



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, May 23, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Greg Hooper, Linda Raschke and James Rosen

Absent: Barbara Holder and Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Ron Crowell, Fire Chief
Derek Delacourt, Deputy Director of Planning
Susan Galeczka, Deputy Clerk
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
Bud Leafdale, General Superintendent
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

Council Member Barbara Holder provided previous notice she would be unable to attend and asked to be excused.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council approves the Agenda for the May 23, 2007 Regular Meeting with the following addition:

Add under NEW BUSINESS Legislative File 2007-0435 - Request for Purchase Authorization - PLANNING & DEVELOPMENT: Increase Blanket Purchase Order for environmental work in accordance with the approved Consent Judgment for efforts associated with the Adams/Hamlin clean-up and remediation in the amount of \$83,370 for a not-to-exceed amount of \$103,370, STS Consultants, Detroit, MI

A motion was made by Raschke, seconded by Ambrozaitis, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Hooper, Raschke and Rosen

Absent: Holder and Yalamanchi

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, thanked the Planning Department and the Administration for their time and effort in assisting the Historic Districts Commission Community Outreach. She commented that she regretted to hear the Fresh Market was closing. She stated she could only speculate as to the cause, but surmised it was most likely the state of the economy.

Mr. Lee Zendel, 1575 Dutton Road, commented that tuition reimbursement in the workplace keeps workers loyal.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Ambrozaitis stated he attended the Master Thoroughfare Plan Meeting, which included input from residents on aspects of the Plan. He thanked all of the men and women who have served in the military for our Country.

Mr. Duistermars asked for remembrance of fallen veterans during this Memorial Day Holiday. He stated we would not have the freedoms that we enjoy today if it were not for the sacrifices that were made on the battlefields.

Ms. Raschke asked residents to take a moment to give thanks to the Armed Forces.

Mayor Barnett noted the following information and schedule of current events:

1) The City of Auburn Hills voted to keep the current speed limit of 35 mph on Tienken Road, even though the professional study showed the preferred speed limit was 40 mph.

2) Monday, May 29, 2007 Memorial Day Parade - beginning at 9:00 a.m. at Mt. Avon Cemetery. The parade will conclude with a ceremony at Veterans Point.

3) Vintage Baseball Game - The Rochester City Council and Rochester Hills City Council verses the Grangers Saturday, at 1:00 p.m. during the Heritage Festival.

4) The City's Neighborhood Beautification Program, which is sponsored by local businesses such as Bordines and Papa Joe's, was created to recognize subdivisions improvements to the common areas and entrances. Local businesses including Bordines and Papa Joe's, have donated prizes.

(Mr. Yalamanchi entered at 7:40 p.m.)

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

Absent: Barbara Holder

ATTORNEY MATTERS

Mr. Staran had nothing to report.

RECOGNITIONS

2007-0350 Proclamation in Recognition for outstanding acts of heroism by Carol Widger, Josh Simpson and Ian Taber in saving the life of Mary Schultz.

Attachments: Agenda Summary.pdf; Carol Widger Proc.pdf; Ian Taber Proc.pdf; Josh Simpson Proc.pdf; Resolution.pdf

Mary Schultz, 1208 Marseille Court, gave heartfelt thanks to her neighbors Carol Widger, Josh Simpson, and Ian Taber who saved her from her burning house.

Mayor Barnett introduced Carol Widger, Josh Simpson, and Ian Taber; then read the following proclamation issued to each of the brave individuals:

WHEREAS, *On the night of April 12, Carol Widger was not able to sleep and was working late into the evening; and*

WHEREAS, *While Carol was in her basement, she heard a neighbor's smoke alarm detector buzzing for what seemed like quite a long time; and*

WHEREAS, *Even though it was late, Carol decided to check on her next-door neighbor to make sure everything was all right; and*

WHEREAS, *Upon arriving, Carol saw flames and smoke in Mary's kitchen window; and*

WHEREAS, *After knocking on Mary's door, Carol ran home, called 911, and then proceeded to neighbor Josh Simpson's door, where she knocked and shouted for help.*

WHEREAS, *Josh and Ian saw flames and smoke through Mary's kitchen window and without hesitation Ian immediately broke down the door and Josh was able to evacuate Mary to safety. Once outside, Josh heard the reassuring sound of the emergency vehicle sirens.*

NOW, THEREFORE, BE IT KNOWN, *that the Mayor and City Council of Rochester Hills hereby recognize Carol Widger, Josh Simpson and Ian Taber for their outstanding act of heroism in helping to save the life of Mary Schultz.*

Presented

2007-0353

Proclamation in Recognition for outstanding acts of valor by Deputies Keith Hess and James Zoedak.

Attachments: Agenda Summary.pdf; Keith Hess Proc.pdf; James Zoedak Proc.pdf; Resolution.pdf

Mayor Barnett introduced Deputy James Zoedak and recognized his heroic efforts, along with Deputy Keith Hess, who could not be in attendance at this meeting. The two Deputies rescued a mother and her children from their home to prevent them from being harmed by a house fire. Mayor Barnett read the following proclamation to honor their heroic efforts:

On April 12, 2007, at approximately 11:30 PM a structure fire broke out at 1208 Marseille Court in the City of Rochester Hills. Homeowner Mary Schultz was unconscious in the home at the time. Neighbor Carol Widger heard Mary's fire alarm going off and discovered that there was a fire in the kitchen area of Mary's home. Carol attempted to gain entry but was unable to and immediately called 911. Carol alerted neighbor Josh Simpson, who with his friend Ian Taber, was able to force entry into Mary's home where they found her unconscious at the kitchen table. Josh and Ian were able to evacuate Mary from her flame and smoke filled home.

While fire personnel were working to extinguish the fire, Deputy James Zoedak and Deputy Keith Hess began a door-to-door canvass of the connecting homes in case the fire and/or smoke spread. When they did not get an answer at one home, Deputies Zoedak and Hess kicked in the door and evacuated the homeowner and her two children.

WHEREAS, *Deputies Keith Hess and James Zoedak put their personal safety aside to help residents in danger; and*

WHEREAS, by performing a door-to-door canvass, Deputies Hess and Zoedak were able to make sure that fire personnel were able to concentrate on extinguishing the fire, thus keeping damage contained to one home.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Deputies Keith Hess and James Zoedak for their valor in their efforts to help keep residents safe during an emergency situation.

Presented

PRESENTATIONS

2007-0362 Presentation on the Road Dust Control Program, Roger Rouse, Director of DPS/Engineering, presenter.

Attachments: Agenda Summary.pdf; Road Dust Control Presentation.pdf; Supplemental Info Amended Dust Control Presentation.pdf

Mr. Roger Rouse, Director of DPS/Engineering, gave a presentation on the Road Dust Control Program. The following is a synopsis of that presentation:

OPERATIONAL APPROACH TO CONTROLLING DUST

* Dust Control Program has changed over the past few years due to financial constraints.

* In 2003 the dust control program was revised to match the frequency and timetable of the dust control program of the Road Commission for Oakland County (RCOC).

HISTORICAL CHLORIDE EXPENDITURES

* 2002 - \$80,409

* 2003 - \$68,448

* 2004 - \$60,895

* 2005 - \$57,742

* 2006 - \$58,189 includes Mayor Barnett's requested additional spot treatments of worst areas

* 2007 - \$60,000 budgeted with additional funding being requested by the Administration

TODAY'S SITUATION

* Multiple years of applications created a residual of chloride that lasted through last summer under minimal application rates. (1000 gallons per mile)

* Chloride residuals are now depleted, creating dust migration under traffic and windy weather.

* The Spring 2007 weather has produced unusual periods of dry, windy weather further aggravating the dust conditions.

CHLORIDE APPLICATION RATES

* Prior years chloride applications were at 2000 gallons per mile with a concentration of 35% chloride. (RCOC uses 23% and 11% chloride).

* Current applications are applied at 1000 gallons per mile at the same 35% concentration.

* It was generally assumed that a solution to the funding crisis would be found and service levels would be improved.

GRAVEL ROAD MAINTENANCE COST

* Records of local road maintenance costs indicate that in 2006 Rochester Hills paid 4.3 times more to maintain a mile of gravel road than a paved road. This ratio has been higher in previous years.

* Roads are graded on average of eight times per year.

* The process includes ditching, grading, chloride and gravel.

RECOMMENDATION

* Classify roads into three categories; local through streets, local dead end streets and County local roads.

* Apply four applications at 1500 gallons per mile to local collector streets and four applications of 1000 gallons per mile to dead end streets.

* RCOC application rates for County roads, 2000 gallons per mile at 23% four times per year. Livernois, Dutton, Winkler Mill and Mead.

OPTIONS FOR COUNCIL CONSIDERATION

* Utilize the \$25,000 that was budgeted for the Sidewalk Repair Program to increase the amount of chloride applied to local gravel roads.

* Create Special Assessment Districts for service improvements up and above the basis service level. A typical 1/2 mile road with 100-foot lots would cost each homeowner less than \$50 per application to grade and apply chloride.

* Utilize other budgetary allowances to pay for additional chloride applications: such as the \$11,000 designated for tree stump removal.

Ms. Raschke stated she would like to see the chloride applied immediately after the road is graded.

Mr. Rousse explained the challenges the City faces in trying to apply chloride immediately after a road is graded. He further explained the City purchases the chloride in bulk and needs to apply it within a one- week time frame.

Ms. Raschke informed Council that the Oakland County Road Commission applies chloride to the road immediately after the road is graded.

Mr. Rousse stated he would look for possibilities to improve the process and would discuss this issue with residents.

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, inquired as to why the City was fully funding the Road Dust Control Program as she feels the City does not have the money in the Road Fund to do so. She asked if residents would control their speed on gravel roads, as that would prevent the formation of excess dust.

Mr. Lee Zendel, 1575 Dutton Road, questioned Mr. Rousse regarding two areas on the Dutton Road pathway that are hazardous, and have not been repaired.

Mr. Walter Johnson, 338 Greenwood Street, stated the dust on Greenwood Street is unbearable creating a health hazard. He emphasized to Council that they should fully

fund this project.

COUNCIL DISCUSSION

Mr. Rousse responded to Mr. Zendel's question that the City does have the Dutton Road pathway on their list for repair.

Mr. Yalamanchi questioned since the City incurs costs every year on the gravel roads, has there been any discussion to cover the roads with asphalt.

Mr. Rousse stated residents on three gravel roads have expressed a desire to have their road paved. He further stated the City designed Greenwood as one of the roads to be paved. He advised that the program was suspended when the budget was reduced. Mr. Rousse further advised the City prepared cost estimates for the paving of the roads, but the residents would not support the costs. He stated there were variations in percentages He indicated no monies are appropriated for Special Assessment Districts (SAD); however an SAD is a worthwhile program.

Mr. Yalamanchi complimented Mr. Rousse and his staff on the work they have done on local roads in spite of budget restraints.

Mr. Hooper stated that he had met with the residents from Greenwood Street, and he supports funding the Road Dust Control Program.

Mr. Ambrozaitis inquired as to the probability of purchasing a tanker truck for the purpose of the City having its own vehicle to apply chloride.

Mayor Barnett gave two options for Council to consider offering the residents:

- 1) Keep the current program.
- 2) Have the residents decide between a \$10,000 SAD to pave the street, and a \$50 SAD to maintain the road.

He stated the Administration was not trying to direct Council away from the Sidewalk Program or towards SAD's, but rather provide options for Council to discuss. He commented that the "one size fits all" approach that the City has had in the past is not the best approach at this time. He advised staff is in the process of dividing graveled streets into categories and looking at traffic counts to find the best way to use the Dust Control Program Fund.

President Rosen inquired of **Mayor Barnett** what Council was being asked to do.

Mayor Barnett replied that this item was in response to complaints that the Administration has received over the past 14 to 21 days. He offered the following three options:

- 1) The City would absorb the cost.
- 2) Residents would absorb the cost over a basic level of service.
- 3) Council would take this information under advisement and discuss it during the 2008 budget discussions.

Mr. Hooper stated that dust control on Greenwood Street is a quality of life issue and that it is the City's obligation for the public health, safety, and welfare for the residents of this street to increase chloride applications. He further stated that he supports 1500 gallons of chloride to be placed on gravel streets. He noted that Crestline Street has 50% more traffic than Sheldon Road, and thus should have more applications of chloride. He supported

directing the Administration to re-direct funds and put this Dust Control Program into effect as soon as possible.

Mr. Yalamanchi requested a Work Session to discuss the possibility of paving gravel roads.

Mr. Rousse stated that in the past chloride was placed on all of the gravel roads in the entire City. He informed that the previous year he began doing spot treatments to severe problematic areas, increasing the cost of chloride. He stated the added chloride applications would address the impaired areas of certain roads if the \$85,000 were approved.

President Rosen stated that neglecting maintenance on gravel roads had the potential of having a worse affect than neglecting maintenance on paved roads. He further stated paved roads can go for longer periods of time without doing any type of maintenance, and the road is still passable. He commented that he supports maintenance for gravel roads and will schedule a Work Session to discuss paving gravel roads within the City.

Attachments: Agenda Summary.pdf; Road Dust Control Presentation.pdf; Supplemental Info Amended Dust Control Presentation.pdf

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

Resolved that the Rochester Hills City Council to increase Chloride application on local streets by applying four (4) additional applications of 1500 gallons per mile to local collector streets and four (4) applications of 1000 gallons per mile to dead end streets. With the funding coming from the Local Street Fund - Routine Maintenance Budget.

The motion carried by the following vote:

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

Absent: Holder

Enactment No: RES0183-2007

CONSENT AGENDA

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

2007-0351 Approval of Minutes - City Council Work Session Meeting - March 21, 2007

Attachments: CC Min 032107; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the minutes of a Rochester Hills City Council Work Session Meeting held on March 21, 2007 be approved as presented.

Enactment No: RES0181-2007

2007-0352 Approval of Minutes - City Council Regular Meeting - March 28, 2007

Attachments: CC Min 032807; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Regular Meeting held on March 28, 2007 be approved as presented.

Enactment No: RES0182-2007

2007-0301

Approval of Minutes - City Council Work Session Meeting - April 4, 2007

Attachments: CC Min 040407.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on April 4, 2007 be approved as presented.

Enactment No: RES0164-2007

2007-0307

Approval of Minutes - Regular City Council Meeting - April 11, 2007

Attachments: CC Min 041107.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on April 11, 2007 be approved as presented.

Enactment No: RES0165-2007

2007-0295

Approval of Minutes - Joint Planning Commission/City Council Meeting - April 17, 2007

Attachments: Min Joint PC & CC 041707.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Joint Rochester Hills Planning Commission & City Council Meeting held on April 17, 2007 be approved as presented.

Enactment No: RES0166-2007

2007-0354

Approval of Minutes - City Council Work Session Meeting - April 18, 2007

Attachments: CC Min 041807; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on April 18, 2007 be approved as presented.

Enactment No: RES0167-2007

2007-0297

Approval of Minutes - Special City Council Meeting - April 24, 2007

Attachments: CC Min 042407.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on April 24, 2007 be approved as presented.

Enactment No: RES0168-2007

2007-0286

Request for Acceptance of a Quit Claim Deed from Legacy Rochester Hills Site Condominium Development, LLC, for a 60' wide right of way easement for Hamlin Road, for Parcel No. #15-22-351-004.

Attachments: Agenda Summary.pdf; Map.pdf; Quit Claim Deed.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Quit Claim Deed granted by Legacy Rochester Hills Site Condominium Development, LLC, 1683 West Hamlin Road, Rochester Hills, MI 48309, to the City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, MI 48309, for a 60' Wide Road Right of Way, for Hamlin Road, for Part of Parcel No. #15-22-351-004.

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

Enactment No: RES0169-2007

2007-0287

Request for Acceptance of an Easement for Ingress and Egress for Public and Emergency Vehicles, granted by Legacy Rochester Hills Site Condominium Development, LLC, for The Legacy Site Condominiums, for Parcel No. #15-22-351-004

Attachments: Agenda Summary.pdf; Map.pdf; Ingress and Egress Easement.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an easement for Ingress and Egress for Public and Emergency Vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by Legacy Rochester Hills Site Condominium Development, LLC, 1683 West Hamlin Road, Rochester Hills, Michigan 48309, over, on, under, through and across land more particularly described as Parcel No. #15-22-351-004.

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

Enactment No: RES0170-2007

2007-0290

Request for Acceptance of a Watermain Easement granted by Legacy Rochester Hills Site Condominium Development, LLC, for Parcel No. #15-22-351-004

Attachments: Agenda Summary.pdf; Map.pdf; Watermain Easement.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by Legacy Rochester Hills Site Condominium Development, LLC, a Michigan limited liability Company, 1683 West Hamlin Road, Rochester Hills, MI 48309 for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. #15-22-351-004.

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

Enactment No: RES0171-2007

2007-0293

Request for Acceptance of a Sanitary Sewer Easement granted by Legacy Rochester Hills Site Condominium Development, LLC, for The Legacy Site Condominiums, for Parcel No. #15-22-351-004.

Attachments: Agenda Summary.pdf; Map.pdf; Sanitary Sewer Easement.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a sanitary sewer easement granted by Legacy Rochester Hills Site Condominium Development, LLC, 1683 West Hamlin Road, Rochester Hills, MI 48309, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer easement, over, on, under, through and across land more particularly described as Parcel No. #15-22-351-004.

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

Enactment No: RES0172-2007

2007-0315

Request for Approval of Fireworks Display Permit Application for Festival of the Hills, to be held at Borden Park on Thursday, June 28, 2007, Melrose Pyrotechnics, Inc., applicant

Attachments: Agenda Summary.pdf; Fire Dept Memo.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Melrose Pyrotechnics, Inc., of Kingsbury, Indiana, has provided the fireworks display for the Festival of the Hills for the past eight years; and

Whereas, Melrose Pyrotechnics, Inc., has provided the necessary insurance with the City of Rochester Hills named as also insured; and

Whereas, the Rochester Hills Fire Department has no objection to the issuance of a fireworks permit providing their safety procedures are followed.

Therefore It Is Resolved that the Rochester Hills City Council does hereby approve a permit for Melrose Pyrotechnics, Inc., to provide a fireworks display for the Festival of the Hills at Borden Park on June 28, 2007.

Enactment No: RES0173-2007

2007-0360

Request for an Amendment to a Class C Liquor License changing the company name from 6870 Tienken, LLC to 6870 Rochester, LLC, and to change one stockholder from Evans Commercial Properties, LLC to Giancarlo DeAngelis.

Attachments: Agenda Summary.pdf; Application.pdf; State of MI Resolution.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the request from 6870 Rochester, LLC to change the company name from 6870 Tienken, LLC to 6870 Rochester, LLC and to amend the license to change stockholders from Evans Commercial Properties, LLC (Thomas E. Evans)

to Giancarlo DeAngelis for the Class C licensed business, located at 6870 N. Rochester Rd., Rochester Hills, MI 48306, Oakland County, Michigan be considered for approval.

Enactment No: RES0174-2007

Passed The Consent Agenda

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

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

Absent: Holder

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

2007-0323 Request for Acceptance of Fiscal Year 2006 CAFR (Comprehensive Annual Financial Report) by the auditing firm of Plante & Moran, PLLC

Attachments: Agenda Summary.pdf; 051607 Agenda Summary.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby acknowledges receipt of the Comprehensive Annual Financial Report (CAFR) from the Administration and the auditing firm of Plante & Moran, PLLC, for the 2006 Fiscal Year.

The motion carried by the following vote:

Aye: Duistermars, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Absent: Holder

Enactment No: RES0178-2007

2007-0279 Request for Acceptance of the Public Utility Underground Right-of-Way Easement between the Detroit Edison Company and the City of Rochester Hills for Parcel No. #15-26-451-033.

Attachments: Agenda Summary.pdf; Map.pdf; DTE Easement.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves a Public Utility Right-of-Way Easement granted by The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226, for the construction, operation, maintenance, repair and/or replacement of a Public Utility Underground Right of Way Easement, over, on, under, through and across land more particularly described as Parcel No. #15-26-451-0

The motion carried by the following vote:

Aye: Duistermars, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Absent: Holder

Enactment No: RES0179-2007

ORDINANCE FOR INTRODUCTION

2007-0217 Acceptance for First Reading - An Ordinance to amend Sections 138-611 and 138-612 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to modify the statement of intent of the B-4 Zoning District and authorize certain office buildings with a minimum floor area of 15,000 square feet as a principal permitted use in the B-4 district.

Attachments: Agenda Summary.pdf; B-4 Ordinance.pdf; Agenda Summary 050707.pdf; Memo Delacourt 042707.pdf; Resolution 051607.pdf; Resolution.pdf

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

Resolved, that an Ordinance to amend Sections 138-611 and 138-612 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to modify the statement of intent of the B-4 Zoning District and authorize certain office buildings with a minimum floor area of 15,000 square feet as a principal permitted use in the B-4 district, and to prescribe penalties for the violation thereof, is hereby accepted for first reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Hooper, Raschke and Yalamanchi

Nay: Rosen

Absent: Holder

Enactment No: RES0197-2007

UNFINISHED BUSINESS

2007-0321 2007 2nd Quarter Budget Amendment

Attachments: Agenda Summary.pdf; Public Hearing Notice.pdf; 2007 - 2nd Qtr Budget Amendment.pdf; 2007 - REVISED 2nd Qtr Budget Amendment.pdf; Resolution.pdf

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

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III, Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, the proposed 2007 2nd Quarter Budget Amendment was available for public viewing starting May 9, 2007; and

Whereas, at its May 16, 2007 meeting City Council held a Public Hearing on the

proposed 2nd Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2007 fund totals as amended:

101 - General Fund	\$28,759,050
202 - Major Road Fund	\$8,338,460
203 - Local Street Fund	\$6,657,990
206 - Fire Operating Fund	\$7,697,560
214 - Pathway Maintenance Fund	\$870,200
402 - Fire Capital Fund	\$1,041,200
403 - Pathway Construction Fund	\$978,630
420 - Capital Improvement Fund	\$1,040,850
592 - W&S Operating Fund	\$27,389,630
593 - W&S Capital Fund	\$18,795,170
631 - Facilities Fund	\$5,043,430
636 - MIS Fund	\$2,473,420
661 - Fleet Equipment Fund	\$3,552,670
848 - L.D.F.A. Fund	\$1,101,000

The motion carried by the following vote:

Aye: Duistermars, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Absent: Holder

Enactment No: RES0177-2007

2007-0317

Request for Approval of four (4) Nominated Properties for Acquisition recommended by the Green Space Advisory Board

Attachments: Agenda Summary.pdf; 051607 Agenda Summary.pdf; Recommendation.pdf; Revised GSAB Recommendation.pdf; Resolution.pdf

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, questioned **Mr. John Staran**, City Attorney, if a property owner does not want to sell to the Green Space Advisory Board (GSAB), does the City have the right to condemn it through Eminent Domain.

Mr. Staran there may be some circumstances where that is possible, but as of yet the GSAB, or Council, has not expressed a desire to proceed in that manner.

Mr. Zendel inquired as to why the selling and purchasing of property is not always discussed in a Closed Session of Council.

President Rosen stated an Acquisition Team is being created and will consist of three to four staff members and a Real Estate Specialist. He commented there would be Closed Sessions to discuss property acquisitions in the future.

Ms. Melinda Hill, 1481 Mill Race, commended the GSAB Committee in finding the recent properties to purchase.

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

Whereas, the Rochester Hills City Council established the Green Space Advisory Board (GSAB) for the purpose of developing strategies and recommendations to

City Council regarding the expenditure of Open Space Millage funds for permanently preserving natural green spaces, wildlife habitats and scenic views; protecting woodlands, wetlands, rivers and streams; and expanding the Clinton River Greenway and other trail corridors;

Whereas, the GSAB has established a Property Interest Acquisition Process which includes parcel identification, determination of availability, assemblage of a candidate list, determination of target properties, and recommendation to City Council;

Whereas, the GSAB has received 15 total property nominations;

Whereas, the GSAB has established Property Evaluation Criteria which includes water resources, habitat protection, recreation historical resources, other factors and adverse factors;

Whereas, the GSAB has evaluated the nominated properties based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Spoke & Hub Strategy;

Whereas, the GSAB has also considered how the nominated parcels support the Master Transportation Plan and the Master Recreation Plan;

Whereas, the GSAB based on its findings recommends the City pursue the acquisition of the Cloverport (Parcel Identification No. 15-15-405-004), West Childress (Parcel Identification No. 15-15-426-022 and East Childress (Parcel Identification No. 15-15-426-023) parcels totaling 14 acres and the acquisition of the Mead Road (Parcel Identification No. 15-01-100-009) parcel totaling 35.2 acres;

Now Therefore Be It Resolved, that the Rochester Hills City Council adopts the GSAB's recommendation to pursue the acquisition of the Cloverport (Parcel Identification No. 15-15-405-004), West Childress (Parcel Identification No. 15-15-426-022 and East Childress (Parcel Identification No. 15-15-426-023) parcels totaling 14 acres and the acquisition of the Mead Road (Parcel Identification No. 15-01-100-009) parcel totaling 35.2 acres

Be It Further Resolved, that the City Council authorizes the City Administration to create an acquisition team and to begin the acquisition process with the property owners.

The motion carried by the following vote:

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

Absent: Holder

Enactment No: RES0176-2007

(Recess 9:17 p.m. - 9:30 p.m.)

NEW BUSINESS

2006-0435 Request for Purchase Authorization - PLANNING & DEVELOPMENT: Increase Blanket Purchase Order for environmental work in accordance with the approved Consent Judgment for efforts associated with the Adams/Hamlin clean-up and remediation in the amount of \$83,370 for a not-to-exceed amount

of \$103,370, STS Consultants, Detroit, MI

Attachments: Agenda Summary.pdf; 0435 Resolution.pdf; Letter STS 05-15-07.pdf; Letter STS 05-21-07.pdf; CJ Section.pdf; agenda summary V2 (3).pdf; STS Contract 2006.pdf

Mr. Derek Delacourt, Deputy Director of Planning, asked Council for an increase in the STS Consultants contract for monitoring the Brownfield Development remediation work at Adams and Hamlin. He explained this was an extension to the original request of \$20,000 brought before Council for approval. He stated the Consent Judgment allows the City to employ their own staff to monitor the work throughout the remediation. He advised **Mr. Jim Anderson**, Associate Scientist, STS Consultants prepared a proposal for the project that contained the following information:

- * Start date
- * Number of staff needed at the sight
- * Number of areas
- * Number of crews needed
- * The possibility of splitting actual material samples to send to independent labs for analysis.

He stated the cost estimate from STS Consultants included the following three components:

- 1) The absolute known investigation that is going to take place on the sight as part of the first phase and the monitoring that STS Consultants is proposing would cost \$42,000.
- 2) The cost to monitor additional items if required by the Michigan Department of Environmental Quality as identified by the 381 Work Plan is \$31,000.
- 3) The cost of splitting 20% of the material and having it independently analyzed by the City's consultants is \$9,000.

He advised the final Reimbursement Agreement, upon approval of the Brownfield Development Plan and the 381 Work Plan, is negotiable up to a maximum \$75,000 per year. He further advised that when the second component of STS Consultants' cost estimate (\$31,000) was depleted, he would return to Council and request a Budget Amendment.

Mr. Ambrozaitis stated he was regretful having to spend the money but wanted to be sure that the health and welfare of the residents of Rochester Hills were protected.

Ms. Raschke commented that the problems with the dumpsites started many years prior to Rochester Hills becoming a City.

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

Be It Resolved that the Rochester Hills City Council hereby authorizes the increase of a Blanket Purchase Order to STS Consultants, Detroit, Michigan, to provide environmental work in accordance with the approved Consent Judgment for efforts associated with the Adams/Hamlin clean-up and remediation in the amount of \$83,370 for a not-to-exceed amount of \$103,370.

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

The motion carried by the following vote:

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

Absent: Holder

Enactment No: RES0175-2007

2007-0341

Nominated John Dalton and Orville Hoksch, Jr. for one (1) Citizen Representative to the Older Persons Commission (OPC) to complete an unexpired term ending December 31, 2007 due to the resignation of George Karas.

Attachments: Agenda Summary.pdf; Agenda Summary 052307.pdf; Cosenza Questionnaire.pdf; Dalton Questionnaire.pdf; Hoksch Questionnaire.pdf; McIntosh Questionnaire.pdf; Nomination Form.pdf; Resolution 052307.pdf; Resolution.pdf

Mr. Ambrozaitis thanked Mr. George Karas for all of his years of service for the City. He nominated Mr. Orville Hoksch, Jr.

Mr. Duistermars nominated Mr. John Dalton.

President Rosen stated with two nominations and only one Citizen Representative vacancy to fill, Council should speak to each person before this item is brought before Council for a vote.

Discussed

CITY COUNCIL

2007-0079

Discussion of City Council Goals and Objectives for 2007 / 2008

Attachments: Agenda Summary.pdf; Goals & Object Vers 1.pdf; Goals & Object Vers 2.pdf; Goals & Object Vers 3.pdf; Goals & Object Vers 4.pdf; Goals & Object Vers 5.pdf; 071807 Agenda Summary.pdf; 062207 Agenda Summary.pdf; 052307 Agenda Summary.pdf; 042707 Agenda Summa

President Rosen advised that **Mr. Yalamanchi**, **Mr. Hooper**, and he met to discuss Goals and Objectives for Council. He stated the following Goals and Objectives that are being recommended for approval by Council:

1) *Police Funding: promote renewal of Police II Millage for this fall. Begin discussion on long-term sustainable funding for Police.*

2) *Local Roads: sustain the Local Road specific, targeted repair and Replacement Program. Maintain funding at \$1.5 million (total of \$3.5 million) from General Fund.*

3) *Charter: study non-tax, tax, and structural issues in the Charter for possible amendments to the Charter.*

4) *Cost Saving: explore opportunities for public/private partnerships and possibilities for consolidation of services.*

Mr. Yalamanchi asked Council to add Strategic Planning for completion by the end of 2008 as a fifth Goal.

President Rosen stated he would like to form a Political Action Committee address Council the need for long-term, sustainable funding for police.

Mayor Barnett reported that the Administration's Budget schedule is one week ahead of schedule.

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, stated Councils in years past had numerous meetings from January to the first week of June with Council, and Council with the Administration to discuss a broad range of Goals and Objectives.

Mr. Yalamanchi stated he was in favor of adopting the Goals and Objectives presented to Council, and in favor also of adding the fifth Goal.

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

Resolved that the City Council establishes the following as its 2008 Goals:

- 1) Police Funding: promote renewal of Police II Millage for this fall. Begin discussion on long-term sustainable funding for Police.**
- 2) Local Roads: sustain the Local Road specific, targeted repair and Replacement Program. Maintain funding at \$1.5 million (total of \$3.5 million) from General Fund.**
- 3) Charter: study non-tax, tax, and structural issues in the Charter for possible amendments to the Charter.**
- 4) Cost Saving: explore opportunities for public/private partnerships and possibilities for consolidation of services.**
- 5) Develop a strategic plan with the Administration by the end of 2008.**

The motion carried by the following vote:

Aye: Ambrozaitis, Hooper, Raschke, Rosen and Yalamanchi

Nay: Duistermars

Absent: Holder

Enactment No: RES0256-2007

ANY OTHER BUSINESS

Mr. Yalamanchi questioned if a group of residents wanted to pursue a particular issue, had petitions signed, and met the number of requirements and signatures, can they put the language on the ballot.

Mayor Barnett replied the amount of signatures needed would be 10% of the number of voters who voted in the previous election.

Mr. Ambrozaitis commented that he would like to have the voters of Rochester Hills come up with a proposal and vote on the issue of having a single trash hauler.

NEXT MEETING DATE

Work Session - June 6, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 10:30 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*SUE SMITH
Administrative Secretary
City Clerk's Office*

Approved as presented at the July 25, 2007 Regular City Council Meeting.