled at a City Council Meeting. She indicated the

residents would like to see Council wrap up all the outstanding issues, such as open space and leaf burning. She stated a NoHaz drop off would be held in the City of Rochester on October 25, 2003; appointments to drop of hazardous material would have to be scheduled by calling 248-858-5656, and proof of residency would be required.

Member Duistermars stated the Public Safety Committee had met on Monday, May 2, 2003, and discussed personnel, budgets, the economy, and the possibility of revising the City's policy as it pertains to growth and development within the City due to the increased burden large developments placed on the Sheriff's Department.

Member Barnett stated the Rochester Avon Recreation Authority (RARA) summer brochure had been published, and encouraged the residents to participate in the many programs. He stated additional information could be obtained by contacting 248-656-8308.

Member Holder referred to the Joint Meeting between the Planning Commission and City Council on Tuesday, May 6, 2003, and noted she had invited the officials from the City of Rochester to attend the meeting. She indicated she felt the meeting had provided the groups with an opportunity to discuss a major issue in the City and had been very beneficial. She stated the Planning Commission had recommended further investigation of the proposed plans to determine what impact the proposed projects would have on the City.

8. ATTORNEY'S REPORT

Attorney Staran had nothing to report at this time.

9. ADOPTION OF RESOLUTION TO SET CLOSED SESSION - at the conclusion of tonight's meeting for the purpose of discussing an Attorney/Client Privileged Communication (A0008)

Resolution A0008-2003-R0147

MOTION by Barnett, seconded by Robbins,

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, at the conclusion of business of this regular meeting (May 7, 2003), for the purpose of discussing a confidential attorney/client privileged communication. Council will not reconvene to open session at the conclusion of the Closed Session.

ROLL CALL VOTE:

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

MOTION CARRIED

10. PRESENTATIONS / COMMENDATIONS

- 10a. Proclamation** - Rochester High School Cheerleading Team – 2003 State Champions (A0011) (Members received a copy of an Agenda Summary Sheet dated April 30, 2003 from Lisa K. DeLeary, Administrative Assistant, Clerk’s Office, with attachments)

President Dalton state the Rochester High School Cheerleading Team had been State Champions for the past five (5) years. He read the following Proclamation for the record:

The City of Rochester Hills
Recognizes the
Rochester High School Cheerleading Team
2003 State Champions

Whereas, the Citizens of Rochester Hills are proud of the successes - both academic and extracurricular - achieved by the students in our local schools; and

Whereas, the Rochester High School Cheerleading Team proved to be the best in the State of Michigan in their sport for the fifth consecutive year;

Now, therefore, be it known, that the Mayor and City Council of the City of Rochester Hills do hereby express our community's admiration for the teamwork, skill and talent of the Rochester 2003 Falcons and the dedication of their coaching staff; and

Be it further known, that on behalf of the Citizens of Rochester Hills, we express our pride in the accomplishments of these athletes:

Kendal Berry-Tripp
Danielle Biggers
Katy Buller
Brittany Burry
Bridget Chudick
Tara Colli
Katelin Davis
Emma Fulgenzi
Elizabeth Gibson
Elizabeth Hoefing

Laura Houghton
Kaity Irwin
Genie Jacobs
Jacquie Keller
Amanda Kiefer
Janell Lewis
Jeanine Lizotte
Kristin Lohrer
Elizabeth Main
Megan McEwen

Claire Mozer
Jessica Nivicki
Jamie Patterson
Tara Pridemore
Emily Szurek
Rachel Van Hoey
Renee Verscheure
Niu Niu Yuan
Tricia Zajac

Varsity Coach
Susan Wood,

Assistant Coach
Ginny Ames

Assistant Coach
Elyse Lohrer

Pat Somerville, Mayor

John L. Dalton, Council President

Bryan Barnett, Council Member

Barbara Holder, Vice President

Jim Duistermars, Council Member

Lois Golden, Council Member

Melinda Hill, Council Member

Gerald Robbins, Council Member

President Dalton stated the City Council, the Mayor and the City were truly proud of the accomplishments, sportsmanship and dedication of the Rochester High School Cheerleading Team, and noted how nice it was to see the sign at the entrance to the City.

10b. Proclamation - Athletes with Physical Disabilities Week - May 11-17, 2003 (A0011)

Mayor Somerville read the following Proclamation for the record:

**Proclamation
Athletes with Physical Disabilities Week
May 11-17, 2003**

WHEREAS, the annual Michigan Victory Games impact the fundamental values that are essential not only to the performance of physically disabled athletes in competition, but also to achieving their future personal goals; and

WHEREAS, the Michigan Victory Games showcase the joy, confidence, and pride of the athletes who participate in them; and

WHEREAS, the City of Rochester Hills and the citizens of the City of Rochester Hills wish to recognize and honor all of our community's physically disabled athletes for their commitment and dedication to sports and to the sense of well-being and determination it fosters, and to express our support for all citizens with disabilities,

NOW, THEREFORE, BE IT RESOLVED, that, I, Pat Somerville, Mayor of the City of Rochester Hills, on behalf of the entire City, do hereby proclaim the week of May 11-17, 2003, and every third week in May, as **ATHLETES WITH PHYSICAL DISABILITIES WEEK** in the City of Rochester Hills, and call upon all of our citizens and guests of our community to join me in recognizing the outstanding contributions made by athletes with disabilities to our City, State, and Nation.

FURTHER RESOLVED, to thank the Michigan Disabled Sports Alliance for providing such a fine venue for athletes to participate in!

In witness whereof, I have hereunto set
my hand and caused my Seal to be affixed

this 2nd day of April, 2003 in the City of Rochester Hills,
Oakland County, Michigan.

PAT SOMERVILLE, Mayor
City of Rochester Hills

10c. Presentation - Oakland Land Conservancy (A0645) (Members received a copy of an Agenda Summary Sheet dated April 30, 2003 from Susan Galeczka, City Council Liaison)

President Dalton introduced Donna Folland, Executive Director of the Oakland Land Conservancy.

Ms. Folland provided a brief history of the Oakland Land Conservancy, noting the Conservancy worked throughout Oakland County and Southeast Michigan with their educational programs. She stated the Conservancy had been working with the Clinton River Greenway Steering Committee to implement a greenway vision for the Rochester/Rochester Hills area.

Ms. Folland stated the Conservancy began in the Rochester Hills area, and protected approximately three hundred (300) acres of land under conservation easements. She explained the Conservancy provided the following tools to the communities to use in the protection of open space and natural areas:

Conservation Planning: Preserves, conservation easements, community assistance programs, education and stewardship programs.

Ms. Folland explained the Conservancy worked with neighbors of protected lands and local communities to preserve, protect and connect to areas preserved by other governments, and assist with stewardship of adjacent, protected areas.

Ms. Folland stated preserves were lands owned by the Conservancy, which were donated by the landowner and were permanently protected.

Conservation Easements: Legal agreements which restrict the use by a landowner, although the landowner retains the ownership of the property.

Ms. Folland stated the landowner conveyed certain rights to the Conservancy. She explained the landowner gave up some value in the land by conveying rights to the Conservancy, and the value of the conservation easement is tax deductible.

Open Space and Residential Development: A conservation easement adds an extra layer of protection. The Conservancy is working on conservation easements on publicly owned land.

Ms. Folland stated Oakland Township voters passed a referendum allowing conservation easements on the natural areas in some of the Township's parks, which would permanently protect those areas.

Assistance: The Conservancy helps protect land held by other parties, such as municipalities.

Education: Conservation Easement Seminars; Spring native plant sale; native plant landscape demonstrations; stewardship;

Ms. Folland stated the native plant landscape seminars demonstrated alternatives to traditional lawns. She explained the Conservancy was obligated to monitor and provide stewardship for lands under conservation easements, as well as providing ongoing communication with the landowner.

Ecosystem Management: Monitor lands to help preserve in a natural condition, and complete any required restoration.

Ms. Folland explained a controlled burn was being planned for an area to help restore a rare ecosystem.

Ms. Folland stated the Conservancy provided homeowner education as part of ecosystem management, and control of native plants.

Ms. Folland explained none of the Conservancy's preserves had public access; however, when work days are scheduled, all interested volunteers are invited to participate. She noted the work days provide an opportunity to learn about stewardship, invasive plants and flora. She indicated the Conservancy inventories the plants in the preserves, and periodically holds interpretative walks.

Ms. Folland discussed the conservation planning throughout the County, and the recent efforts regarding the Clinton River Greenway Project in Rochester and Rochester Hills. She stated the goals established related to the natural areas and open spaces, water resources, recreation and historic preservation. She indicated the objectives with respect to the natural areas and open spaces were to acquire and receive donations of land for conservation easements; make recommendations to landowners, and help landowners learn about stewardship to protect the land, particularly along water resources.

Ms. Folland stated the Conservancy was working with city staff to develop priorities for developing parkland along the river corridor, and would assist in the preparation of Michigan Natural Features Trust Funds and would explore available funding sources for matching funds for Trust Fund Grants.

Ms. Folland stated an objective of the Conservancy was to provide comment on or influence the outcome of future development within the corridor. She indicated all the parcels had been reviewed, and the Conservancy would like the opportunity to comment on potential development on any of those parcels. She stated the Oakland County Planning Department was developing a process for site plan review consultation, and noted ordinances were being introduced to address preservation of natural features during future development. She explained the Oakland County Planning Department and the Clinton River Watershed Council were coordinating comments on proposed ordinances and overlays.

Ms. Folland stated another objective of the Conservancy was to assist corridor residents in the stewardship of natural resources. She noted most of the parcels along the corridor were occupied, and the Conservancy was developing a system of regular communication regarding stewardship and natural resource information to advise the landowners about how what happened in their yards affected the river. She stated homeowner associations would be contacted and offered the opportunity to receive a presentation regarding the Clinton River Greenway. She indicated a program was being developed by the Conservancy to provide specific recommendations to homeowners along the corridor.

Ms. Folland stated the communities could assist the Conservancy by passing a resolution supporting the Clinton River Greenway vision; by incorporating the greenway vision into the Master Plan and Recreation Plan; by using innovative planning and design tools to protect the corridor and guide development, such as overlay districts and steep slope ordinances, and by supporting an open space millage. She indicated the Conservancy would appreciate the opportunity to provide regular updates on the work done by the various groups associated with the Conservancy.

Member Golden stated she had been meeting with the various groups working on the greenway initiative, and noted there was a tremendous non-profit and volunteer effort in the area. She clarified the Conservancy did not have funds to purchase land. Ms. Folland stated the Conservancy did not have funds, but worked with local businesses, and assisted in grant writing and seeking match money.

Member Golden suggested an item be scheduled for a future Council meeting to discuss a resolution supporting the Conservancy's programs and efforts, as well as to review possible ordinance amendments. President Dalton indicated an item would be scheduled upon receipt of the available information from Member Golden.

Member Golden explained incorporating these items in the City's Master Plan would assist the Conservancy in pursuing grant funds. She suggested Council review the Ordinances in the near future regarding natural features, steep slopes or protected species. She stated the option of a millage proposal should also be discussed.

Pamela Wallace, 168 Cloverport Avenue, stated there were many people and organizations responding to the question of what to do with the remaining open space and sensitive areas in the City. She indicated some of the groups would have booths at the Heritage Festival being held

over the Memorial Day Weekend to provide additional information regarding these issues. She noted the various organizations and volunteers were aware of the need for funding and were attempting to organize fundraisers and raise awareness of the issues. She suggested zoning overlays for sensitive feature areas be considered by the City, to provide protection for the sensitive areas without the need for a millage.

11. SOCRRA GOLF COURSE FEASIBILITY STUDY REPORT (A0411) (Members received a copy of an Agenda Summary Sheet dated May 2, 2003 from Susan Galeczka, City Council Liaison)

President Dalton stated a presentation would be made on the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Feasibility Study. He introduced Mark Walley, President, and Daniel McLatcher, Research Associate, from the Golf Services Group. He explained Golf Services Group had been hired by the SOCRRA communities to conduct a feasibility study for a proposed golf course at the SOCRRA site located at Dequindre and School Roads.

Mr. Walley provided a brief history of the Golf Services Group and the process used to conduct the study. He stated Golf Services Group conducted feasibility studies for potential golf course developments all over the country, with more specific focus on the Midwest. He indicated the company conducted approximately twenty-five (25) to thirty-five (35) studies per year, and was also involved in development, developing approximately one (1) to two (2) projects per year.

Mr. Walley explained Golf Services Group was contacted to conduct a hybrid study to determine the potential of an already designed golf course on the SOCRRA landfill site. He stated the company was also requested to review various business partnerships, should the project be feasible from a market standpoint. He explained it was determined the process would happen in two (2) phases, with Phase I being the Market Analysis, and Phase II being the Financial Analysis and the potential business viability of the three (3) development scenarios presented.

Mr. Walley explained the Market Analysis was completed and presented to the SOCRRA Board in November 2001, which indicated there was a market for the type of development Golf Services Group had been asked to review. He indicated the methodology was included in the Study. He explained the research concluded there was a development opportunity from a market standpoint for the site reviewed.

Mr. Walley stated the second phase involved the review of a proposed plan to determine if the plan met with the site and budget constraints, and if they did not, to suggest revisions and a development budget that made sense for the market recommendations proposed. He explained the second phase also included a review of three (3) development options, which were (1) private development and operation; (2) public development with private operation, and (3) public development and operation.

Mr. Walley stated a development budget was prepared by comparing the proposed plan to the market recommendations and was based on market constraints. He indicated income statements were prepared, based on the development budget, for an operation that would be recommended

pursuant to the Market Analysis. He stated expense projections were reviewed, and a cash flow analysis was conducted on all three (3) development options, resulting in a general viability statement for each development option. He stated in this particular case, all three (3) development options were viable based on the cash flow they would generate.

Mr. Walley summarized Golf Services Group found financial viability for all three (3) development options, and made recommendations regarding changes in the development plan.

President Dalton stated he had participated on the committee that had worked with Golf Services Group throughout the process. He noted Golf Services Group had accommodated all the desires of both the committee and SOCRRA, and had developed a valid, comprehensive report.

Member Barnett stated he felt the Feasibility Study was extremely thorough and answered many questions. He complimented Golf Services Group on a job well done.

President Dalton stated the steering committee had thirty (30) days to meet with SOCRRA and Council would be kept updated on the progress.

President Dalton explained Agenda Item 17 had been moved after Agenda Item 11 at the beginning of the meeting.

17a. Community Development & Viability Committee - 2002 Year End Report for the Van Hoosen Jones Stoney Creek Cemetery (A0531) (Members received a copy of an Agenda Summary Sheet dated April 30, 2003 from Bryan K. Barnett, Chair-CDV Committee, with attachments)

President Dalton stated the Community Development & Viability (CDV) Committee received the report and requested it be scheduled on the next available City Council Agenda.

Member Barnett thanked Josephine Geraci for the wonderful job she did on the Cemetery Committee.

Josephine Geraci, 1566 Colony, stated the entire Cemetery Committee had accomplished much during 2002, and it appeared 2003 would be a very active year.

Member Hill stated she had recently passed by the Cemetery and noted work was underway on new gates. She questioned whether the work was being done through a contractor. Clerk Jasinski stated the work was being completed by the company installing the new gate, and noted the columns should be finished shortly. She indicated the columns would match those at the Museum.

Mrs. Geraci stated the new gates would be very important to the Cemetery entrance, because the gates would no longer need to be locked and unlocked by City personnel.

Member Robbins questioned whether the Cemetery Committee had developed an educational program for the schools, noting the historical value of the Cemetery. **Mrs. Geraci** stated there

was a program in place for the Old Stoney Cemetery, which was the oldest cemetery and contained most of the local history. She noted Van Hoosen Jones was the newest of the three (3) cemeteries. She remarked on all the contributions made by the volunteers in planting the gardens throughout the Cemetery. She stated planting would be delayed due to the installation of the new gates. She indicated the City's Landscape Architect would be consulted for input on the various gardens.

Member Golden stated the Cemetery Committee had decided to use stone with the installation of the new gates in order to maintain the historic character.

Mrs. Geraci thanked those who contributed to the Beautification Fund, and discussed the difference between contributions made to the "trust" fund and the "useable" fund. She thanked all the volunteers for contributing their time and efforts to the Cemetery.

Resolution A0531-2003-R0148

MOTION by Barnett seconded by Duistermars,

Resolved that the Rochester Hills City Council receives and files the **2002 Year End Report for the Van Hoosen Jones Stoney Creek Cemetery** as prepared by the Ad Hoc Cemetery Citizen Advisory Committee.

Be It Further Resolved that the Rochester Hills City Council thanks the Ad Hoc Cemetery Citizen Advisory Committee for their continued dedication and hard work.

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

MOTION CARRIED

(Recess: 8:45 PM to 9:04 PM)

- 12. 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.)

Consent Agenda Items **12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12i, 12j, 12k** and **12l** were approved by a single motion.

- 12a. Approval of Minutes** - Special Meeting, March 25, 2003 (A0005) (Members received a copy of the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, March 25, 2003)

Resolution A0005-2003-R0149

MOTION by Barnett, seconded by Golden,

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, March 25, 2003, be approved as presented.

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

MOTION CARRIED

- 12b. Approval of Minutes** - Special Work Session, April 12, 2003 (A0005) (Members received a copy of the Minutes of a Special Rochester Hills City Council Work Session held on Saturday, April 12, 2003)

Resolution A0005-2003-R0150

MOTION by Barnett, seconded by Golden,

Resolved that the Minutes of a Special Rochester Hills City Council Work Session held on Saturday, April 12, 2003, be approved as presented.

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

MOTION CARRIED

- 12c. Adoption of Resolution** - placing Nottingham Blvd., Wellington Circle, and Langley Road into the City Local Street System, Manchester Knolls Subdivision, Section 8 (A0634) (Members received a copy of an Agenda Summary Sheet dated April 14, 2003 from Marc Matich, Traffic Technician, Department of Public Service, with attachments)

Resolution A0634-2003-R0151

MOTION by Barnett, seconded by Golden,

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now therefore be it Resolved

1. That the said streets are described as:

Nottingham Blvd., Wellington Circle, and Langley Road as depicted in the subdivision plat of "Manchester Knolls Subdivision", as recorded in Liber 283, Pages 40 through 42 of Oakland County Records, being part of the northeast 1/4 of Section 8, T. 3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan, and

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said streets are certified as public streets and are for public street purposes, and
4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic and have been constructed according to City Standards.

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

MOTION CARRIED

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- 12d. Adoption of Resolution** - placing Galena, Traceky, Quarry, Passive, Docile and Glacial into the City Local Street System, Clear Creek Subdivision #3, Section 2 (A0635) (Members receive a copy of an Agenda Summary Sheet dated April 14, 2003 from Marc Match, Traffic Technician, Department of Public Service, with attachments)

Resolution A0635-2003-R0152

MOTION by Barnett, seconded by Golden,

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now therefore be it Resolved

1. That the said streets described as:

Galena, Traceky, Quarry, Passive, Docile, and Glacial as depicted in subdivision plat of "Clear Creek Subdivision No. 3", as recorded in Liber 284, Pages 37 through 43 of Oakland County Records, being part of the northeast ¼ and southeast ¼ of Section 2, T. 3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan.
2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.

4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

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

MOTION CARRIED

- 12e. Adoption of Resolution** - placing Balmoral Blvd., Thatcher Court, Lincolnshire Drive, Lincolnshire Court, Strathcona Drive and Piccadilly Drive into the City Local Street System, Butler Ridge No. 1, Section 19 (A0636) (Members received a copy of an Agenda Summary Sheet dated April 14, 2003 from Marc Matich, Traffic Technician, Department of Public Service, with attachments)

Resolution A0636-2003-R0153

MOTION by Barnett, seconded by Golden,

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now therefore be it Resolved

1. That the said streets described as:

Balmoral Blvd., Thatcher Court, Lincolnshire Drive, Lincolnshire Court, Strathcona Drive and Piccadilly Drive as depicted in subdivision plat of "Butler Ridge No.1", as recorded in Liber 281, Pages 9 through 15 of Oakland County Records, being part of the southwest ¼ and part of the southeast ¼ and part of northwest ¼ of Section 19, T. 3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan.
2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

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

Nays: None
Absent: None

MOTION CARRIED

- 12f. Adoption of Resolution** - placing Sanctuary Blvd. into the City Local Street System, Sanctuary In The Hills, Section 32 (A0638) (Members received a copy of an Agenda Summary Sheet dated April 14, 2003 from Marc Matich, Traffic Technician, Department of Public Service, with attachments)

Resolution A0638-2003-R0154

MOTION by Barnett, seconded by Golden,

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now therefore be it Resolved

1. That the said streets described as:

Sanctuary Blvd., as depicted in the condominium subdivision plan of "The Sanctuary In The Hills", as recorded in Liber 27361, Pages 010 through 029, Oakland County Condominium Subdivision Plan No. 1426, to the Master Deed of The Sanctuary In The Hills, Oakland County Records. Being part of the southeast 1/4 of Section 32, T. 3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan.
2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

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

MOTION CARRIED

- 12g. Adoption of Resolution** - placing Grand Park and Villa Nova Circle into the City Local Street System, Hazelwood Hills, Section 34 (A0639) (Members received a copy of an

Agenda Summary Sheet dated April 14, 2003 from Marc Matich, Traffic Technician, Department of Public Service, with attachments)

Resolution A0639-2003-R0155

MOTION by Barnett, seconded by Golden,

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now therefore be it Resolved

1. That the said streets described as:

Grand Park and Villa Nova Circle, as depicted in the condominium subdivision plan of "Hazelwood Hills", as recorded in Liber 26610, Pages 674 through 680, Oakland County Condominium Subdivision Plan No. 1464, to the Master Deed of Hazelwood Hills, Oakland County Records. Being part of the northwest 1/4 of Section 34, T. 3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.

3. That said streets are certified as public streets and are for public street purposes.

4. That said streets are accepted into the City Local Street System.

5. That said streets are open for traffic and have been constructed according to City standards.

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

Nays: None

Absent: None

MOTION CARRIED

12h. Adoption of Resolution - authorizing permit application from the Road Commission for Oakland County (RCOC) for the Greater Rochester Memorial Day Parade to be held on Monday, May 26, 2003 (A0632) (Members received a copy of an Agenda Summary Sheet dated April 11, 2003 from Marc Matich, Traffic Technician, Department of Public Service, with attachments)

Resolution A0632-2003-R0156

MOTION by Barnett, seconded by Golden,

Whereas, the Cities of Rochester Hills and Rochester jointly host the 2003 Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veteran organizations; and

Whereas, the parade route begins at Mt. Avon Cemetery within the City of Rochester and proceeds south along Castell Street to Harding Road, then westerly along Harding Road to Livernois Road, and Livernois Road southerly to Veterans Pointe Park in the City of Rochester Hills; and

Whereas, staging this event requires closing certain County routes; and

Whereas, the City of Rochester Hills applies to the Road Commission for the closure of Livernois Road and Avon Road.

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

Be It Further Resolved that the parade route be scheduled for Monday, May 26, 2003, between the hours of 10:00 a.m. and 11:00 a.m. on Harding and Livernois Roads; and

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

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

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

MOTION CARRIED

- 12i. Adoption of Resolution** - authorizing Parks and Forestry Director as the agent for the City of Rochester Hills for the Oakland County's West Nile Virus Fund Program (A0629) (Members received a copy of an Agenda Summary Sheet dated April 28, 2003 from Mike Hartner, Director, Parks & Forestry Department, with attachments)

Resolution A0629-2003-R0157

MOTION by Barnett, seconded by Golden,

Whereas, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to

assist Oakland County cities, villages, and townships in addressing mosquito control activities; and

Whereas, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with mosquito habitat eradication and mosquito larviciding; and

Whereas, the City of Rochester Hills, Oakland County, Michigan, has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program;

Now Therefore Be It Resolved that the City Council of Rochester Hills authorizes and directs its Parks and Forestry Director, as agent for the City of Rochester Hills, in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution 03060, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

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

Nays: None

Absent: None

MOTION CARRIED

-
- 12j. Receive and File Mayor's report on Emergency Purchase** - PARKS: Mosquito Control Products, blanket purchase order not-to-exceed \$15,000.00; Clarks Mosquito Control, Roselle, IL (A0629) (Members received a copy of an Agenda Summary Sheet dated April 30, 2003 from Pat Somerville, Mayor, with attachments)

Resolution A0629-2003-R0158

MOTION by Barnett, seconded by Golden,

Resolved that the Rochester Hills City Council receives and files the Mayor's report regarding the emergency purchase for Larvicide Products from Clarke Mosquito Control dated April 17, 2003.

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

Nays: None

Absent: None

MOTION CARRIED

-
- 12k. Request for Purchase Authorization** - FIRE: Four (4) Thermal Imaging Cameras, purchase order not to exceed \$33,400.00; MGS Marketing, Inc., Darien, IL (A0633) (Members received a copy of an Agenda Summary Sheet dated April 28, 2003 from Captain Ronald Crowell, Fire Department, with attachments)

Resolution A0633-2003-R0159

MOTION by Barnett, seconded by Golden,

Resolved that the Rochester Hills City Council approves the purchase of four (4) Thermal Imaging Cameras from MGS Marketing Inc, in the amount of \$33,400.

Be It Further Resolved, that the Mayor and City Clerk are authorized to execute and deliver the agreement on behalf of the City.

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

Nays: None

Absent: None

MOTION CARRIED

-
- 12l. **Request for Purchase Authorization** - FACILITIES: Increase to existing blanket purchase order for Natural Gas in the amount not-to-exceed \$58,775.00 for a new total not-to-exceed amount of \$120,000.00; Consumers Energy, Lansing, MI (A0458) (Members received a copy of an Agenda Summary Sheet dated April 22, 2003 from Julie Hamilton, Purchasing Analyst, Purchasing Division, with attachments)

Resolution A0458-2003-R0160

MOTION by Barnett, seconded by Golden,

Whereas, due to increases in natural gas prices; an unusually cold winter; construction heating costs, and the hearing of the Hamlin buildings, the current blanket amount for Consumers Energy is insufficient.

Resolved that the Rochester Hills City Council authorizes an increase in the Consumers Energy blanket, expiring December 31, 2003, to a new not-to-exceed amount of \$120,000.00.

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

Nays: None

Absent: None

MOTION CARRIED

13. **PUBLIC COMMENTS**

No public comments were received.

14. **LEGISLATIVE / ADMINISTRATIVE RESPONSE**

No legislative/administrative responses were made.

15. PETITIONERS REQUESTS

15a. Adoption of Resolution to accept Petitions to create a Special Assessment District and Referring request to Department of Public Service Engineering Division for City Engineer's Report for a Water Main Extension and the Construction/Paving of Copperstone from Bagley to approximately 825 feet south of Bagley (A0637) (Members received a copy of an Agenda Summary Sheet dated April 22, 2003 from Jane Leslie, Deputy Clerk, Clerk's Office, with attachments)

Mr. Davis explained the scope of the project, noting it was different than a typical request because it included the water main, and due the fact that Copperstone was not currently a road. He noted a portion of Copperstone was a private drive for several homes. He explained the Engineering Department had received a petition requesting that approximately eight hundred (800') feet from Bagley south be paved. He indicated there was existing sanitary sewer in that area; however, no water main existed.

Mr. Davis stated a typical Special Assessment District (SAD) request was to pave a gravel road; whereas the petitioned request was to create a new paved road from an existing paper right-of-way. He stated it was explained to the petitioners that in this circumstance the petitioners would be expected to pay One Hundred (100%) Percent of the road paving cost. He stated because the paper right-of-way was only fifty (50') feet wide, the Engineering Department would like to see water main installed with this project as well. He indicated it was currently proposed that One Hundred (100%) Percent of the cost of the water main installation be paid by the residents.

Mr. Davis stated that in 1998, a Council Resolution was passed indicating the City would not assess residents for water and sewer extensions. He indicated as a result of that Resolution, refunds were issued to previous SAD improvement districts back to 1968.

Mr. Davis stated it was the Department's recommendation to include the SAD assessment at One Hundred (100%) Percent to the residents. He indicated approximately Sixty-five (65%) Percent of the necessary petition signatures were received to move the petition forward. He stated although the project had not been budgeted in the 2003 Budget, another project that had been budgeted would not move forward because it was past the deadline for submission of a petition. He explained the Copperstone SAD was expected to cost approximately Two Hundred Eighty Thousand (\$280,000.00) Dollars, which would be a One Hundred (100%) Percent SAD Assessment to the residents. He noted the City would pay for the contractor, the road pavement, and water main construction, and the SAD would reimburse those costs.

Mr. Davis questioned whether Council would be willing to direct the Engineering Department to begin the process by having the engineering plans prepared for the paving and water main construction. He questioned whether Council wanted to support the 1998 resolution which would not assess utility costs to residents through SAD's, or confirm the Engineering Department's recommendation that One Hundred (100%) Percent of the costs be included with this road paving project.

Member Hill stated this request was different from a normal SAD request, and questioned whether a precedent would be set that could affect other areas of the City that still need water

and sewer. She noted some areas of the community were already developed; however, water and sewer did not exist, which meant the expense of water and sewer installation would have to be borne by the City.

Attorney Staran stated this was a unique situation, however, it was more of a Council Policy question rather than a legal question. He explained handling one (1) project in a certain manner did not necessarily mean the next project had to be handled the same way.

Member Hill questioned whether all the lots that fronted Copperstone were vacant. Mr. Davis stated some of the lots had structures on them.

Member Hill questioned whether those lots used Copperstone for access. Mr. Davis explained some of the lots extended over to a similar north/south road to the west of Bagley, and noted there was a lot that extended to Livernois.

Member Hill questioned whether there were any buildings that did not have access to another road or street. Mr. Davis explained some used the private access from Copperstone, and others were either located at the corner of Bagley and Copperstone, fronted Livernois, or fronted the north/south street to the west of Bagley.

Member Hill stated the normal procedure for an SAD included a number of owners signing a petition requesting the improvement. She noted approximately Sixty-eight (68%) Percent of the subject petition had been signed, although the remaining property owners would be required to participate if the SAD was approved. She stated City Policy might require completion of the utilities in that area at some time in the future.

Mr. Davis explained the Copperstone SAD residents would receive the benefit of the completion of water and sewer extensions prior to those scheduled in the Capital Improvement Program (CIP).

Member Hill stated a GIS map would be beneficial to help determine those properties that front other roads or streets. She noted it was possible many of the lots on Copperstone were actually the back yards of properties owned by residents on Corinthia or Livernois.

Member Barnett clarified the proposed owner's share amounted to Seventeen Thousand, Five Hundred (\$17,500.00) Dollars. Mr. Davis explained the majority of the lots were forty (40') feet wide, meaning not all the lots were buildable. He noted some homes were centered on more than one (1) lot. He stated the Assessing Department had determined there were sixteen (16) buildable lots based on the current zoning for the area. He noted the proposed assessment or owner's share for one (1) buildable lot was Seventeen Thousand, Five Hundred (\$17,500.00) Dollars. He indicated that amount reflected a One Hundred (100%) Percent assessment to the property owners for both the water main and road portions.

Member Barnett questioned whether the proposed assessment amount was available to the residents at the time they signed the petition. Mr. Davis explained an information meeting is conducted at the time an SAD request is received to inform the property owners about the SAD

process. He indicated the One Hundred (100%) Percent assessment was discussed at the information meeting for the subject SAD. He noted the water main construction was approximately Forty (40%) Percent of the total cost of the project.

Member Barnett questioned whether the residents understood and were in agreement with the proposed assessment. He noted there were many residents in attendance and indicated he would appreciate hearing their comments on the proposed project.

Member Golden clarified that SAD assessments were used for utility installation, although it was not normal practice for the property owners to pay One Hundred (100%) Percent of the project cost. Mr. Davis noted the proposed project was for construction of the main water line. He stated there would be additional costs to the homeowners to connect lines from the home to the water system, which were not included in the proposed assessment. He clarified the proposed assessment was the cost to construct the eight (8") inch water main down Bagley.

Member Golden clarified this was just the first step in a lengthy SAD process. Mr. Davis explained if the proposed project was approved at this meeting, a consultant would begin a topographical survey and begin to design plans and specifications for bid. He stated a second information meeting would be held to allow residents to comment on the plans.

Attorney Staran explained this was the first step under the SAD procedure. He noted the proposed project would come back before Council several times. He noted at least two (2) public hearings would be held, including a hearing on the necessity of the project, which would be attended by the residents in the proposed district. He explained once the SAD roll is prepared, which would provide the actual cost figures, another public hearing would be held. He noted there were many opportunities for the proposed project to come back before Council, and for the residents to participate, both formally and informally through the public information meetings.

Member Robbins questioned whether a "paper" road legally qualified under the SAD process. Mr. Davis explained a "paper" road meant the subdivision had been platted and the right-of-way dedicated for future use to accommodate a road. He stated the right-of-way existed; however, only a portion of a private, gravel road existed. He indicated the proposed project was an attempt to accommodate the petition request for a paved road, noting this was not a typical SAD project, and did not fit within the requirements for the cap established for SAD projects through the Local Road Policy.

Member Robbins questioned who owned the right-of-way. Mr. Davis stated the City owned the right-of-way. Attorney Staran explained it was a public right-of-way that had been dedicated and accepted; however, it had not been improved.

Mr. Davis stated there was a section of Copperstone that ran east and west from Livernois before it turns south on the Bagley right-of-way that was not a dedicated right-of-way, although it was a gravel road.

Member Robbins requested clarification on whether the proposed project legally qualified as a road under the SAD process. Attorney Staran stated the public right-of-way portion qualified, although the proposed project was different because an existing road was not being upgraded, but rather the road was being constructed. He indicated the normal SAD process could be utilized, with the construction of the water main in an easement or right-of-way that previously existed. He noted this was not a typical SAD project, and probably fell outside the Local Road Policy in terms of the City's cost participation, but could lawfully proceed.

Member Robbins questioned whether this type of circumstance of the City owning a right-of-way and a road being constructed would normally be handled through the SAD process. Mr. Davis referred to the Adams Road Relocation Project, which involved a developer dedicating right-of-way, with the City constructing the road on the dedicated right-of-way.

Member Hill clarified the proposed project included public easement. Mr. Davis indicated it was actually right-of-way in a platted subdivision, not an easement.

Member Hill stated she understood the reason for requesting the One Hundred (100%) Percent assessment if the proposed project were to move forward at this time. She noted another option would be to wait until the City was ready to install the utilities. Mr. Davis stated if the petitioners were willing to wait, water main construction could be included in the City's CIP, although the project would then be weighted against other projects in the CIP.

Member Hill stated engineering and other costs would be incurred in determining what the actual cost to the property owners would be. She noted the property owners could file petitions for objection. Mr. Davis there would be many opportunities for the project to be stopped, although Council could determine necessity and move the project forward.

Member Hill questioned whether the residents were interested in pursuing the project, noting the City would begin to incur costs if the project was approved to move forward. Mr. Davis noted the proposed costs would include an administrative charge for the City's assistance in administration throughout the SAD process. He stated the petitioner had been requested to obtain two-third's (2/3) of petition signatures, which had been done.

Member Hill questioned whether the property owners had been contacted individually by the Engineering Department regarding the proposed project. Mr. Davis explained the petitioner had contacted the owners, and they had been notified about the information meeting.

President Dalton questioned what percentage would be necessary to stop a SAD project. Mr. Davis indicated Fifty-one (51%) Percent was required. Attorney Staran explained a protest petition would not stop a SAD project, although it would require a super majority vote of Council to proceed.

Member Golden clarified that if the proposed project was approved, the City would begin to incur costs. Mr. Davis explained it would be necessary to hire a consultant for design services. Attorney Staran noted if the project was stopped for some reason, the design and engineering costs would be the City's responsibility.

Member Holder clarified the assessment would be made against each lot, with those property owners with more than one lot assessed for each lot. Mr. Davis explained the assessment was based on buildable lots, noting some of the lots were narrow and not buildable in the R-4 District.

Member Robbins clarified there were sixteen (16) buildable lots in the proposed SAD project. Mr. Davis indicated sixteen (16) buildable lots had been identified by the Assessing Department. Member Robbins questioned whether the petition signatures equaled Sixty-five (65%) Percent of the buildable lots, or Sixty-five (65%) Percent of the landowners. Mr. Davis stated almost Sixty-nine (65%) Percent of the sixteen (16) benefit units were in favor of the project. He noted if the lineal feet of the project were considered, approximately Sixty-five (65%) Percent were in favor of the project.

Member Robbins questioned how a benefit unit was identified. Mr. Davis explained a buildable and assessed piece of property could consist of two (2) lots. He stated lots could be combined, creating a new buildable lot.

Member Robbins questioned whether a petition had to be started by a property owner. Mr. Davis indicated that was correct. Member Robbins noted Mr. Szefer had initiated the subject petition, although he was not listed as a property owner on the petition. Mr. Davis stated he understood Mr. Szefer owned four (4) lots on the south end of the property on the west side of Copperstone.

Thomas B. Rinehart, 48340 Dequindre, stated he was part of a joint venture with Mr. Szefer and it was Mr. Szefer's intention to purchase four (4) lots from him, which would result in two (2) buildable lots. He noted the lots had not been buildable during the years he had owned them. He explained he had applied for building permits on several occasions, but was denied because of the septic fields and wells.

Roma M. Pierson, 2860 Livernois, stated she had been requested to sign the petition only to put the project on an agenda. She explained she had told the petitioner she could not afford to pay for improvements, and she was assured her signature was only to place the project on the agenda. She indicated she did not believe the majority of the residents wanted the project. She stated she felt the petitioner wanted the project because it would provide him access to his lots.

Mr. Davis noted Mrs. Pierson was not indicated as having signed the SAD petition. Mrs. Pierson indicated she had signed a document to put the project on an agenda.

David Phillips, 2880 Copperstone, stated he was a new property owner, and questioned whether the assessment was spread out over a number of years or would be required in a lump sum. He questioned the cost to hook up to the water, noting he was already hooked up to the sewer. He questioned whether his taxes would increase as a result of the road being paved.

Mr. Davis explained the SAD assessment included a ten (10) year repayment period, although an assessment could be paid at one time. He noted interest was included in the assessment. He

stated the City's Ordinance did not require residents to connect to the water. He indicated the connection fee would be provided at the next information meeting.

President Dalton asked Mr. Phillips if he had signed the petition. Mr. Phillips indicated he had signed two, noting the first petition was for fact-finding, and the second was for the improvements.

Member Robbins asked Mr. Phillips if he knew what the expected cost would be at the time he signed the petition. Mr. Phillips indicated he did not. Mr. Davis noted only about half of the affected property owners had attended the information meeting, which is when the typical roadway assessments were discussed.

Francis Carpenter, 1061 Bagley, stated when he was encouraged to sign the petition he was informed by the time the matter got to Council, Council would consider incurring Forty (40%) Percent of the cost, and it would not cost the property owner the full charges. He indicated he had not understood that once the project moved forward after this meeting, he would be liable for the costs. He stated he had reservations about how he was being assessed for this project. He indicated he attended the information meeting and was upset when he found out the cost that would be assessed to him. He noted he would not have signed the petition if he had been aware of the cost. He explained his address was on Bagley, and he was already hooked to city water, and had already been assessed for roads and water on his front lot on Bagley. He noted he owned three (3) back lots on Copperstone, which meant the assessment to him was tripled.

Mr. Davis explained due to the fact Mr. Carpenter's lot was a corner lot, it would be treated as 8/10 of a benefit because the lot already had paved access to a roadway. He noted the lots would still receive a benefit in property values. He stated the three (3) lots located on Copperstone would receive a benefit from the improvements.

Mr. Carpenter stated the frontage of his home on Bagley was being assessed as two (2) lots. He stated he would not have signed the petition if had known the cost, which would have reduced the percentage of signatures on the petition. He stated the lots on Bagley were considered as one (1) lot for tax purposes.

(Recess: 9:57 PM to 10:05 PM)

President Dalton stated Mr. Davis had requested this item be postponed to allow the Engineering Department to meet with the property owners and provide them additional information regarding the project.

Member Robbins requested a legal opinion on whether the submitted petition was valid. He noted it had not been clarified whether the person circulating the petition was a property owner of record.

Resolution A0637-2003-R0161

MOTION by Robbins, seconded by Golden,

Resolved that the Rochester Hills City Council hereby **POSTPONES** discussion on the Petition to create a Special Assessment District (SAD) regarding water main extension and the construction/paving of Copperstone from Bagley to approximately 825 feet south of Bagley, to allow the Engineering Department to meet with the affected property owners and provide additional information regarding the proposed SAD.

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

MOTION CARRIED

-
- 15b. Request Final Site Condominium Plan Approval** for Hazelton Meadows Condominiums, a two-unit development on 1.44 acres located on the north side of Hazelton Road, east of Livernois Road, zoned R-4, One Family Residential District; Parcel No. 15-34-101-040; Brian E. Bialik, Applicant (A0465) (Members received a copy of an Agenda Summary Sheet dated April 28, 2003 from Derek Delacourt, Planner, Planning Department, with attachments)

Mr. Anzek stated the applicant was requesting final approval of the site condominium plan. He indicated City Council had previously granted a sidewalk waiver, and the Planning Commission had unanimously recommended approval.

Resolution A0465-2003-R0162

MOTION by Robbins, seconded by Holder,

Resolved that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Hazelton Meadows Condominiums (City File No. 02-022), a two unit development on 1.44 acres, known as Parcel Number 15-34-101-040 and zoned R-4 (One Family Residential) district, based on plans dated received by the Planning Department on April 3, 2003, with the following findings:

Findings:

1. The proposed final plan conforms to all applicable Ordinance Code provisions and regulations.
2. The proposed final plan has demonstrated availability and adequacy of utilities.
3. The proposed final 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.

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

MOTION CARRIED

16. ORDINANCE ADOPTION

16a. Acceptance for First Reading - a request to rezone two parcels of land totaling approximately 15 acres, located north of Walton Road and east of Livernois from B-3 (Shopping Center Business) to B-2 (General Business); Stanley Frankel, Frankel Associates, Inc. and Michael Rupert, Art Van Furniture, Applicants (A0640) (Members received a copy of an Agenda Summary Sheet dated April 28, 2003 from Deborah Millhouse, Deputy Director, Planning Department, with attachments)

Mr. Stanley Frankel, Frankel Associates, Inc., 2301 W. Big Beaver Road, Suite 900, Troy, Michigan, and Mr. Michael Rupert, Art Van Furniture, 6500 E. Fourteen Mile Road, Warren, Michigan, were present.

Mr. Frankel stated they were requesting a rezoning from B-3 (Shopping Center Business) to B-2 (General Business), which the Planning Commission had unanimously recommended.

(i) Acceptance for First Reading, Parcel No. 15-10-351-076 (8.3± Acres)

Resolution A0640-2003-R0163

MOTION by Robbins, seconded by Duistermars,

Resolved that an Ordinance to amend the Zoning Ordinance of the City of Rochester Hills, Oakland County, Michigan to rezone 8.3± acres, identified as Parcel No. 15-10-351-076, located north of Walton Boulevard and east of Livernois, **from** B-3 (Shopping Center Business) **to** B-2 (General Business); is hereby accepted for First Reading.

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

MOTION CARRIED

(ii) Acceptance for First Reading, Parcel No. 15-10-351-077 (6.9± Acres)

Resolution A0640-2003-R0164

MOTION by Robbins, seconded by Duistermars,

Resolved that an Ordinance to amend the Zoning Ordinance of the City of Rochester Hills, Oakland County, Michigan to rezone 6.9± acres, identified as Parcel No. 15-10-351-077, located north of Walton Boulevard and east of Livernois, **from** B-3 (Shopping Center Business) **to** B-2 (General Business); is hereby accepted for First Reading.

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

MOTION CARRIED

Agenda Item 17a (Community Development & Viability Committee) was heard immediately after Agenda Item 11.

18. ADMINISTRATION

18a. Request for Purchase Authorization - DPS: Sewer Replacement Project, Phase 1, Task III (A0627)

- (i) Construction Engineering - blanket purchase order not-to-exceed \$45,500.00; Spalding DeDecker Associates, Inc., Rochester Hills, MI (Members received a copy of an Agenda Summary Sheet dated April 22, 2003, from Barbara Key, Contract Specialist, Department of Public Service, with attachments)

Mr. Davis explained the request was part of a continuing effort the repair the sanitary sewer system.

Resolution A0627-2003-R0165

MOTION by Robbins, seconded by Barnett,

Whereas, a quality based selection process was used to determine which Engineering Firm was best suited to provide Construction Engineering Services for the City of Rochester Hills. The selection process involved factors such as project supervision, sensitivity and knowledge of local conditions and the most clearly defined scope of work; and

Whereas, the Spalding DeDecker Associates, Inc. proposal includes quality control for the project, site layout and inspection, project management, and contract administration. The proposal includes an estimate of time and cost for the projects; and

Whereas, that Spalding DeDecker Associates, Inc. has successfully provided services to the City over the years including preparing the Sanitary Sewer Evaluation Survey (SSES) in 1999.

Now Therefore Be It Resolved that the Rochester Hills City Council awards the Continuing Service Agreement between Spalding DeDecker Associates, Inc. and the City of Rochester Hills for Construction Engineering Services for the SSES, Sewer Replacement Program, Phase I, Task III in the amount not-to-exceed \$45,500.00 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

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

Nays: None
Absent: None

MOTION CARRIED

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- (ii) Sewer Replacement - blanket purchase order not-to-exceed \$253,511.00; Simone Contracting Corporation, Sterling Heights, MI (Members received a copy of an Agenda Summary Sheet dated April 22, 2003 from Barbara Key, Contract Specialist, Department of Public Service, with attachments)

Resolution A0627-2003-R0166

MOTION by Duistermars, seconded by Robbins,

Whereas, on April 2, 2003 the City received ten (10) sealed bids for the SSES, Sewer Replacement Program Phase I, Task III Project. Simone Contracting Corporation submitted the lowest bid in the amount of \$253,511.00; and

Whereas, the bid received from Simone Contracting Corporation meets the bid requirements and is approximately 25% below the engineering cost estimate; and

Now Therefore Be It Resolved that the Rochester Hills City Council awards the contract for the SSES, Sewer Replacement Program Phase I, Task III Project to Simone Contracting Corporation of Sterling Heights, Michigan as the lowest responsible responsive bidder in the amount of \$253,511.00, and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

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

MOTION CARRIED

19. **COUNCIL COMMITTEE REPORTS**

Member Hill stated the Administration & Information Services (AIS) Committee had met on May 6, 2003, and discussed the 2004 salary issues. She indicated the 2004 salary resolutions should be brought before Council in June, 2003.

Member Hill stated the AIS Committee had also discussed the City's liquor licenses, noting the City had been allocated forty-six (46) licenses based on the population. She noted thirty-nine (39) licenses had been issued, leaving seven (7) available. She stated the Committee felt it was necessary to address the criteria for issuing liquor licenses, noting the City did not currently have any specific criteria. She indicated the Committee also discussed revising the Application for the licenses, which may require an Ordinance revision.

Member Hill stated the AIS Committee wanted to request that Council put a moratorium on any new Class C Liquor Licenses for the next six (6) months, or through December 31, 2003, which

would allow the Committee and City Staff to prepare the appropriate criteria and revise the application. She noted there was one (1) applicant in the process, although the Committee felt the moratorium should be put in place, and the applicant advised to reapply at the end of the moratorium.

Member Golden questioned whether there was a consensus among the AIS Committee Members to request the moratorium. Member Hill stated there was a consensus among the AIS Committee Members.

Member Robbins expressed concern about placing a moratorium when there was currently an applicant in the process. He questioned whether there were State Guidelines or other guidelines that could be utilized by the City in the process of granting liquor licenses. He felt the applicant currently in the process should be allowed to proceed prior to the moratorium becoming effective.

Member Hill stated the AIS Committee had discussed that situation. She explained the AIS Committee noted there was no guarantee a license would automatically be granted to that applicant. She indicated every community established their own criteria for granting liquor licenses, such as the amount of square footage or the type of establishment. She stated the current applicant was only in the first stage of the process, and the AIS Committee had not made a decision regarding the application at this time.

President Dalton stated he felt if the application was stopped at this stage, the applicant's fees could be refunded. He indicated if the applicant continued with the process, and the application was denied, the applicant would lose his application fee. He stated three (3) members of the AIS Committee felt it would be appropriate to allow the applicant to withdraw his application and reapply after the moratorium expires. He noted applications could be denied for no cause because each community set its own standards.

Member Robbins stated the Council had never established a moratorium that would cause an applicant to stop their plans, particularly for a reason such as the City changing the way it did business. He stated the applicant in the process should be "grandfathered" to avoid holding up any plans the applicant may have. He suggested the motion be amended to include a provision indicating "any current applications pending review would still be reviewed by the AIS Committee". He noted any new applications would have to wait until the moratorium expired.

Attorney Staran stated Council could "grandfather" in the current application because it was a policy decision. He stated he understood the purpose of the proposed moratorium was to stop the process rather than having applications proceed under the current City Ordinance. He noted the current Ordinance allowed an applicant to file an application and pay the application fee. He explained Council had the authority to stop an application in process, noting the law was clearly in favor of municipalities because the law gave vast discretion to turn down an application or decide it was not going to issue any licenses.

Member Golden suggested Council Members be provided with a copy of the minutes from the AIS Committee meeting when this issue was discussed. She noted smaller establishments struggled to stay in business, and she did not want to interfere with a potential applicant's plan.

Clerk Jasinski noted the liquor licenses currently available were all the City would be allotted until the year 2010. She stated that was the reason the AIS Committee wanted to review the process and procedure for issuing the licenses.

Member Hill stated the AIS Committee had not discussed the current application because a full quorum had not been present at the meeting. She explained the Committee did discuss the implications of establishing a moratorium when an application was in the process. She indicated the City currently had no criteria to make the decision to issue or not issue a license, and the Committee felt criteria should be established prior to any additional licenses being issued.

Member Holder stated the current application was not received in connection with new construction, so the moratorium would not keep the applicant from business income. She explained the idea of establishing criteria was not new because the Committee had been researching the current procedure and gathering information from other municipalities.

Member Robbins stated he understood what the Committee was trying to accomplish, but noted he did not feel it was appropriate to hold up the current application. He indicated the moratorium would affect the current applicant because of the potential income associated with a liquor license.

President Dalton noted the criteria used by other municipalities included whether the issuance of a license had a positive affect on the residents.

Member Robbins stated he felt the current applicant should be allowed to complete the process, rather than having to wait six (6) months.

Member Holder suggested the applicant be allowed to decide whether he wanted to proceed or wait until the moratorium expired.

Resolution A0647-2003-R0167

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council places a moratorium on New Class C Liquor Licenses through December 31, 2003.

Be It Further Resolved, that City Council directs the Administration & Information Services Committee to review the current standards used for recommending approval or disapproval of New Class C Liquor Licenses; to research this issue and provide a recommendation to City Council regarding proposed changes to standards and processes currently in place.

Roll Call Vote:

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

MOTION FAILED

Member Duistermars stated he would move a new motion revising the first resolved clause to include the following language: "... places a moratorium on New, Future, Class C Liquor Licenses...". He explained that would allow the current applicant to continue through the process without have the rules changed mid-process.

Resolution A0647-2003-R0168

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council places a moratorium on New, Future, Class C Liquor Licenses through December 31, 2003;

Further Resolved that the Rochester Hills City Council directs the Administration & Information Services Committee to review the current standards used for recommending approval or disapproval of New Class C Liquor Licenses; to research this issue, and to provide a recommendation to City Council regarding proposed changes to standards and processes currently in place.

Roll Call Vote:

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

MOTION CARRIED

20. ANY OTHER BUSINESS

Member Barnett requested an update on how the rezoning notification signs were working. Mr. Anzek stated the Planning Department had received several telephone calls per day asking about the Great Oaks Mall rezoning, which indicated the signs were very effective.

Member Golden stated some repairs had been made to Grandview Street, but the repairs did not appear to be holding up. She indicated she understood more repairs would be made, but noted she had received a telephone call from a resident regarding the condition of the street.

Member Barnett stated Council was scheduled for a Work Session next Wednesday regarding the solid waste report and recommendation. He encouraged Council Members to review the documentation provided by the Community Development & Viability Committee.

21. NEXT MEETING DATE

21a. Saturday May 10, 2003 – 8:00 AM - 2004 Budget Work Session

21b. Wednesday May 14, 2003- 7:30 PM - rescheduled Regular Work Session from April 23, 2003

22. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 10:40 PM.

JOHN L. DALTON, President
Rochester Hills City Council

JUDY A. BIALK,
Administrative Assistant to the City Clerk

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills