



# Rochester Hills Minutes City Council Regular Meeting

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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

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

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Wednesday, June 21, 2006

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning/Development  
Bryan Barnett, Mayor  
Scott Cope, Director of Building/Ordinance Enforcement  
Ron Crowell, Fire Chief  
Derek Delacourt, Deputy Director of Planning  
Julie Jenuwine, Director of Finance  
Pam Lee, Director of Human Resources  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
John Staran, City Attorney  
Bob White, Supervisor of Ordinance Services*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of Wednesday, June 21, 2006 with the following amendment:**

**Remove from PRESENTATIONS Item 2006-0448 - Presentation on the Clinton River Valley Heritage Area.**

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

**The motion carried by the following vote:**

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

## PUBLIC COMMENT

*Mr. Lee Zendel, 1575 Dutton Road, referenced two letters recently published in the local newspaper calling for changes to the City's "political culture." He questioned how*

*the City has been negatively impacted by the current political culture. He also noted that a Council member had recently indicated that taxpayers do not "know what is going on" in the City. Mr. Zendel stressed that, while information is easily and readily available to all residents through City Hall, low voter turnout at City elections and poor attendance at informational and Council meetings is a strong indication of "how many residents care about what is happening."*

**Ms. Cathy Smith**, 2374 Lassiter Drive, representing Citizens Voice Rochester Hills, noted that this grass roots organization had collected on-line signatures and comments from residents regarding their opposition to a 24-hour Wal-Mart in the City. Although she acknowledged that the mediation on this matter had concluded and a 24-hour operation would be permitted in the City, she read some quotes of opposition contributed to the on-line petition.

**Ms. Kim Bailiff**, 2101 Bretton South, continued reading quotes from the Citizens Voice Rochester Hills on-line petition expressing opposition to the 24-hour Wal-Mart.

**Mr. Paul Miller**, 1021 Harding Avenue, concluded the reading of the quotes opposing a 24-hour Wal-Mart. Mr. Miller then addressed Mr. Zendel's earlier comments, disputing the assertion that voter participation and attendance of public meetings is the only measure of civic involvement. He stressed to Council, "Residents do not feel that they're adequately represented nor heard, nor considered in the decisions that the government makes." He urged Council to address that problem.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Ms. Holder**, noting she had done further research regarding comments she made in reference to a City technical committee, retracted an earlier claim she had made regarding the membership of that committee. Regarding the Wal-Mart development, Ms. Holder reminded residents that the original consent judgment in that matter had always included the possibility of a Wal-Mart and it had been passed unanimously by Council in 2003. She also clarified that she is not "pushing the single hauler issue" as was claimed in a recent letter to the newspaper, but rather is being responsive to the requests and inquiries of her constituents. Ms. Holder also noted that despite the opposition to new development in the City, the CVS at the corner of Auburn and John R Roads is actually an improvement to that corner and the shopping center. She then pledged to spend the final seventeen months of her Council term educating the residents of Rochester Hills about the public safety services of the City.

**Mr. Ambrozaitis** thanked **Mr. Scott Cope**, Director of Building/Ordinance Enforcement, for his impending presentation to Council regarding the City's blight ordinance. He then urged residents to contact him with any problems or requests for assistance.

**Mr. Duistermars** noted that the City Council does not like consent judgments but it is the right of property owners to take these matters to court if they see fit. He stressed that he feels he has used good judgment in these matters in determining what is best for the community and what will cause the least damage.

**Mr. Yalamanchi** asked the City Attorney to update the Council regarding changes to City ordinances with regard to 24-hour businesses.

**Mr. John Staran**, City Attorney, noted that research was still being done on this matter including gathering a list of all current 24-hour operations in the City. He also noted that exterior lighting standards will also be addressed.

**Mr. Yalamanchi** reminded President Rosen that he had intended to meet with the Mayor to create a plan to address establishing the City's goals and objectives.

**Mayor Barnett** and **Mr. Cope** informed Council that the City was addressing the matter

of a building on John R and Auburn Roads that appeared to present a safety hazard. Mr. Cope also noted that the matter of an illegal residence in the golf course building in the Hampton subdivision was also being addressed.

**Mayor Barnett** announced that the Festival of the Hills would take place on June 29th and acknowledged the generous support of the event sponsors. He then described his new "Families First" initiative to reward and acknowledge Rochester Hills's families who "make our community great."

## ATTORNEY MATTERS

**2006-0445** Action regarding pending litigation, specifically Angeli v. City of Rochester Hills

**Attachments:** Agenda Summary.pdf

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

**Resolved that the Rochester Hills City Council hereby directs the City's attorney to proceed in accordance with her case evaluation recommendation as set forth in a written attorney/client privileged communication with specific pending litigation, Angeli vs. the City of Rochester Hills.**

**The motion carried by the following vote:**

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

**Enactment No:** RES0212-2006

## PRESENTATIONS

**2006-0443** Update on Clinton River Coldwater Conservation Project (CRCCP) - Dan Keifer, Development Director for the Clinton River Watershed Council

**Attachments:** Agenda Summary.pdf; Presentation.pdf

**Mr. Dan Keifer**, Development Director for the Clinton River Watershed Council and **Mr. John Sabina**, Chair of the Clinton River Coldwater Conservation Project Steering Committee, provided a presentation on the **Clinton River Coldwater Conservation Project (CRCCP)**:

**Watershed Conservation Campaign**

- Generate public support for the Clinton River as a valued recreational resource
- Conservation and habitat efforts to improve:
  - \* River Access
  - \* Water quality, fish habitat
  - \* River aesthetics
- Multi-year; multi-phased

**CRCCP Partners**

- DNR Fisheries Division, Livonia office
- Trout Unlimited (TU) Chapters

- \* *Vanguard*
- \* *Challenge*
- \* *Clinton Valley*
- \* *Paul Young*
- \* *TU National*

- *Oakland County Planning Department*
- *Auburn Hills*
- *Clinton River Watershed Council*

#### **CRCCP Supporters**

- *Rochester and Rochester Hills*
- *Oakland County Drain Commission*
- *Daimler Chrysler*
- *Oakland University*
- *Oakland Land Conservancy*
- *Michigan Fly Fishing Club*
- *C.S. Mott Foundation*
- *St. Paul's Fly Fishing Club*

#### **Factors that Lead to CRCCP (2002)**

- *TU wanted a local project*
- *Found relevant book for direction*
- *CRWC's Strategic Plan initiative*
- *DNR's Clinton River Assessment*
- *EPA Phase II Storm Water Controls*
- *Clinton is a unique resource*

#### **CRCCP Objectives**

- *Determine the habitat's "limiting factor" for trout production*
- *Assess potential for expanding the existing trout fishery*
- *Increase public awareness and access to the river/tributaries for recreation*
- *Develop a sustainable, self-supporting fishery*

#### **Trout Unlimited's Mission**

- *To conserve, protect and restore North America's trout and salmon fisheries and their watershed*

#### **Trout Unlimited's Approach**

- *Local, state and national levels*
- *Extensive and dedicated volunteer network*
- *National and regional offices*
  - \* *Testify before Congress and intervene in federal legal proceedings*
  - \* *Publish a quarterly magazine*
  - \* *Work with 125,000 volunteers in 500 chapters nationwide*

**From Trout Unlimited Training**

- Strong chapters have active members
- Local resource project is the best way to recruit active members
- Enthusiastic members ensure future chapter leadership
- Clinton River Cold Water Conservation Campaign became such a project

**Good Trout Streams Start with Good Geology****Project Study Area**

- Clinton Mainstem (14 miles)
  - \* Opdyke Road, Auburn Hills
  - \* Yates Dam, Rochester Hills
- Galloway Creek (5 miles)
  - \* Galloway Lake, Pontiac
  - \* Clinton River confluence, Rochester Hills
- Paint Creek (15 miles)
  - \* Lake Orion Dam
  - \* Clinton River confluence, Rochester

**Potential for Success**

- Current Clinton River steelhead fishery
  - \* High angler hours and success rate
  - \* Documented steelhead spawning, upstream to Paint Creek
- Paint Creek trout fishery
  - \* High angler hours and success rate
  - \* Lake Orion bottom-draw discharge lowered summer water temperatures
- DNR river assessment
  - \* Good indicator species
  - \* Good-to-marginal summer water

**Clinton River Coldwater Conservation - Approach**

- Gather data to assist DNA
- Determine what is limiting trout production in the project area
- Develop action plan based on those results

**CRCCP Conclusions (to date)**

- Low base flows - the biggest problem
  - \* Marginal summer temps
- Low flow is lake level, not weather related
- River and its habitat - healthier than generally recognized
- Setbacks still can occur (2005 fish kills)

**CRCCP Accomplishments (to date)**

- Water temperature data (year 4)
- Water level/flow data (year 4)
- Macroinvertebrate sampling (year 3)
- Physical habitat survey (Clinton & Paint)
- MDNR Fisheries Assessment Study
- Brown trout stocking resumed (year 3)
- Steelhead trout stocking increased
  - \* April 2004 brown trout stocking
    - 4,700 fingerling brown trout
    - 425 adults

**Clinton River Restoration Project**

- National Fish & Wildlife Foundation grant
- OLC's Blue Heron Rookery Preserve, Rochester Hills
- Quail Ridge, Butler Ridge and Rookery Woods homeowners
- Under permit by MDEQ with MDNR Fisheries' assistance

**Other 2005 Projects**

- Paint Creek Road Erosion Repair
- Stream Temperature Monitoring
- River Flow Study
- Clinton River Steelhead Fishery
- River Access Maps

**River Flow Study**

- Impact of LOW flows
  - \* Loss of physical habitat (stream width and depth)
  - \* Warmer water temperatures
- Loss of spawning habitat
- Impact of HIGH flows
  - \* Loss of in-stream shelter
  - \* Channel sedimentation

**Project Direction for 2006**

1. "Sit & Study" Clinton River projects
2. "Focus" on Paint Creek
  - Already a managed trout stream
  - Has its own set of problems

**PUBLIC COMMENT:**

**Mr. Paul Miller**, 1021 Harding Avenue, cautioned Council that their decisions have an

*impact on the watershed, particularly new development and the "grass-mowing ordinance" which prevents rainwater from soaking into the ground and replenishing the watershed. He also urged Council to examine the City's steep slope ordinance*

**COUNCIL DISCUSSION:**

*Responding to questions posed by Council members, Mr. Keifer and Mr. Sabina explained that recreation such as kayaking has had little impact on the Clinton River. Also, the severe flooding in 2004 did not detrimentally impact the trout population, much to the surprise of the Clinton River Watershed Council.*

**Presented**

**2006-0448** Presentation on Clinton River Valley Heritage Area

**Attachments:** Agenda Summary.pdf; Vision Information.pdf

*The presenter requested that the presentation be rescheduled to the July 19, 2006 regular City Council meeting due to a scheduling conflict.*

**Removed from Agenda**

## CONSENT AGENDA

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

**2006-0441** Approval of Minutes - Regular City Council Meeting - February 1, 2006

**Attachments:** CC Min 020106.pdf; 0441 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 February 1, 2006 be approved as presented.**

**Enactment No:** RES0213-2006

**2004-0575** Request to Rescind Traffic Control Order PK-57 and approve the replacement of parking regulatory signs for Texas Avenue

**Attachments:** Agenda Summary.pdf; Traffic Control Order.pdf; Map.pdf; CC 010798 Minutes.pdf; ATSB 071304 Minutes.pdf; DPS Report.pdf; 0575 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Whereas, Traffic Control Order No. PK-57 has been issued by the City of Rochester Hills under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and**

**Whereas, said Traffic Control Order covers:**

**PK-57.1 No Parking At Any Time on Both Sides of Texas Avenue From Walton Boulevard, Northerly, a Distance of One Hundred Thirty (130") Feet.**

**Whereas, local road authorities in their respective jurisdiction shall place and maintain such traffic control devices upon highways under their jurisdiction, as they may deem necessary to indicate and to carry out the provision of this ordinance to**

regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to the Michigan Manual of Uniform Traffic Control.

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be rescinded; and

Whereas, a traffic engineering investigation was made for Texas Avenue, and as a result of said investigation has determined that parking on said street is no longer dangerous to those using the street and does not unduly interfere with the free movement of traffic.

Resolved that the Rochester Hills City Council hereby rescinds Traffic Control Order PK-57.

Now, Therefore, Be It Resolved that a certified copy of this Resolution is filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Be It Further Resolved that the proper officials and policing agencies receive a copy of the Resolution.

Be It Finally Resolved that existing signing and traffic control devices be removed.

Enactment No: RES0214-2006

2006-0272

Approval of Traffic Control Order PK-89 - No parking within the right-of way on both sides of Yorktowne Drive from Rochester Road to Grosvenor Drive

Attachments: Agenda Summary.pdf; Traffic Control Order.pdf; Location Map.pdf; DPS Report.pdf; Draft Excerpt 041106 Minutes.pdf; 0272 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. PK-89 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

**PK-89 No Parking within the right-of-way on both sides of Yorktowne Drive from Rochester Road to Grosvenor Drive.**

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order PK-89 to be in effect until rescinded or superseded by subsequent order; and

Now, Therefore, Be It Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.



**Enactment No:** RES0215-2006

**2006-0276**

Request to Rescind Traffic Control Order PK-36 and the placement of parking regulatory signs for School Road

**Attachments:** Agenda Summary.pdf; Traffic Control Order.pdf; School Road Map.pdf; Draft Excerpt 041106 Minutes.pdf; DPS Report.pdf; 0276 Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

**Whereas, Traffic Control Order No. PK-36 has been issued by the City of Rochester Hills under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and**

**Whereas, said Traffic Control Order covers:**

**PK-36.1 No Parking At Any Time on the south side of School Road from a point 250' westerly of Parke Street to a point 750' easterly thereof.**

**Whereas, local road authorities in their respective jurisdiction shall place and maintain such traffic control devices upon highways under their jurisdiction, as they may deem necessary to indicate and to carry out the provision of this ordinance to regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to the Michigan Manual of Uniform Traffic Control.**

**Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be rescinded; and**

**Whereas, a traffic engineering investigation was made for School Road parking at Parke Street, and as a result of said investigation has determined that parking on said street is no longer dangerous to those using the street and does not unduly interfere with the free movement of traffic.**

**Resolved that the Rochester Hills City Council hereby rescinds Traffic Control Order PK-36.**

**Now, Therefore, Be It Resolved that a certified copy of this Resolution is filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.**

**Be It Further Resolved that the proper officials and policing agencies receive a copy of the Resolution.**

**Be It Finally Resolved that existing signing and traffic control devices be removed.**

**Enactment No:** RES0216-2006

### **Passed The Consent Agenda**

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

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

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

**2006-0435**

Request for Purchase Authorization - PLANNING & DEVELOPMENT:  
Environmental work on a singular site known as the Adams Hamlin site in the amount not-to-exceed \$20,000.00, STS Consultants, Detroit, MI and Request for waiver of Purchasing Ordinance Section 2-276(a)

**Attachments:** Agenda Summary.pdf; 0435 Resolution.pdf

**PUBLIC COMMENT:**

*Ms. Deanna Hilbert, 3234 Quail Ridge Circle, raised questions regarding the remediation of the toxic waste and questioned the commitment of the City to address these issues properly.*

**COUNCIL DISCUSSION:**

*President Rosen stated, "We all share those concerns," noting that is the purpose for hiring the environmental consultant.*

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

**Resolved that the Rochester Hills City Council, pursuant to Section 2-281 of the Rochester Hills Code of Ordinances, hereby waives Section 2-276(a) of the Purchasing Ordinance, requiring that professional services be procured through a request for proposals or quality-based selection, deeming this action to be in the best interest of the City.**

**Be It Further Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to STS Consultants, Detroit, Michigan, to provide environmental work on a singular site known as the Adams Hamlin site in the amount not-to-exceed \$20,000.00.**

**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, Holder, Hooper, Raschke, Rosen and Yalamanchi

**Enactment No:** RES0217-2006

## **ORDINANCE FOR INTRODUCTION**

**2006-0235**

Acceptance for First Reading - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone three parcels of land totaling approximately 4.38 acres, known as Parcel No. 15-14-351-061, a portion of Parcel No. 15-14-351-017 and a portion of Parcel No. 15-14-351-018, located on the east side of Rochester Road, north of Avon, from B-2, General Business, to B-3, Shopping Center Business, and to prescribe penalties for the violation thereof; Russ Shelton, Shelton Pontiac GMC Buick, applicant (City File No. 06-004)

**Attachments:** Agenda Summary Second Reading.pdf; 062106 Agenda Summary First Reading.pdf; Map aerial.pdf; Staff Report.pdf; Environmental Impact Statement.pdf; Letter Consent 02-16-06.pdf; Letter Shelton 05-17-06.pdf; Memo Casey 03-17-06.pdf; Purchase Agree.pdf; Ordina

**Mr. Derek Delacourt**, Deputy Director of Planning, explained that the properties to be considered were currently zoned B-2, General Business, and the applicant was requesting conditional rezoning to B-3, Shopping Center Business, to accommodate expansion of his car dealership. He stressed that with this process the newly-rezoned properties would be restricted to a car dealership use only. He further noted that the Planning Commission unanimously recommended approval with that restriction.

**Mr. Russ Shelton**, 855 South Rochester Road and **Mr. Arthur Cox**, Attorney for Bebout, Potere & Cox, PC, 1000 West University Drive, Rochester, were present to address Council questions.

**President Rosen** noted that the fundamental question of conditional rezoning is whether the requested change makes sense regardless of whether it matches the Master Land Use Plan or not. He indicated that, based on Planning Commission and City staff's recommendation, "that hurdle has been cleared."

**Mr. Yalamanchi** questioned whether a deed restriction would be necessary to ensure that only dealership uses are permitted on that rezoned property.

**Mr. John Staran**, City Attorney, noted that the conditional rezoning statute is still very new and the necessary actions in the case of non-compliance are not specifically written. He suggested that it might be "overkill" to adopt a formal agreement, but rather suggested recording the resolution as an option.

**Mr. Yalamanchi** requested that a more detailed discussion of this matter take place in the near future.

**Mr. Ambrozaitis** requested that Mr. Shelton meet with the homeowner's association of the neighborhood behind the rezoned property to keep them informed and address any concerns.

**Mr. Shelton** noted that he had previously offered to meet with those homeowners.

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 Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone three parcels of land totaling 4.38 acres, known as parcel No. 15-14-351-016, a portion of Parcel No. 15-14-351-017 and a portion of Parcel No. 15-14-351-018, located on the east side of Rochester Road, north of Avon, from B-2, General Business, to B-3, Shopping Center Business, and to prescribe penalties for the violation thereof is hereby accepted for First Reading with the following conditions:

1. The rezoned parcels shall be used only for Auto Dealership purposes, including, but not limited to, vehicle display, storage, and service.
2. The rezoned parcels shall be combined with each other and Parcel No. 15-14-351-055 to the immediate north to form a single parcel.

The motion carried by the following vote:

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

## ORDINANCE FOR ADOPTION

**2006-0115** Acceptance for Second Reading and Adoption - An Ordinance to amend Sections 102-61 through 102-64 of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise the fund structure for Water and Sewage Disposal System Revenues, and to Repeal Conflicting Ordinances

**Attachments:** Agenda Summary.pdf; First Reading Agenda Summary.pdf; Ordinance Amendment Chapter 102.pdf; Ordinance re fund structures.pdf; Memo FSC to reconsider fund structure.pdf; First Reading Resolution.pdf; 0115 Resolution.pdf

**A motion was made by Yalamanchi, seconded by Hooper, that this matter be Accepted for Second Reading and Adoption by Resolution.**

**Resolved that an Ordinance to amend Sections 102-61 through 102-64 of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise the fund structure for Water and Sewage Disposal System Revenues, and to Repeal Conflicting Ordinances, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, June 30, 2006 the day following its publication on Thursday, June 29, 2006 in the Rochester Eccentric Newspaper.**

**The motion carried by the following vote:**

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

**Nay:** Rosen

**Enactment No:** RES0218-2006

**2006-0197** Acceptance for Second Reading and Adoption - An Ordinance to amend Sections 54-741 through 54-743 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

**Attachments:** Agenda Summary.pdf; First Reading Agenda Summary .pdf; Ordinance Amendment Chapter 54.pdf; Proposed Water Rates - Schedule A.pdf; Proposed Sewer Rates - Schedule B.pdf; Proposed Customer Charge - Schedule D.pdf; July 1 2006 preliminary rates to FS memo.pdf

**A motion was made by Yalamanchi, seconded by Duistermars, that this matter be Accepted for Second Reading and Adoption by Resolution.**

**Resolved that an Ordinance to amend Sections 54-741 through 54-743 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, is hereby accepted for Second Reading and Adoption and shall become effective on Saturday, July 1, 2006 following its publication on Thursday, June 29, 2006 in the Rochester Eccentric Newspaper.**

**The motion carried by the following vote:**

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

**Enactment No:** RES0219-2006

## UNFINISHED BUSINESS

**2005-0847**

Approval to Suspend the Special Assessment Districts (SAD) Reporting Deadline and Direct the Financial Services Committee to Continue SAD Discussions in Conjunction with Millage Discussions

**Attachments:** Agenda Summary.pdf; Referral Notice SAD.pdf; 060806 FS Dft Min.pdf; 0847 Resolution.pdf; 0847 Minutes.pdf

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

**Whereas the Rochester Hills City Council at a regular meeting on November 30, 2005 passed a resolution directing the Financial Services Committee to study the possible financial impacts to the City of differing homeowner/City cost sharing with regard to Special Assessment Districts (SAD) and report back to City Council no later than June 15, 2006; and**

**Whereas the Financial Services Committee has determined that the matter of Special Assessment District (SAD) cost sharing should be included in the current millage issues under discussion at various Council communication committees.**

**Be It Resolved that the Rochester Hills City Council hereby suspends the previous deadline for receipt of the Financial Services Committee SAD cost sharing report; and**

**Be It Further Resolved that the Rochester Hills City Council hereby directs the Financial Services Committee to continue the evaluation of the SAD cost sharing issue in conjunction with discussions regarding proposed new and renewing millages.**

**The motion carried by the following vote:**

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

**(Recess 9:06 p.m. - 9:22 p.m.)**

## NEW BUSINESS

**2006-0440**

Request for Purchase Authorization - HR: Supplemental sickness and accident policy for fire fighters in the amount of \$24,918.00 per year; Emergency Services Insurance, LLC, Grand Rapids, MI

**Attachments:** Agenda Summary.pdf; 0440 Resolution.pdf

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

**Resolved that the Rochester Hills City Council hereby approves a purchase order to Emergency Services Insurance, LLC, Grand Rapids, Michigan for a supplemental sickness and accident policy for fire fighters in the amount of \$24,918.00.**

**The motion carried by the following vote:**

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

**Enactment No:** RES0221-2006

**2006-0407**

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

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

*Mr. Roger Rousse, Director of DPS/Engineering, explained that this request is one of the final steps in completing this project. He noted that the request also includes installation of sewer and water along that stretch of Crooks Road as well as pavement and utility relocation. As a result of Council questions, Mr. Rousse further clarified that this project was included in the CIP and as part of the financial analysis for the DPS Facility, and that although the existing water and sewer infrastructure was relatively new, replacement was necessary to remove it from beneath the roadway and to address storm sewer elevation issues.*

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

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

**Further Resolved that the Rochester Hills City Council authorizes the City's share of the estimated total match, identified in the Cost Participation Agreement, in the amount of \$1,784,200, and any additional cost that accrues through the terms of the agreement, if the funds are budgeted.**

**The motion carried by the following vote:**

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

**Enactment No:** RES0315-2006

**2006-0452**

Presentation on the current Blight Ordinances as they relate to commercial, retail and residential properties

**Attachments:** Agenda Summary.pdf; Presentation Outline.pdf; Property Maintenance Report.pdf; Ordinance Sections.pdf

*Mr. Scott Cope, Director of Building/Ordinance Enforcement, reviewed several aspects of the blight ordinance issue:*

**Current Ordinance Related to Blight**

- *Blight prevention*
- *Junk vehicles and junk*

- *Weed control*
- *Use and maintenance of property as approved*
- *Dangerous buildings*

#### **Current Enforcement Procedures**

- *Proactive patrols - all areas of the City*
- *Identify and enforce major blighting issues*
- *Identify and enforce major use and site maintenance issues*
- *Investigate and respond to complaints*
- *Limited ability to respond to overgrown landscaping and building maintenance issues*
- *Blight ordinance used to resolve maintenance issues on vacant structures through court process*

#### **New Ideas for Application of Current Ordinance**

- *Use court process to resolve maintenance issues on occupied building*
  - \* *Owners may have financial or disability issues*
- *Outdoor sales*
  - \* *New application for roadside stand permits*
    - *Produce and flower on sidewalk*
    - *Not allowed under building canopy*
  - \* *Special events permit for sidewalk and yard sales*
  - \* *Sale of all merchandise allowed*
    - *Not allowed under building canopy*
    - *Limited time frame*

#### **Future ordinance changes and programs being considered**

- *Partnership with the community*
  - \* *Homeowner Associations*
    - *Handbook being developed*
  - \* *Business owners*
    - *Site maintenance program*
- *Adopt the Property Maintenance Code*
  - \* *March 5, 2002 Property Maintenance Report*
  - \* *Dearborn, Dearborn Heights, Rochester, Royal Oak, Port Huron, Detroit*

- \* *Reactive enforcement*
- \* *Reasonable application*
- \* *How do we deal with overgrown landscaping?*
- *Streamlining the court process*
- \* *Designate a day for all communities to bring zoning and blight issues to the Magistrate*

**Council members** expressed their concerns with property maintenance in the City:

- *The City should not be over reaching or too intrusive as to what private citizens do with their own property.*
- *You cannot legislate good taste.*
- *Realtors should be held responsible for the condition of properties that they are trying to sell.*
- *Businesses should be approached directly and their cooperation requested; this often garners positive results.*
- *The boulevard islands need improvement.*
- *The City should consider non-irrigation, natural growth, low maintenance alternative plantings for boulevard islands.*
- *There is so little blight in Rochester Hills that it stands out and is more noticeable.*
- *The City should implement some sort of City beautification award to promote a higher standard of maintenance.*
- *The City must remain "customer friendly" to homeowners and businesses.*
- *The City does not need to create more bureaucracy to deal with the blight issue.*
- *The existing ordinance and its enforcement need to be strengthened.*

**PUBLIC COMMENT:**

**Mr. Paul Miller**, 1021 Harding Avenue, stressed that there is no single standard to determine what is blight and spoke of the benefits of taller grass on the environment. He also noted that in many cases where a home is in disrepair it is occupied by a person of little means, either financial or otherwise, who is unable rather than unwilling to comply.

**COUNCIL DISCUSSION:**

**Mr. Cope** and **Mr. Bob White**, Supervisor of Ordinance Services, along with **Mr. John Staran**, City Attorney, addressed Council's various concerns as follows:

- *Reactive enforcement will require more staff.*
- *It is a challenge to define "reasonable application" of the ordinance.*
- *One person's overgrown landscaping is another person's beauty.*



- There are many State laws to address blight issues, however, the legal process is very time consuming.
- The Building Department is working with the local court system to implement a more expedient legal process utilizing the authority of the magistrate.
- Ordinance officers are very familiar with many local business owners and many issues are resolved informally.
- Previously the City had adopted the State's property maintenance code by reference in its building code; the law changed and it now must be adopted separately.
- Ordinance officers can only deal with blight issues that are evident from the street; they cannot go on private property without permission.
- Minor issues such as trim with chipped paint are not pursued; major issues such as an entire side of the home with peeling paint are addressed.
- The ordinance officers can provide more personal service because the City is divided into separate districts and each officer works within his or her district.
- There are jurisdictional problems with maintaining boulevard islands, as some are owned by Oakland County or the Michigan Department of Transportation (MDOT).
- The City is trying to strike a "happy medium" with enforcement of roadside/outdoor sales restrictions while remaining business friendly.

**Mayor Barnett** praised the City's ordinance officers and encouraged Council members to spend time on patrol with these employees to gain a better understanding of their duties. He also noted that while the boulevard on Livernois Road does not have irrigation, likely resulting in many blight concerns, the new boulevard on Crooks Road will be irrigated. In addition, he explained that a small portion of the \$1.7 million dollars transferred to the Local Road Fund is designated for increased boulevard mowing. Mayor Barnett also indicated that he is in the process of exploring a City beautification program hopefully involving some sort of corporate sponsorship.

**Discussed**

## COUNCIL COMMITTEE REPORTS

### Administration & Information Services Committee

**Ms. Holder**, Chair of the Administration & Information Services (AIS) Committee, noted that the Committee had recently discussed the following:

- Request for liquor license for Carrabba's Italian Grill; applicant was advised to purchase an existing license.
- Salaries for citizen representatives on Communication Committees; AIS Committee determined that there should be no compensation but did discuss the possibility of an appreciation dinner.

### Financial Services Committee

**Ms. Holder**, Chair of the Financial Services Committee, noted that City Assessor/Treasurer Kurt Dawson provided a presentation on the City's investment policy.

**Public Safety Committee**

**Ms. Raschke**, Chair of the Public Safety Committee, noted that the Committee was returning the issue of a police millage to Council for consideration, following a presentation by Finance Director Julie Jenuwine outlining different funding scenarios.

**Mr. Duistermars** urged Council to make the decisions regarding upcoming millages, rather than sending the issues to the various Communication Committees for further discussion.

**Mr. Yalamanchi** proposed making a motion that the Pathways Millage and the Police Millage be placed on the upcoming November ballot for renewal only.

**President Rosen** cautioned Mr. Yalamanchi that before he made such a motion he should consider that seeking renewals may not provide the needed funding for the future and may, in effect, sabotage any effort to seek increased funding the next year.

**Mr. Ambrozaitis** stated he would support Mr. Yalamanchi's motion if he were to make it, noting that "Renewals on the November ballot would be prudent while looking for other alternatives."

**Mr. Duistermars** noted that Ms. Jenuwine had provided financial information of the funds needed to support police services. He suggested that Council request a renewal of the expiring police millage in addition to an increase in funding.

**Ms. Holder** suggested a joint meeting among the Community Development & Viability, Financial Services and Public Safety Committees to review all possible millage proposals and how they may interact with one another, including the issues of pathways, parks and local roads.

**ANY OTHER BUSINESS**

None.

**2006-0419**

Refer discussion regarding upcoming Millage issues to City Council Communication Committees

**Attachments:** Agenda Summary.pdf; 0419 Resolution.pdf; 0419 Minutes.pdf

*Council members discussed scheduling a joint meeting among the Community Development & Viability Committee, Public Safety Committee and Financial Services Committee to discuss millage issues.*

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

**Whereas ballot language for any millage requests needs to be provided to the County no later than August 29, 2006 to appear on the November 2006 General Election ballot.**

**Resolved that the Rochester Hills City Council hereby refers all millage issues for 2006 and 2007 to a joint meeting of the Community Development & Viability (CDV) Committee, the Financial Services Committee and the Public Safety Committee to be held tentatively on Saturday, July 22, 2006 or earlier, if possible.**

**Be It Further Resolved that the resulting recommendation(s) of the joint committee meeting be provided to City Council for final discussion and approval.**

**The motion carried by the following vote:**

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

## **NEXT MEETING DATE**

*Work Session - Wednesday, June 28, 2006 at 7:30 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Rosen adjourned the meeting at 10:58 p.m.*

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*JAMES ROSEN, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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

*Approved as presented at the November 15, 2006 Regular City Council Meeting.*