

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, July 16, 2003 at 7:30 p.m.

1. CALL TO ORDER

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

2. ROLE CALL

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

Absent: Member Barbara Holder

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director Planning/Zoning
Carla Campbell, Landscape Architect
Scott Cope, Director Building/Ordinance Enforcement
Kurt Dawson, Director of Assessing/Treasury
Derek Delacourt, Planner II
Deb Millhouse, Deputy Director of Planning
Roger Rouse, Director of DPS
Bob Spaman, Director of Finance

President Dalton stated Member Holder provided previous notice that she would absent and asked to be excused.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council regular Meeting Action Summary Sheet dated July 11, 2003 from Susan Galeczka, City Council Liaison).

Resolution A0001-2003-R0236

MOTION by Hill, seconded by Barnett,

Resolved, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of July 16, 2003 as presented.

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

Nays: None

Absent: Holder

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton welcomed Margaret Strate as the new recording secretary.

6. MAYOR'S REPORT

Mayor Somerville proposed the schedule for Grandview Street and stated that, if Council approves the work, a letter will be sent to the residents. She then outlined the construction schedule that would appear in the letter.

7. COUNCIL COMMENTS

Mr. Robbins welcomed Margaret Strate. He congratulated the Mayor and the City Staff for the Festival of the Hills celebration. He congratulated Mr. Barnett on his recent wedding.

Ms. Hill stated she was initially disappointed with Governor Granholm's veto of the local roadwork, but was happy to announce that a compromise had been reached and the local roadwork would be going forward. She then thanked Staff for their hard work.

Ms. Golden mentioned an announcement received from Beier & Howlett, city attorneys, for their 100 years in business. She expressed the City's appreciation for their services and expertise. She also clarified her email addresses as golden1@ameritech.net or golden1@rochesterhills.org.

Mr. Duistermars extended his thanks to the Staff for the fireworks display at the Festival of the Hills and thanked the sponsors of the event. He congratulated Mr. Barnett on his recent wedding.

Mr. Barnett also welcomed Margaret Strate. He thanked everyone who attended his wedding and introduced his wife, Corrin. He thanked the residents who offered congratulations and well wishes.

8. ATTORNEY'S REPORT

Mr. Staran announced an invitation he had received for himself and the City Council from the U.S. Attorney's Office for a free program that would discuss and clarify the U.S.A. Patriot Act to be held on Wednesday, July 30th at Wayne State University Law School.

9. CONSENT AGENDA (All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from the Consent Agenda for separate discussion.)

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

- 9a. Approval of Minutes** - Joint Historic Districts Commission/City Council Special Meeting, March 13, 2003 (A0005) (Members received an Agenda Summary Sheet dated June 26, 2003, from Judy Bialk, Administrative Secretary, with attachments)

Resolution A0005-2003-R0237

MOTION by Barnett, seconded by Duistermars,

Resolved That the Minutes of a Joint Rochester Hills City Historic Districts Commission/City Council Meeting held on Thursday, March 13, 2003 be approved as presented.

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

MOTION CARRIED

- 9b. Approval of Minutes** - Regular Meeting, May 7, 2003 (A0005) (Members received an Agenda Summary Sheet dated June 26, 2003, from Judy Bialk, Administrative Secretary, with attachments)

Resolution A0005-2003-R0238

MOTION by Barnett, seconded by Duistermars,

Resolved That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, May 7, 2003 be approved as presented.

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

MOTION CARRIED

- 9c. Approval of Minutes** - Special Work Session, May 10, 2003 (A0005) (Members received an Agenda Summary Sheet dated July 10, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0005-2003-R0239

MOTION by Barnett, seconded by Duistermars,

Resolved That the Minutes of a Regular Rochester Hills City Council Work Session held on Saturday, May 10, 2003 be approved as presented.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 9d. Approval of Minutes** - Rescheduled Regular Work Session, May 14, 2003 (A0005) (Members received an Agenda Summary Sheet dated June 26, 2003, from Judy Bialk, Administrative Secretary, with attachments)

Resolution A0005-2003-R0240

MOTION by Barnett, seconded by Duistermars,

Resolved That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, May 14, 2003 be approved as presented.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 9e. Approval of Minutes** - Regular Meeting, May 21, 2003 (A0005) (Members received an Agenda Summary Sheet dated July 9, 2003, from Judy Bialk, Administrative Secretary, with attachments)

Resolution A0005-2003-R0241

MOTION by Barnett, seconded by Duistermars,

Resolved That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, May 21, 2003 be approved as presented.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 9g. Request for Purchase Authorization** - TREASURY: Banking Services Contract, three (3) year contract at \$60,000.00 per year with a three (3) year total not-to-exceed \$180,000.00; Standard Federal Bank, Troy, MI (A0674) (Members received an Agenda Summary Sheet dated June 17, 2003, from Kurt Dawson, Director of Assessing/Treasury, with attachments)

Resolution A0674-2003-R0242

MOTION by Barnett, seconded by Duistermars,

Whereas, a contract has been negotiated and evaluated by the Rochester Hills Financial Services Committee, and

Whereas, the existing fees were found to be competitive with other major local banks,

Now, Therefore Be It Resolved, that the Rochester Hills City Council authorize a contract extension for banking services with Standard Federal Bank for three years at \$60,000 per year for a not-to-exceed amount of \$180,000 and the right to exercise a two year extension at \$65,000 a year for a not-to-exceed amount of \$130,000.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 9h.** **Approval of Fireworks Display Permit** for Meadowbrook Music Festival, August 8 and 9, 2003; Applicant: Detroit Symphony Orchestra (A0682) (Members received an Agenda Summary Sheet dated July 8, 2003, from Todd Gary, Captain/Fire Marshall, with attachments)

Resolution A0682-2003-R0243

MOTION by Barnett, seconded by Duistermars,

Resolved, The Rochester Hills City Council hereby approves the application filed by the Palace of Auburn Hills for fireworks display on the grounds adjacent to the Meadowbrook Music Festival for Friday, August 8, 2003 and Saturday, August 9, 2003.

Be It Resolved that the City Council hereby authorizes the issuance of a permit subject to the following conditions:

1. Nick Giachetti shall be the pyrotechnician and shall be in attendance at all performance dates. In the event a replacement is used, the Rochester Hills Fire Department shall approve the replacement in advance, with sufficient time for background investigation.
2. The display shall be in conformance with NFPA 1123-2000, with site inspection by this department prior to the display.

3. No smoking shall be allowed within 50 feet of any area where fireworks or other pyrotechnic materials are present.
4. No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or drugs that could adversely affect judgment, movement, or stability.
5. Subject to on-site inspection the night of the display.
6. Maximum size shell allowed for this discharge site is six (6) inches.

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

MOTION CARRIED

The following Consent Agenda Item was discussed and adopted by a separate Motion:

- 9f. Request for Purchase Authorization - FACILITIES:** Increase to existing blanket purchase order for mowing and landscape services for City-owned sites in the amount of \$1,872.00 for a new not-to-exceed total of \$82,127.00; Lakewood Landscaping, Troy, MI (A0608) (Members received an Agenda Summary Sheet dated June 10, 2003, from Bob Srogi, Facilities Operations Manager, with attachments)

Ms. Hill commented that, as a resident of this area, she was concerned that the roundabouts and triangles were not being mowed, with the exception of the most easterly roundabout at Washington and Runyon. She was concerned that perhaps the City of Rochester is mowing this portion, and she advised that this situation be clarified so that both cities are not responsible for mowing the same area.

Resolution A0608–2003–R0244

MOTION by Hill, seconded by Golden,

Whereas, the blanket amount for Lakewood Landscaping, Troy, Michigan for mowing and landscape services for City Owned sites is inadequate to cover expenses until the termination of the blanket due to additional site expenses;

Resolved, that the Rochester Hills City Council authorize the increase of the existing blanket purchase order to Lakewood Landscaping for mowing and landscape services for additional City-owned sites in the amount of \$1,872.00 for a total new amount not-to-exceed \$82,127.00.

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

Absent: Holder

MOTION CARRIED

10. PUBLIC COMMENTS

Rev. Dr. Pamela Whateley, 1600 North Livernois Road, indicated that she had previously complained about the poor quality of the City cable station reception. She stated that she had discussed her concerns with Jamie Smith, Media Specialist, and was dissatisfied with his response. She questioned why Mr. Smith does not attend each meeting and suggested that he be replaced.

Rev. Dr. Whateley described the situation of a young woman recently injured in a motorcycle accident and requested donations of assistance be sent to: The Toni Laming Fund, 7391 Deerview Court, Clarkston, Michigan 48348.

Ms. Patricia Turner, 2407 Culbertson, commended the Staff for a successful fireworks festival. She then thanked the City Council for their vote to ban the burning of leaves. She stated that the October burning season would begin soon and expressed her hope that the new ordinance will be enacted as quickly as possible. She suggested that educational information be run on the City cable station and provided a two (2) page sheet of information for that purpose.

11. LEGISLATIVE / ADMINISTRATIVE RESPONSE

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

12. PETITIONERS REQUESTS

12a. Request to Vacate Road - unimproved portion (200 feet) of Alida Avenue north of Alsdorf, Belle Cone Gardens, Section #2; Applicant: Gary and Linda Cowser (A0670) (Members received an Agenda Summary Sheet dated June 11, 2003, from Beverly Post, Engineering Aide, with attachments)

Roger Rouse, Director of DPS, stated that, based on his evaluation of the request, the city would experience no loss by vacating this portion of Alida Avenue. He indicated that a twenty (20) foot easement would be maintained for possible future drainage for water and sewer. He stated that the residents would like to build a new home and this vacation would make that possible under current setbacks and ordinances.

Ms. Hill questioned whether the adjacent homeowners had voiced any comment regarding this proposed vacation. She expressed her concern that this division of property would increase that neighbor's taxes and she hoped these neighbors would attend the public hearing. She suggested that a certified letter be sent to the neighbor who would be most impacted by this vacation

Mr. Rouse assured Ms. Hill that all the neighbors had been notified and they had received no comment. However, he further assured her that he would follow-up with the adjacent neighbor.

Mr. Staran affirmed that Ms. Hill is correct and that the public hearing is scheduled for August, at which time anyone can comment on the street vacation. He assured the members that all interested parties--utility companies, various government agencies--would be notified of the public hearing.

Resolution A0670-2003-R0245

MOTION by Robbins, seconded by Barnett,

Whereas, the Rochester Hills City Council has considered vacating, discontinuing or abolishing the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, Oakland County, Michigan and subject to the jurisdiction and control of the City of Rochester Hills:

**Description of Rights of Way to be Vacated
Alida Ave., Belle Cone Gardens Sub #2**

Whereas, the platted portion of Alida Ave. from the northerly line Right of way of Alsdorf Ave. as extended northerly to the northerly line of Belle Cone Gardens Subdivision #2, being part of the west half of Section 33, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, as recorded in L.14, P.46. Said portion of Alida Ave. is adjacent to Lots 483 to 486, both inclusive (Tax I.D. 15-33-176-009), and adjacent to the Westerly 75 ft. of Lots 478 to 482, both inclusive (Tax I.D. 15-33-177-003) of said Belle Cone Gardens Subdivision #2.

Resolved that the Rochester Hills City Council deems it advisable to vacate, discontinue, or abolish any street, alley, public ground, or part thereof. City Council shall, by resolution, declare its intent to vacate, discontinue, or abolish the street, alley, public ground, or any part thereof

Further Resolved, that in accordance with the Code of Ordinances of the City of Rochester Hills, Section 94-174, in the Declaration of Intent, City Council hereby schedules, Wednesday, August 6, 2003 at 7:30 pm at the 1700 W. Hamlin Rd., Rochester Hills, Oakland County, Michigan as the time and place for Council to hold a public hearing to hear and consider comments and objections submitted in writing or orally pertaining to the proposed vacation, discontinuance, or abolishment of this street.

Further Resolved, that the City Clerk is hereby directed to give notice of the public hearing in the time and manner specified in Section 94-174 of the Code of Ordinances.

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

Nays: None

Absent: Holder

MOTION CARRIED

12b. Request for Conditional Land Use Approval - Christ Community Church, located on the north side of Avon Road, west of Livernois, Parcel No. 15-16-451-022, 023, 024, and 039, zoned R-1 (One Family Residential); Applicant: Christ Community Church (A0675) (Members received an Agenda Summary Sheet dated June 7, 2003, from Deborah Millhouse, Deputy Director of Planning, with attachments)

Mr. Jeff Cohee, Frank Rewold and Son, Inc. 333 East Second Street, Rochester, Michigan; **Pastor Bob Davis**, Christ Community Church, 130 Walnut, Rochester, Michigan; **Mr. Jay Greer**, Cardinal Health, 1472 Mill Race, Rochester Hills, Michigan; **Mr. William Harvey**, Hobbs & Black Associates Inc., 100 North State Street, Ann Arbor, Michigan.

Mr. Cohee stated that they had appeared before the Planning Commission about a month and a half ago and had a favorable and unanimous recommendation for conditional land use approval. At that time there was a public hearing and there were no concerns expressed or questions raised by the public.

President Dalton requested a brief presentation of the proposal.

Pastor Davis stated that he has been the pastor of Christ Community Church as well as an area resident since 1967. Since 1967, the church members have been meeting in local community schools and small rental offices. In 1987, they purchased the property at Avon and Livernois and applied for special land use and site approval. While these requests met approval, the church spent the ensuing years raising the money necessary for construction. Approximately seventy-five percent (75%) of their members are residents of Rochester Hills, with Sunday services attracting between 120 and 130 members each week. They desire a permanent home for their thirty-six (36) year old church.

RESIDENT COMMENTS:

Dr. Eric B. Herfert, 2626 Hickorylawn Road, indicated he has been a resident of Rochester Hills for thirteen (13) years and a member of Christ Community Church for seven (7) years. He stated that the particular concern of church members is that they need a permanent place to reside.

Ms. Marie Herfert, 2626 Hickorylawn Road, asked Council to support the church's request and stated that she never felt more welcome and at home than when she and her husband joined Christ Community Church seven (7) years ago. It is their home church and she hoped the City Council would give the church a home.

Ms. Judith Stoll, 337 North Helen, stated she has been married for thirty-seven (37) years, both she and her husband work in the City and have attended the church for seven (7) years. She credits the church as assisting her and her husband to resolve marital problems. She believes the church assists members to raise their children to be assets to the community.

COUNCIL DISCUSSION:

Mr. Barnett praised the building plans, in particular, for the multi-purpose use of the sanctuary. He expressed his belief that the church will be a welcome addition to the area.

Mr. Barnett moved the resolution, supported by Mr. Robbins.

Ms. Hill welcomed the church to the community. She expressed her concern that, as this site is a very high-traffic corner, there may not be enough stacking capacity in the lane for eastbound traffic turning into the church. She acknowledged that Sunday morning is not a high-traffic time, but that Sunday would not be the only time the church would generate traffic.

Mr. Cohee indicated that the plans reflect an adequate amount of widening and re-striping on Avon Road to accommodate left turning traffic. He expressed his confidence that the plans presented will provide sufficient capacity for left hand turns into the church.

Ms. Hill expressed her concern that the planned outdoor lighting for the church development not be intrusive to residential neighbors. She went on to express her desire that the catch basins on either side of the driveway would be adequate to avoid runoff into the adjacent property.

Mr. Cohee assured her that these concerns would be addressed in the construction plan.

Ms. Hill, noting the high standard of the community, expressed her concerns with the aesthetics with regard to the metal building materials being proposed .

Mr. Cohee acknowledged that they were not opposed to considering other types of materials. He did, however, note that the church has budget constraints that will prevent them from switching to more expensive materials.

Ms. Hill acknowledged their budget constraints, but stated that it is the City Council's responsibility to take into consideration all members of the community. She expressed concern that the material may not perform adequately over the next twenty (20) or thirty (30) years.

Ms. Golden asked if the church anticipates any activities during highly congested times of the day or week.

Pastor Davis indicated that their major uses would correspond with the lowest traffic volumes: Sunday mornings and evenings.

Mr. Duistermars complimented the drawings of the development and asked specifically about alternate uses for the multi-purpose sanctuary area. He questioned whether the church would have adequate parking taking into account the classrooms and possible special occasions.

Deborah Millhouse, Deputy Director of Planning, stated that the plans more than meet the standard requirements for parking. She indicated that the ordinance only requires consideration of the seating in the sanctuary. She stated that it is her understanding that the current

congregation is far below the planned development's capacity and that the plans take into consideration the growth of the church.

Pastor Davis stated that, while he has yet to consider a situation wherein parking would be inadequate, he felt confident arrangements could be made with Rochester College to accommodate overflow traffic.

Mr. Robbins complimented the building plans and stated that if that corner has to be developed, he prefers that a church develop it.

Resolution A0675-2003-R0246

MOTION by Barnett, seconded by Robbins,

Resolved that the Rochester Hills City Council approves the Conditional Land Use consistent with plans dated received April 30, 2003 and May 21, 2003, for Christ Community Church, Parcel Numbers 15-16-451-022, -023, -024, -039, zoned R-1, One Family Residential, (City File No. 02-008), with the following findings:

FINDINGS:

1. Since churches are permitted in any zoning district, the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The development does 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, Robbins

Nays: None

Absent: Holder

MOTION CARRIED

(Recess 8:30 p.m. - 8:48 p.m.)

12c. Request for Approvals for Country Club Village - located south of Auburn between Rochester and John R., Parcel Nos. 15-35-203-001, 15-35-202-005, and 15-35-476-002, zoned R-3 (Single Family Residential); Applicant: East Coast Limited Partnership (A0643) (Members received an Agenda Summary Sheet dated July 7, 2003, from Derek Delacourt, Planner II, with attachments)

Mr. Jon Weaver, East Course Limited Partnership, 40900 Woodward Avenue, Suite 130, Bloomfield Hills, Michigan; and **Mr. Robert Leighton**, Robert Leighton Associates, Inc., 3045 Baker Road, Suite 1, Dexter, Michigan, gave a presentation outlining their development plans. Mr. Weaver stated that, beginning in November of 2002, he and his group met with city representatives, consultants and area residents to ensure all matters of concern would be addressed during the planning process. He assured the Council that the plan he was presenting was significantly different from the original plan. He stated that his team had attempted to address concerns about the environmental quality of their land and surface waters, traffic and the attendant issues related to traffic (both on internal and external streets), creating neighborhoods so that existing residents will not be excluded from the development, and preserving the historic character and natural features of Rochester Hills. He stressed the efforts his team had made to maintain and even enhance the natural environment of the site and stated that, while they were not subject to the tree ordinance, they intended to follow its parameters voluntarily. In addition, their design would incorporate the existing clubhouse building.

Mr. Leighton stressed that the best water management techniques would be used to address any wetlands issues through processes such as special basins and deep water retention ponds. He also stressed the special landscaping be included in the development.

Mr. Weaver noted that he is aware that local residents would prefer the golf course be maintained, however, he felt that this proposed development would be an environmental improvement.

RESIDENT COMMENTS:

Mr. Robert Jenkins, 3621 Bendelow, stated that he felt the development plan was essentially the same as was originally proposed. He expressed concern that although the plan states that deed restrictions will be included, he has seen nothing in writing to that affect. He is extremely pleased they are keeping the clubhouse, however, he indicated that his major concern would be the backs of homes facing the fronts of existing homes. He proposed a situation wherein boats and campers stored in the back yards of new development homes will, in effect, be in the front yards of existing home owners.

Mr. Norman Romstad 3065 Bendelow, stated that he owns the first house on Bendelow and the development will alter the road in front of his home in addition to other alternations. He

requested guarantees in writing about the maintenance of the added landscaping and easement. He expressed concern for the resale value of his home.

Ms. Mary Brown, 3535 Bendelow, expressed her feeling that the layout of the new homes--backyards facing front yards--does not offer existing residents inclusion into the new subdivision. She also stated that it is not "fair" that Bendelow residents will be required to exit onto Auburn Road through the new subdivision.

Mr. Wallace McQuay, 435 East Nawakwa Road, believes this new development will contribute to the existing traffic problems. He requested that the tree policy be read into the record of the next meeting. He expressed his feeling that using valuable drinking water to make waterfalls was unnecessary and that the schools do not have enough capacity for the added population.

Mr. Mark Davis, 826 Michelson, stated that the road coming out onto Michelson at the south end of the development "comes out right into [his] living room basically."

Mr. Caleb Powers, 796 Michelson, described an old boarded up groundskeepers house near his home at the westerly end of Michelson. He says it is vacant and not secured. He considers it an embarrassing eyesore. Mr. Powers was told it would be torn or burned down, but this has not happened.

COUNCIL DISCUSSION:

Mr. Weaver, in answer to Mr. Powers' concern, stated that they are awaiting environmental and asbestos certifications before the abandoned home can be torn down, but the process is in motion. He went on to note that Mr. Davis has been provided with a landscape plan to create a vegetative buffer to diffuse any perceived impact created by the access point in front of his home. In reference to the water table issue raised by Mr. McQuay, he noted that the developer's flood plain modification has been approved and the water table is not an issue. He stated that they were making every effort to address and resolve all of Mr. Romstad's concerns. He reminded Council that this is a preliminary plan, not the final plan.

President Dalton asked City Attorney Staran to elaborate on the issue of deed restrictions.

Mr. Staran stated that the master deed is normally prepared and presented during the final planning stages of development. He then described the City's tree ordinance and stated that any property platted or developed prior to the 1987 adoption of the ordinance is exempt.

Mayor Somerville stated that she had met with Mr. Romstad and his wife and determined that he will be greatly impacted by this development. She expressed her desire that City Council do nothing until these resident issues have been settled.

President Dalton stated that it was necessary to continue the discussion and that any final decision would be pending approval of solutions to these problems.

Ms. Hill indicated that she is very pleased that the developers will be maintaining the clubhouse. She stated that, while she does not like the density of the development, it does meet the R-4 zoning requirements. She felt that deed restrictions would prohibit new residents from placing RVs in yards facing existing residents. She feels the development will likely enhance the area and that the difference in existing and proposed lot sizes will matter less as lots will likely be subdivided in the future. She then questioned what is being proposed for the northern green space/private park area.

Mr. Weaver stated that this area is proposed as a city "pocket park" near the school. He intends to present the plan to City Council as a future separate meeting agenda item.

Ms. Hill expressed her belief that the development will be an asset that all residents can enjoy and hoped that the complainants' concerns will be addressed.

Mr. Robbins stated that he is not ready to vote on this issue until all of the issues have been addressed. He acknowledged that this is still a preliminary phase but he still felt that he did not have all the necessary information.

Mr. Robbins then moved to postpone the issue; seconded by Mr. Duistermars.

DISCUSSION OF MOTION:

Ms. Hill disagreed that postponing the vote was necessary. She felt that Council could vote on the other issues and could postpone a vote on the preliminary site plan.

Ms. Golden expressed her concern for resident complaints, but indicated that she felt the vote on the current resolutions could continue. She requested that Staff put together a list of all concerns. She also noted that it might be difficult to address the more technical concerns if the process were halted at this time.

Mr. Weaver stated that the City Traffic Engineer dictated where the roads would go in the development. He expressed concern that the process would be delayed due to what he termed "a landscaping issue."

Mr. Leighton stated that he felt this examination was too detailed for such a preliminary phase of the process.

Ms. Golden asked for Mr. Staran's counsel as far as an alternative or condition.

Mr. Staran listed two possible actions:

- 1) proceed with Mr. Robbins's motion and postpone further deliberations until issues of concern have been addressed, or
- 2) approve this preliminary conceptual plan--as advised by the Planning Commission--recognizing that there are a number of changes that will

likely come about because of further necessary engineering before the plans reach the final stage.

Mr. Staran went on to note that similar concerns have already been addressed in the twenty-three (23) conditions set down in the current resolution and that more such issues could be added.

Mr. Barnett stated that he had confidence that all parties involved in this situation would be able to resolve Mr. Romstad's issues, as well as any other neighbor concerns, and he did not feel it was necessary to postpone the issue at this time.

Mr. Robbins disagreed and questioned why, if the plans were only conceptual, they were being presented. He emphasized that this was not "just about landscaping" but was about "the quality of these residents' lives."

Ms. Hill Called the Question regarding Mr. Robbins's motion.

Resolution A0643-2003-R0247

MOTION by Robbins, seconded by Duistermars,

Resolved to POSTPONE discussion for request for approvals for Country Club Village located south of Auburn between Rochester and John R., Parcel Nos. 15-35-203-001, 15-35-202-005, and 15-35-476-002, zoned R-3 (Single Family Residential) to the next available City Council Agenda.

ROLL CALL VOTE:

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

MOTION FAILED

RESUMED PREVIOUS DISCUSSION

Mr. Dalton stated that he had faith in the recommendations of the Planning Commission and reiterated that this was a preliminary approval. He also acknowledged that he felt the developers appeared to be trying to address residents' issues.

Ms. Hill assured all parties that the issues would not be ignored and that final approval will not be reached until these issues are resolved.

Ms. Hill moved the Open Space resolution with no conditions; seconded by Ms. Golden.

Mr. Duistermars indicated that he had hoped there could have been a delay of only a few weeks to resolve the outstanding issues. He wanted assurance that these issues would be addressed.

Mr. Weaver assured the Council that he would contact the City and the Mayor the next morning, and the issues would be resolved before the final site plan is presented.

Mr. Robbins stated that this development company was before Council a few years ago asking for improvements to the golf course and asked what became of those improvements.

Mr. Weaver described improvements that he assumed would increase the golf course's revenues. He then stated that the reverse occurred, due to increased golf course competition in the area.

Mr. Robbins questioned whether Mr. Weaver had conducted a feasibility study.

Mr. Weaver stated that, as he owns several golf courses, he did not have a feasibility study conducted. He went on to state that their company had met on many occasions with neighbors and he felt that these efforts were "unmatched by any other development in this city." He went on to state that the notification and meeting process had to be limited at some point, but it was a very open process, which he felt was evidenced by the fact that there were so few residents attending the City Council meeting with complaints.

Mr. Robbins expressed his concern that the previous process to improve the golf course was insufficient and that, as a result, he had several questions regarding trust.

Mr. Barnett stated that he trusts the system and since the plans have met Staff approval--the Planning Commission having voted unanimously--he felt that this preliminary plan could be approved and the outstanding issues would be resolved.

12c.i Open Space Plan Approval

Resolution A0643-2003-R0248

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council hereby approves the Open Space Plan for Country Club Village, City File No. 97-004, a 256-unit site condominium development on approximately 118 acres and identified as Parcel Nos. 15-35-203-001, 15-35-202-005 and 15-35-476-002, based on plans dated received by the Planning Department on May 27, 2003, with the following 7 findings and subject to the following 1 condition.

FINDINGS:

1. The proposed open land identified on the plans dated received May 27, 2003 are appropriate and suitable for open space purposes.

2. The need to utilize the open space plan provisions is established by the desire to protect and preserve a large creek and natural area.
3. The location and layout of the open spaces have a beneficial relation to the lots within the proposed subdivision.
4. The location and layout of the open spaces have a beneficial relation to the lots adjacent to the proposed subdivision.
5. The proposed plan can be suitably provided with all supporting and necessary utilities as proposed.
6. The plan can be developed without injuring the abutting lands as to capacity available in existing utility services.
7. No other factors are known to exist that would hinder the full use of the lots proposed as part of this development.

CONDITIONS:

1. That this open space plan is approved by the City Council prior to the approval of the Preliminary Site Condominium Plan.

ROLL CALL VOTE:

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

MOTION CARRIED

12c.ii Wetland Use Permit Approval

Resolution A0643-2003-R0249

MOTION by Barnett, seconded by Duistermars,

Resolved that the Rochester Hills City Council hereby approves a **Wetland Use Permit** for Country Club Village, City File No. 97-004, a 256-unit site condominium development on approximately 118 acres and identified as Parcel Nos. 15-35-203-001, - 15-35-202-005 and 15-35-476-002, to fill approximately 5,045 square feet of Wetland/Watercourse's A1-A4, as identified, in association with the construction of the required wetland road crossings and drain construction; to allow 14 storm water outfalls as identified; to allow temporarily impact for utility installation as identified; and to allow for stream restoration and drain improvements as identified based on plans dated received

by the Planning Department on May 27, 2003, with the following 7 findings and subject to the following 2 conditions.

FINDINGS:

1. The proposed impacts associated with the stream restoration, drain improvements, and creation of the secondary treatment basins will provide a significant improvement to the existing wetlands as well as the general hydrology and water quality of the resource.
2. The lots along the regulated watercourses have been reconfigured to reduce the wetland impacts related to the subject site.
3. None of the building envelopes encroach on the wetlands.
4. The Wetland/Watercourse impacts caused by the road crossings and drain construction appear to be unavoidable.
5. The restored and rehabilitated wetland and natural features areas exceed the wetland area impacted by the development at a ratio far greater than required.
6. The impacted wetland areas and the entire wetland area regulated by the City will be restored using a native seed mix and vegetation. Currently all wetland areas on the subject site are maintained as mowed lawn.
7. Mitigation will occur in the same wetland as the impact and is designed to improve the same functions as the wetland to be impacted, as well as all wetlands on the site.

CONDITIONS:

1. That the applicant receive all applicable DEQ permits and Oakland County Drain Permits Prior to issuance of a Land Improvement Permit.
2. That the applicant provide impact details and riprap quantities for review and approval by the City's Wetland Consultant and Engineering Services Staff prior to Final Site Condominium review and approval.

ROLL CALL VOTE:

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

MOTION CARRIED

12c.iii Block Length Waiver Approval

Resolution A0643–2003–R0250

MOTION by Barnett, seconded by Hill,

Resolved that the Rochester Hills City Council hereby approves a Block Length Waiver for Country Club Village, City File No. 97-004, a 256-unit site condominium development on approximately 118 acres and identified as Parcel Nos. 15-35-203-001, 15-35-202-005, and 15-35-476-002, based on plans dated received by the Planning Department on May 27, 2003, with the following 3 findings and subject to the following 1 condition.

FINDINGS:

1. The proposed block lengths are necessitated by the need to protect existing natural features.
2. The proposed plan incorporates appropriate traffic calming devices to mitigate safety issues created by longer block lengths.
3. The proposed street layout represents a reasonable solution to the unique features associated with the subject sites.

CONDITIONS:

1. That the proposed mid-block diverter island details are reviewed and approved prior to submittal for Final Site Condominium approval.

ROLL CALL VOTE:

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

MOTION CARRIED

Ms. Hill suggested the removal of the first three conditions to the Preliminary Site Plan, as they had already been approved, and the addition of a new condition stating, " Consider geometric modifications/alternatives to the intersection of Bendelow and Graham Street, as well as additional screening in that area in order to resolve any conflicts that exist prior to any final approval of site plan."

12c.iv Preliminary Site Condominium Plan Approval

Resolution A0643–2003–R0251

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Country Club Village, City File No. 97-004, a 256-unit site condominium development on approximately 118 acres and identified as Parcel Nos. 15-35-203-001, 15-35-202-005 and 15-35-476-002, based on plans dated received by the Planning Department on May 27, 2003 with the following 6 findings and subject to the following 23 conditions.

FINDINGS:

1. The preliminary plan, after conformance with conditions, meets all applicable requirements of the Zoning Ordinance and the Single Family Site Condominium Ordinance.
2. Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plan represents a reasonable and acceptable plan for developing the property.
4. All lots have access to an interior local street.
5. The preliminary plan represents a reasonable street layout, as well as a reasonable lot layout and orientation. In addition, all lots have access to an interior local street.
6. The proposed development is compatible with surrounding zoning districts and land uses.

CONDITIONS:

1. That the applicant receives a City of Rochester Hills Floodplain Use Permit prior to Final Site Condominium approval.
2. That the applicant receives all appropriate DEQ permits prior to Final Site Condominium approval.
3. That the applicant addresses all remaining Engineering issues prior to construction plan approval.
4. That the limits of all walking path connections between units be defined in a manner deemed appropriate by the Planning Commission prior to Final Site Condominium approval.

5. That all roundabout and mid-block islands be landscaped in a manner to be reviewed and approved by the City's Landscape Architect prior to Final Site Condominium approval.
6. That the median island detail be revised to reflect the standard provided by the City of Rochester Hills Engineering Department to be reviewed and approved prior to construction plan approval.
7. That all proposed street names be approved by the City's Communication Division prior to Final Site Condominium approval.
8. That all corner clearance triangles be indicated on the site plans, to be reviewed and approved by staff.
9. That a note be added to the landscape plans indicating that all plantings will be a minimum of 10 feet from all sidewalks and back of curbs, to be reviewed and approved by the City's Landscape Architect and Forestry Department.
10. That all tree protection fencing locations be indicated on revised site plans to be reviewed and approved by the City's Landscape Architect and Forestry Department.
11. That Note #7 under General Landscape Notes needs to be expanded to indicate that all trees that are removed or inadequately protected on the existing public right-of-way (Bendelow, Michelson and Nawakwa) will be required to be replaced on the right-of-way.
12. That all counts regarding transplanted trees correspond between the plans and tree survey list, to be reviewed and approved by the City's Landscape Architect and Forestry Department.
13. Provision of a performance and maintenance guarantee in the amount of \$209,134.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees. Upon approval of the installation by the City's Landscape Architect, a maintenance guarantee equal to 25% shall be retained for a minimum of two years. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
14. A note shall be added to the plans that tree protective fencing for all trees to be transplanted will be provided both pre and post transplanting if construction starts prior to transplanting, to be reviewed and approved by the City's Landscape Architect.
15. That the plan clearly defines how the Community Center and entrances will be irrigated to be reviewed and approved by the City's Landscape Architect.

16. That all construction traffic be routed through a dedicated entrance off of Auburn Road, as approved by City Staff and determined prior to final approval.
17. That the applicant consider geometric modifications of the intersection of Bendelow and Michelson and additional screening for residents in the area of the intersection, and resolve with Staff prior to final approval.
18. That the applicant consider installing and developing the eastern linear park in the early stages of development and resolve the schedule with Staff prior to final approval.
19. That the applicant and City Staff enter into discussions relative to potential dedication of a private park along Auburn Road in the location of the construction road at the conclusion of the construction process.
20. That a note be added to the plan to establish the escrow accounts for off-site landscaping improvements along Vardon and Nawakwa and any other off-site improvements established, prior to final approval.
21. Consider geometric modifications/alternatives to the intersection of Bendelow and Gramh Street, as well as additional screening in that area in order to resolve any conflicts that exist prior to any final approval of site plan.

ROLL CALL VOTE:

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

(Recess 10:16 p.m. - 10:34 p.m.)
(Duistermars Absent)

Resolution A0679–2003–R0252

- 12d. Request for Historic Districts Study Committee Review Rights for 1705 Walton Blvd; First Church of the Nazarene (A0679) (Members received an Agenda Summary Sheet dated July 7, 2003, from Derek Delacourt, Planner II, with attachments)**

Mr. Derek Delacourt, Planner II, briefly explained that the property in question is requesting a demolition permit and, thus, requires Historic Districts Study Committee review rights for a period not to exceed one year.

Pastor Larry Crum, First Church of the Nazarene, 1705 Walton Boulevard, explained that the original plans for the church included the possible restoration of the building in question, however, it was subsequently determined that restoration was not economically feasible. He

feels the structure is a liability--noting trespassers and vandalism--as well as a financial hardship on the church.

Ms. Hill noted that she is very interested in seeing the appropriate process take place. She referenced the original Planning Commission process prior to the construction of the church itself, noting that the church, at that time, had the opportunity to revisit the conditional land use situation and opted not to do so. It was her determination that the situation has not changed and, thus, there is no compelling reason to bypass the Historic Districts Study Committee review process.

(Duistermars re-entered 10:42 p.m.)

Pastor Crum stated that the church had followed the process two and a half years ago, having applied for a variance as directed and was informed that the Historical Districts Study Committee would require thirty-eight (38) days for review. That time frame expired and the church was never contacted .

Ms. Hill noted that it was the applicant's responsibility to follow through with the city. Ms. Hill explained that the conditional land use, which was part of an approval to build a worship facility in the community, is tied to the site plan that was originally presented. At that time, when given the opportunity to change that site plan, the applicant refused.

Pastor Crum noted that when they were originally asked to make that change, they were informed that they would have to start the process over again. He stated that that was likely the reason they agreed to keep the building. He noted that this process is not routine for them.

Mr. Robbins asked Mr. Staran for a legal interpretation of the condition noted in the site plan.

Mr. Staran stated that there is discussion reflected in the body of the minutes of the original Planning Commission meeting that those buildings were going to stay and they are shown to stay on the site plan that was approved. He then noted that it appears that the original intention has changed.

Mr. Robbins asked Mr. Delacourt to explain why the Historic Districts Study Commission feels it is worth examining this situation.

Mr. Delacourt stated that he was unable to find the minutes to the original Planning Commission meeting, however, it is his understanding that the committee structure was changing during the original process and that it is likely the original request was lost. He went on to note that the building is architecturally unique to the city and that it is an agricultural building. Based on those two criteria, the building may be considered historic.

Mr. Robbins asked Scott Cope, Director Building/Ordinance Enforcement, if he or his department has had a chance to examine the building and determine what condition it is in regarding structure and safety.

Mr. Cope stated that it has not been evaluated in those terms.

Ms. Golden agreed there should be a process followed and it was decided that these situations would be determined on a case-by-case basis.

Mr. Duistermars stated that his understanding is that this property owner is under no obligation to have to petition the Historic Districts Study Commission.

Mr. Staran agreed and stated that the Historic Districts Study Commission is requesting an additional review process that does not currently exist. If Council does not adopt a special resolution, then it is just a matter of complying with the building code and getting a demolition permit. However, if Council were to approve the resolution, then the additional step of review rights would be necessary. Otherwise, it is just a matter of dealing with the Building Department without any historic review.

Mr. Duistermars acknowledged that the property owners do not want to participate in this program because of the hardship it places on them. He did not feel that this matter should have been brought before Council prior to the Historic District Study Commission supplying a list of all the property owners who wish to participate.

Mr. Barnett asked several questions of Pastor Crum, Mr. Delacourt and Mr. Roger Rousse, Director of DPS, regarding the condition of the building and the extent of the hardship upon the church to maintain it. Mr. Barnett was able to determine that the church would not be required to establish water and sewer connections until the review process was completed and that the church's financial output would likely be less than \$500 during the review process. He was further able to establish that if the property were deemed historic, the church could not be compelled to make any changes and it would likely result in an issue of "demolition by neglect."

Ms. Golden moved that the resolution be adopted; seconded by Ms. Hill.

Ms. Hill acknowledged the possibility that while the Historic Districts Study Commission may have "dropped the ball" in not following up on the original evaluation, the church did not follow the special land use process and that process must still be adhered to. She noted that the resolution gives the Historic Districts Study Commission review rights, but it does not prevent the applicant from seeking a demolition permit, noting that the church's claims of hardship may apply.

Mayor Somerville indicated that she had seen the building in question and described its condition as "deplorable."

Mr. Duistermars voiced his concern that government should be protecting the right of the individual and questioned when special use is binding.

Mr. Staran stated that, according to the ordinance, special use runs with the land and never expires.

Mr. Delacourt questioned whether the Building Department can issue a demolition permit immediately if the review rights are not granted.

Mr. Staran answered that it was likely that a revised site plan would be necessary.

Mr. Robbins Called the Question to end debate; seconded by Mr. Duistermars.

Resolution A0679–2003–R0252

MOTION by Robbins, seconded by Duistermars,

Resolved to Called the Question to Close the debate on the motion on the floor regarding the request for Historic Districts Study Committee Review Rights for 1705 Walton Blvd; First Church of the Nazarene.

ROLL CALL VOTE:

Ayes: Robbins, Dalton, Duistermars

Nays: Barnett, Golden, Hill

Absent: Holder

MOTION FAILED

Mr. Barnett indicated that since the financial hardship is in the hundreds of dollars and there is no immediate plan to use the space, he felt comfortable going through the process.

Pastor Crum reminded Council of the additional concern of liability, noting that a trespasser had been arrested and prosecuted.

Ms. Hill again stated her support for the process and its importance.

12d. Request for Historic Districts Study Committee Review Rights for 1705 Walton Blvd; First Church of the Nazarene (A0679) (Members received an Agenda Summary Sheet dated July 7, 2003, from Derek Delacourt, Planner II, with attachments)

Resolution A0679–2003–R0253

MOTION by Golden, seconded by Hill,

Whereas, 1705 Walton Boulevard is an identified potential historic district in the City of Rochester Hills.

Whereas, the property owner is requesting review and approval of a demolition permit for the subject site.

Now therefore be it Resolved That City Council grants review rights regarding 1705 Walton Blvd. to the City's Historic Districts Commission for a period not to exceed one year.

ROLL CALL VOTE:

Ayes: Barnett, Golden, Hill, Robbins

Nays: Dalton, Duistermars

Absent: Holder

MOTION CARRIED

Entered onto the minutes for reconsideration of RES A0679-2003-R0253.

13. ORDINANCE ADOPTION

- 13a. Acceptance for Second Reading** - an Ordinance to amend Sections 54-741 through 54-806 of Article XII, Utilities, of Chapter 54, Fees of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting ordinances, and prescribe a penalty for violations (A0119) (Members received an Agenda Summary Sheet dated July 7, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0119-2003-R0254

MOTION by Robbins, seconded by Barnett,

Resolved that an ordinance to amend Sections 54-741 through 54-806 of Article 12, Utilities, of Chapter 54, Fees of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify water and sewer rates and the fees effective July 1, 2003 and repeal conflicting ordinances be accepted for **Second Reading** and **Adoption** and shall become effective on Friday, July 25, 2003, the day following its publication on Thursday, July 24, 2003 in the *Rochester Eccentric* newspaper.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 13b. Acceptance for First Reading** - An Ordinance to amend Section 134-180 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to authorize the Building Director to reduce the minimum sign setback for conforming signs replacing nonconforming signs; specify a 75 feet proposed right-of-way, extending from the centerline, will be utilized for purposes of measuring the

minimum sign setback along Rochester Road; repeal conflicting Ordinances; and prescribe a penalty for violations (A0677) (Members received an Agenda Summary Sheet dated July 7, 2003, from Scott Cope, Building Department Director, with attachments)

Resolution A0677-2003-R255

MOTION by Robbins, seconded by Duistermars,

Resolved an Ordinance to amend Section 134-180 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to authorize the Building Director to reduce the minimum sign setback for conforming signs replacing nonconforming signs; specify a 75 feet proposed right-of-way, extending from the centerline, will be utilized for purposes of measuring the minimum sign setback along Rochester Road; repeal conflicting ordinances; and prescribe a penalty for violations is hereby accepted for **First Reading**.

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

Nays: None

Absent: Holder

MOTION CARRIED

14. REPORTS AND COMMUNICATIONS

- 14a. Nominations to Historic Districts Commission** - for one (1) new three (3) year term to expire on December 31, 2006 (A0508) (Members received an Agenda Summary Sheet dated July 10, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0507-2003-R0256

MOTION by Robbins, seconded by Hill,

Now Therefore Be It Resolved, that the Rochester Hills City Council appoints Jason Thompson as a Member on the Historic District Commission to serve a three (3) year term, terms ending December 31, 2006.

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

Nays: None

Absent: Holder

MOTION CARRIED

- 14b. Designation of Voting Delegate and Alternate** to Michigan Municipal League Annual Meeting to be held Wednesday, September 17, 2003 (A0372) (Members received an Agenda Summary Sheet dated July 7, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0372-2003-R0257

MOTION by Robbins, seconded by Dalton,

Resolved That the City Council of Rochester Hills names Melinda Hill as the City of Rochester Hills Official Representative and Voting Delegate, and Barbara Holder as the City of Rochester Hills Alternate Official Representative and Voting Delegate, for the Annual Meeting of the members of the Michigan Municipal League to be held at the Detroit Renaissance Center, Detroit, Michigan on Wednesday, September 17, 2003 at 10:45 p.m.

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

Nays: None

Absent: Holder

MOTION CARRIED

15. ADMINISTRATION

- 15a. Request for Purchase Authorization** - MAYOR: Revision to Community Development Block Grant Funded Home Chore Program Contract for Yard Maintenance Services (Fall 2002 and Spring 2003), increase in blanket purchase order in the amount of \$1,775.00 for a new not-to-exceed total of \$14,775.00 (A0403) (Members received an Agenda Summary Sheet dated July 1, 2003, from Julie Hamilton, Purchasing Analyst, with attachments)

Resolution A0403-2003-R0258

MOTION by Robbins, seconded by Barnett,

Whereas, the Community Development Home Chore Program for yard maintenance for spring and fall clean up will continue for the 2002-2003 program year with administration by the Older Persons Commission; and

Whereas, competitive sealed bids were solicited and opened on July 9, 2002 and a blanket purchase order to Progressive of Rochester Hills, Michigan was approved by council on 7/22/2002 in the original amount of \$13,000.00.

Whereas, due to this year's storm damage clean-up an addition to the original blanket amount of \$1,775.00 is required.

Resolved that City Council increase the blanket purchase order to Progressive of Rochester Hills, Michigan to a new not-to-exceed amount of \$14,775.00 through July 31, 2003 for the 2002-2003 Community Development Block Grant (CDBG) Home Chore Program.

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

Nays: None

Absent: Holder

MOTION CARRIED

15b. Request for Purchase Authorization - DPS: Amendment to Hitchman's Haven Subdivision Water Main Replacement/Local Road Reconstruction and New Life and New Love Local Road Rehabilitation Project to include Grandview (A0626) (Members received Agenda Summary Sheets dated July 7, 2003, from Barbara Key, Contract Specialist and Paul Shumejko, Senior Engineer, with attachments)

- i. Engineering Services - increase to Continuing Services Contract in the amount of \$68,748.63 for a new not-to-exceed total of \$289,866.72; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Resolution A0626-A-2003-R0259

MOTION by Golden, seconded by Robbins,

Whereas, a quality based selection process was used to determine which engineering firm was best suited to provide the original Construction Engineering Services for the City of Rochester Hills; and

Whereas, Orchard, Hiltz McCliment, Inc. Proposal includes quality control for the projects, site layout, inspection, project management, contract administration, and drawings. The proposal includes an estimate of time and cost for the projects; and

Whereas, that Orchard, Hiltz, McCliment, Inc. has successfully provided services to the City over the years; and

Resolved, that the Rochester Hills City Council award an amendment to the current Continuing Service contract with Orchard, Hiltz & McCliment, Inc. for the Construction Engineering Services for the Hitchman's Haven Subdivision Water Main Replacement/Local Road Reconstruction and New Life & New Love Local Road Rehabilitation Project to include the additional services for the Grandview Reconstruction by an increased amount of \$68,748.63 for a new total contract amount not-to-exceed \$289,866.72 and to authorize the Mayor and Clerk to execute an amended contract on behalf of the City.

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

Nays: None

Absent: Holder

MOTION CARRIED

- ii. Construction Contract - increase to Construction Contract in the amount of \$452,051.00 for a new not-to-exceed total of \$1,754,092.10; Thompson McCully Company, Clarkston, MI

Resolution A0626-B-2003-R0260

MOTION by Golden, seconded by Hill,

Whereas, a sealed bid process was used to determine a contractor for the Hitchman's Haven Subdivision Water Main Replacement/Local Road Reconstruction and New Life & New Love Local Road Rehabilitation Project. City Council awarded the original contract to Thompson McCully Company as the lowest responsive, responsible bid in the amount of \$1,302,041.10; and

Whereas, the Department of Public Service surveyed the condition of the City's major road network using the Pavement Management Application System in November of 2002. The results of the survey indicates the need for a segment of Grandview just south of Clear Point Court to just north of Fairfield for reconstruction.

Whereas, the Department of Public Service deems that it would be in the City's best interest to add the additional reconstruction work to an existing contract.

Resolved, that the Rochester Hills City Council approve an amendment to the current contract with Thompson McCully Company of Clarkston, Michigan for the Hitchman's Haven Subdivision Water Main Replacement/Local Road Reconstruction and New Life & New Love Local Road Rehabilitation Project to include the additional reconstruction work on Grandview by an increased amount of \$452,051.00 for a new total contract amount of \$1,754,092.10 and to authorize the Mayor and Clerk to execute an amendment on behalf of the City.

Ayes: Barnett, Duistermars, Golden, Hill, Robbins

Nays: Dalton

Absent: Holder

MOTION CARRIED

16. COUNCIL COMMITTEE REPORTS

Ms. Hill noted that the Administration & Information Services (AIS) Committee is in the process of reviewing the City's liquor license ordinance. City department directors will be requested to attend the next committee meeting to provide their input, followed by a draft of a proposed new ordinance from the City Attorney to be presented to Council before the end of the year.

Ms. Hill also noted that AIS is examining the process by which City Council is paid.

17. UNFINISHED BUSINESS

Mr. Achim Bonawitz reviewed the three resolutions, discussed the Latin language and voiced his support for Resolution #1.

President Dalton noted that any change to the motto would be effective going forward, not retroactively. All new materials would have the new motto, but any existing materials would not be modified.

17a. Discussion regarding City Motto (A0684) (Members received an Agenda Summary Sheet dated July 10, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0684-2003-R0261

MOTION by Robbins, seconded by Golden,

Resolved that the Rochester Hills City Council hereby corrects the City Motto from “**Vivimus in Pacem et Bonem**” to “**Vivimus in pace et benevolentia**”;

Further Resolved, that the Administration is directed to make the appropriate correction on all future materials that contain the City Motto.

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

Nays: None

Absent: Holder

MOTION CARRIED

18. ANY OTHER BUSINESS

None

19. NEXT MEETING DATE - Wednesday, July 23, 2003 - Regular Work Session - 7:30 p.m.

20. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 12:14 a.m.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET A. STRATE
Administrative Secretary to the City Clerk

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills