



Rochester Hills

Minutes

City Council Regular Meeting

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
www.rochesterhills.org

*Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi*

Vision Statement: The Community of Choice for Families and Business

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier
community of choice to live, work and raise a family by enhancing our vibrant residential
character complemented by an attractive business community."*

Monday, October 6, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Derek Delacourt, Deputy Director of Planning
Bob Grace, Director of MIS
Jonathan Han, Rochester Hills Government Youth Council Representative
Kevin Krajewski, Network Administrator/Deputy Director of MIS
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

**A motion was made by Pixley, seconded by Webber, that the Agenda be Approved as
Presented. The motion CARRIED by the following vote:**

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, spoke against a Single Trash Hauler for Rochester Hills. He commented on the June 12, 2008 Request for Proposal (RFP), stating that this would result in a long-term contract yielding potentially millions in revenue for a garbage hauler. He made the following observations:

- A hauler would only be able to pick up in the City from Monday through Thursday, which could potentially require a hauler to have twenty-percent more trucks and employees to service the City.
- He questioned what would result if crude prices, now at \$135 per barrel, went to \$200 by year-end; and similarly questioned what would result if prices were lower.
- He questioned how revenue from the sale of recycled materials would affect the contract.
- He questioned how the cost of preparing bills would be included in the contract; and inquired how delinquent accounts would be handled.
- He questioned whether residents would be given an opt-out, and inquired how these part-time residents, along with the homes in foreclosure would affect the contract.

Donald Scarbrough, 1926 Hamlin, questioned whether Council could act to allow mopeds of 100 ccs or 6 horsepower or less to drive on roadways. He commented that he did not have a current valid driver's license and there was no public transportation available for him to use to travel back and forth to work, and stated that all modes of transportation were allowed under the U.S. Constitution.

President Hooper requested that City Attorney Staran comment on the Motor Vehicle Code during his portion of the agenda.

Agnes Domanska, 1530 Streamwood Court, spoke in opposition to lethal deer control methods in Rochester Hills, stating that sharpshooting was ineffective, unsafe and costly. She commented that thinner deer herds become stronger, and the population tends to rebound, as there is less competition for food. She expressed concern that sharpshooting could occur in City-owned property adjacent to her home. She stated that non-lethal alternatives are the best solution for the City and suggested that the City investigate fencing adjacent to roadways as a control measure.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Jonathan Han, Rochester Hills Government Youth Council (RHGYC) Representative, reported on RHGYC's first meeting of the 2008-2009 year. He stated that the RHGYC was participating in the Two for Tuz project by collecting school supplies for Tuz, Montenegro, and commented that he was pleased to see a room full of supplies when he dropped off the RHGYC's contributions.

Mayor Barnett made the following announcements:

- The Two for Tuz program has been very successful; the school supplies will be sent in the next week.
- The Stone Wall Pumpkin Festival would be held on Saturday, October 11, 2008, at the Van Hoosen Museum, including pumpkin-carving, entertainment,

and many other activities.

- He reminded residents to drive carefully in construction zones, and stated that many drivers are taking roads that they do not normally take to avoid these zones.*
- He stated that road construction work has been completed in Heritage Oaks Subdivision, on Hamlin, on Brewster, John R, Adams and Avon Roads. He noted that in the last two weeks, the City has completed a patch on Tienken Road, which has resulted in quite a few positive e-mails from residents in appreciation of this work. He commented that work is continuing on Drexelgate, Meadowfield, Birch Tree Lane, Birch Tree Court, Mount Oak and Sherwood, among a couple of other smaller road projects, and asked for residents' patience as these projects are being completed before the winter weather arrives.*
- He stated that the Brooksie Way Half Marathon, held October 5, 2008 was very successful, with 4,000 runners in its inaugural event. He commented that only one medical emergency occurred during the race. He stated that he had received e-mails regarding the event, and noted that better communication was necessary with residents prior to the event about traffic issues and road closures. He explained that while the City hosted the race, the event was run by Oakland County and the Crim Foundation. He apologized for any inconveniences to residents and stated that the City will improve on communications in the future. He stated that events such as this were a great economic infusion to the community and he received many positive calls from restaurants and business owners throughout the City.*

Mr. Webber echoed Mayor Barnett's comments, noting that he had many good comments from residents, but had also received word of some issues. He stated that the City will have to address these issues as an event like this moves forward.

Mr. Rosen thanked Mayor Barnett, the Administration, and Oakland County for the repair work done on Tienken and Adams Roads.

Mr. Pixley expressed his thanks to the Fire Department and Oakland County Sheriff's Department, along with City staff who volunteered for the Brooksie Way. He commented that he thought the race went very well for a first event, and was proud of how the City looked. He also reported that he attended the Mayor's Business Council last week and complimented the Mayor on what a great organization it is, highlighting a vibrant business community.

Mr. Ambrozaitis congratulated the Adams High School Highlanders football team for their six-zero terrific start to the season. He stated that the Brooksie Way was great exposure for our city; and suggested that a Saturday be considered for any future marathon date. He commented that subdivisions along the routes should be notified regarding road closures for events.

Mr. Brennan announced that effective December 31, 2008, he would be resigning from his position as Rochester Hills Representative to the Community Media Network (CMN) Board. He explained that CMN is a public-access television station serving eleven cities in southern Oakland County. CMN is a highly-regulated organization that answers to the Intergovernmental Cable Communications

Authority, and is funded by PEG fees provided by the cable company pursuant to a contract between the company and the City. He stated that a vacancy would be posted for his CMN Board position and encouraged interested residents to apply. He commented on the success of the Brooksie Way, and thanked Mayor Barnett for the Administration's efforts in the Tienken Road repairs.

President Hooper responded to Mr. Zendel's comments on the Single Trash Hauler issue, stating that this issue would be coming back to Council soon. In response to Ms. Domanska, he stated that to date only a deer feeding ban has been enacted and no other decisions have been made regarding deer population control methods. He also apologized to residents for any lack of communication regarding road closures for the Brooksie Way, stating that improvements would be made to the process for next year's event.

ATTORNEY MATTERS

City Attorney John Staran addressed Mr. Scarborough's comments regarding allowing mopeds on City roads, stating that the type of vehicle allowed on a road is governed by the State's Motor Vehicle Code, and not by City Code.

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.

2008-0483 Approval of Minutes - City Council Special Meeting - June 30, 2008

Attachments: [063008 CC Special Meeting.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0319-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on June 30, 2008 be approved as presented/amended.

2008-0484 Approval of Minutes - City Council Regular Meeting - June 30, 2008

Attachments: [CC Min 063008.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0320-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 30, 2008 be approved as present/amended.

2008-0459 Approval of Minutes - City Council Regular Meeting - July 14, 2008

Attachments: [CC Min 071408.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0321-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 14, 2008 be approved as presented/amended.

2008-0501 Request for Purchase Authorization - DPS/FLEET: Project Budget for the purchase of a fully automated fuel management system in the amount not-to-exceed \$30,000.00; Trak Engineering, Tallahassee, FL and various other vendors

Attachments: [Agenda Summary.pdf](#)
[Proposals Tabulation.pdf](#)
[Fleet Memo.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0322-2008

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for the purchase of a fully automated fuel management system to Trak Engineering, Tallahassee, Florida and various other vendors in the amount not-to-exceed \$30,000.00.

Passed the Consent Agenda

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

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

2008-0491 Request for Purchase Authorization - MIS: Purchase of Microsoft Office Professional Plus 2007 in the amount not-to-exceed \$80,794.00; Electronic Data Systems Corporation, Plano, TX

Attachments: [Agenda Summary.pdf](#)
[Memo-Office 2007 Purchase.pdf](#)
[EDS Quote.pdf](#)
[Resolution.pdf](#)

Lee Zendel, 1575 Dutton, requested this item be removed from the Consent Agenda. He presented the following questions to Council regarding this proposed purchase:

- Why are 250 full licenses included.
- Could support be available for Microsoft Office 2000 from another source after Microsoft stopped supporting it.
- Why the City was not upgrading to Windows Vista.
- How would continuing to use Office 2000 leave the City MIS systems vulnerable.
- How much would the City save in annual maintenance fees by reducing the purchase to 180 full licenses.

Bob Grace, Director of MIS, replied that every person that uses the computer and is listed as a user must have an individual license.

President Hooper asked if additional licenses could be added at a later time.

Kevin Krajewski, Network Administrator/Deputy Director of MIS, responded that the City required enough licenses to be a buffer for temporary personnel. He stated that if an audit was conducted, two people could not share a license. He further stated that there were extra laptops, training laptops and computers in shared enclaves and on public counters throughout the building that required licenses.

President Hooper questioned how many employees use Excel and Powerpoint.

Mr. Krajewski replied that Powerpoint is the least used application, but it would be more expensive to purchase this application a la carte for the individuals who do use it.

Mr. Grace responded to Mr. Zendel's question regarding Microsoft Support expiring in 2009, stating that mainstream support for Office 2000 expired in 2004. What will expire in 2009 is the creation of any Service Packs or anything that Microsoft deems to be critical or a security breach. He stated that he does not believe that applications used by the City on a daily basis should be exposed to any type of security breach.

In response to Mr. Zendel's other questions, **Mr. Krajewski** stated the following:

- The City's support from Microsoft consists of the ability to download and install security patches. Microsoft will release no more additional security patches for versions after the expiration of support.
- Extended support for Microsoft XP is still in place and XP is not a security issue. The City is not proposing to upgrade to Microsoft Vista because Vista has experienced many compatibility issues. MIS did not feel comfortable upgrading to Vista this year because of these compatibility issues.
- City systems are exposed on a weekly basis by documents being transmitted

and patches are continuously being released. Expiration of support would mean that no security patches will be released to support these systems.

- The City does not pay annual maintenance fees on these applications. Annual maintenance fees, also called software assurance, would typically be one-third of the price per year, which would entitle the user to future upgrades; however, the City has typically used the version without upgrade for the entire time.

President Hooper questioned whether this expenditure would cover the next five years or so.

Mr. Krajewski responded yes, it would cover up to the time that the City would be forced to upgrade again in the future.

A motion was made by Brennan, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0323-2008

Resolved, that the Rochester Hills City Council authorizes the purchase of Microsoft Office Professional Plus 2007 from Electronic Data Systems Corporation, Plano, Texas, in the amount not-to-exceed \$80,794.00.

NOMINATIONS/APPOINTMENTS

2008-0502 Nomination/Appointment of seven (7) Citizen Representatives to the Police and Road Funding Technical Review Committee for a term to expire December 31, 2009.

Attachments: [100608 Agenda Summary.pdf](#)
[100608 Nomination Form.pdf](#)
[Don Cline Jr CQ.pdf](#)
[Tim Jacobson CQ.pdf](#)
[Walter Johnson CQ.pdf](#)
[Thomas Neveau CQ.pdf](#)
[Nancy Soisson CQ.pdf](#)
[Resolution.pdf](#)
[Paul Funk CQ.pdf](#)
[Dale Hetrick CQ.pdf](#)
[John Dalton CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[100608 Resolution.pdf](#)

Mr. Rosen questioned whether the three returning members were automatically nominated.

President Hooper responded yes they would be re-nominated automatically, with the addition of three to four new potential citizen representatives.

Mr. Webber re-nominated Mr. Funk, Mr. Hetrick and Mr. Dalton, and nominated Thomas Neveau and Tim Jacobson.

Mr. Ambrozaitis nominated Don Cline, Jr., Tim Jacobson and Nancy Soisson.

Mr. Yalamanchi nominated Walter Johnson.

President Hooper stated that since there were more than four nominations for the added positions, the nominations would return in two weeks for a vote.

Discussed.

2008-0505 Appointments of two (2) City Council Members to the Police and Road Funding Technical Review Committee for terms to expire December 14, 2009

Attachments: [Appointment Form.pdf](#)
[Nomination Form.pdf](#)
[Resolution.pdf](#)

Mr. Ambrozaitis nominated Mr. Rosen and Mr. Webber.

Mr. Pixley nominated President Hooper.

President Hooper indicated that since more than two Council members were nominated, this would return in two weeks to Council for a vote.

Discussed.

2008-0510 Request to confirm the Mayor's appointment of Nathan Klomp to the Planning Commission to fill the unexpired term of Kathleen Hardenburg which will expire March 31, 2010

Attachments: [Agenda Summary.pdf](#)
[Hardenburg resignation.pdf](#)
[Klomp CQ and resume.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi stated he wanted to recognize Kathleen Hardenburg for her service to the Planning Commission.

Mr. Ambrozaitis stated that he supported Nathan Klomp's appointment to the Planning Commission.

Mayor Barnett commented that he has known Mr. Klomp for several years and was impressed with his dedication.

Nathan Klomp, 1191 Avon Manor, stated that he was looking forward to serving the City on the Planning Commission.

Mr. Yalamanchi questioned whether new Planning Commission members received any training.

President Hooper responded that Michigan State University has online training programs which are made available to new Planning Commission members.

A motion was made by Pixley, seconded by Ambrozaitis, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0330-2008

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Nathan Klomp to the Planning Commission to fill the unexpired term of Kathleen Hardenburg which will expire March 31, 2010.

NEW BUSINESS

2008-0453 Request for Adoption of the Rochester Hills Tax Abatement Policy

Attachments: [Agenda Summary.pdf](#)
[Tax Abatement Policy 100608.pdf](#)
[Tax Exemption Chart.pdf](#)
[Smart Investment Chart.pdf](#)
[Resolution.pdf](#)
[090808 Agenda Summary.pdf](#)
[Tax Abatement Policy.pdf](#)
[Incentives Report 072508.pdf](#)
[Community Survey.pdf](#)

Dan Casey, Manager of Economic Development, explained that the draft Policy submitted tonight reflected Council comments and requested changes resulting from the discussion held at the City Council meeting of September 8, 2008, and included:

- Adding a reference to the State Act regarding the definition of "Rehabilitation Facilities".
- Changing the wording in Section G from "financial assistance" to "tax abatement assistance".
- Re-adding the language that the new investment will promote community health, safety and welfare.
- Updating the charts for both real and personal property.

Mr. Casey further explained that Exhibit C of the Tax Abatement Policy relates

to Real Property Abatement, and Exhibit D relates to Personal Property Abatement. He stated that in both cases, the abatement investment required was increased for each category. In addition, with a couple minor exceptions, the employment job numbers that had to be created or retained were also increased. He commented that these updates would generally reduce the number of years of abatement that companies would be eligible for. He noted that recent abatements approved might have received one or two more years of abatement than the projects warranted. These changes to the Policy charts would correct this for future abatements.

Mr. Yalamanchi questioned why there was no restriction on Real Property, yet there was a limit of eight years to Personal Property abatements; and stated he wanted a restriction on Real Property as well.

Mr. Casey responded that a restriction was not put in place for Real Property originally because Real Property tax abatements were targeted for new buildings or expansions. He stated that smaller Real Property investments are typically for lesser amounts and would not qualify for much in the way of tax abatements. With respect to Personal Property, the nature of the investment typically results in shorter depreciation schedules. Mr. Casey gave the example of computers which are typically fully depreciated after the third year. He stated that it did not make any sense to allow a 12-year tax abatement for equipment with shorter depreciation schedules. He commented that certain types of machinery could last for 20 years, and those investments could warrant longer abatement periods. He stated that in general terms, based on depreciation tables that the State has developed, other than those expensive pieces of equipment and machinery, eight years was a reasonable abatement period.

Mr. Yalamanchi suggested that the Policy be modified on page nine to place a restriction of eight years on both Real Property and Personal Property.

Mr. Casey suggested that this would also be added to the Policy Statement at the end of the document.

Mr. Ambrozaitis questioned whether adding this limitation could work against attracting investment and take away some of the leeway that the Administration has to review these requests on a case-by-case basis.

Mr. Casey responded that this restriction on Real Property could create concerns, especially as the City attempts to attract new development in the Devondale area, which will typically be light industrial and high-tech projects. He stated that some of the projects in that area would most likely be Michigan Economic Growth Authority (MEGA) projects, under the State's primary incentive program for projects that are in competition with other states. Typically if the State is putting a substantial investment on the table, it wants to see the City also include enough incentive to attract these projects. He stated that while the State does not require cities to provide incentives by mandate, as a policy statement it requests cities provide these abatements. The State could not force the City to approve 12 years if the City approves eight years. He stated that it was still feasible to review these requests on a case-by-case basis.

Mr. Ambrozaitis stated that he did not wish to include a change to the proposed policy to add an eight-year restriction on Real Property. He questioned whether Mr. Casey would like to see this change added or left out.

Mr. Casey indicated he would follow Council's direction, however, he would prefer it be left at twelve years. He stated that Council still had the ability to lessen the abatement period for a particular project. He commented that it sends a more business-friendly attitude toward potential investors.

Mr. Webber indicated he was in favor of not changing the policy to add this eight-year restriction.

President Hooper stated that while he supported adding a restriction on Real Property, it could be handled on a case-by-case basis.

Mr. Yalamanchi stated he still would like to see the time limit added in a Policy Document. He noted that Council could always support a specific project for more abatement.

A motion was made by Webber, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Yalamanchi

Enactment No: RES0324-2008

Resolved, that the Rochester Hills City Council hereby adopts the Tax Abatement Policy dated October 6, 2008.

2008-0223 Request for Approval of the amended Raval USA Development Agreement

Attachments: [Agenda Summary.pdf](#)
[Amended Development Agreement.pdf](#)
[Resolution.pdf](#)
[060908 Agenda Summary.pdf](#)
[Application.pdf](#)
[Fiscal Statement.pdf](#)
[Raval Development Agreement Draft \[1\].pdf](#)
[Raval Financial Analysis.pdf](#)
[060908 Resolution.pdf](#)
[051908 Agenda Summary.pdf](#)
[051908 Resolution.pdf](#)
[051208 Agenda Summary.pdf](#)
[051208 Resolution.pdf](#)
[051208 Application.pdf](#)
[051208 Springfield Letter.pdf](#)

Dan Casey, Manager of Economic Development, explained back in June 2008 City Council approved this Michigan Economic Growth Authority (MEGA) project for Raval, Inc. Their total investment was originally slated to be \$5.76 million in Personal Property. In addition, Raval was going to be creating 26 jobs over a number of years. At the time that the abatement was approved, the Resolution also approved a development agreement. The City was contacted by Raval two

weeks ago requesting a change to the Development Agreement as Raval had lost its largest customer in the time after the abatement was approved. Based on this new development, Raval is requesting a change in the Development Agreement to reflect the investment that it is now comfortable in making and the jobs it expects to create. They have asked that the amount pledged for investment over the two-year period be reduced to \$2.5 million. They indicated that they fully expect to invest the full amount over a five-year period. In terms of new jobs, Raval has already created twelve positions over the last few months and they expect to be at 18 new positions one year from now. They still expect to create 26 positions at some point, but do not want to be held to this within the two-year window. Mr. Casey further explained that when Raval submitted their MEGA application, they listed 25 jobs over a five-year period. They are requesting two changes to the Agreement to reflect these developments, which is being presented to Council as an amendment.

President Hooper commented that in essence this is a three-year extension to the investment.

Mr. Casey concurred, and commented that this abatement was for Personal Property. Raval did not include the real property improvements in their request. He stated that Raval has already invested a significant amount of money in real property in this building which is not reflected in the documents. He stated that Raval has redone the parking lot, rebuilt offices and put a testing center in a portion of the building as well. He commented that the building Raval occupies was vacant for three years prior to Raval investing in it.

Mr. Yalamanchi questioned whether changes needed to be made to their abatement request as well.

Mr. Casey responded that no changes were needed to the abatement request. He stated that this change only affected the two-year abatement. The abatement applies to the investment made in the first two years. This change could work to the City's advantage as the full taxes will be realized in the last three years.

Mr. Rosen questioned whether Raval might not make the additional investment.

Mr. Casey stated that while this could happen, he is confident that they will make this investment.

Mr. Brennan questioned whether Raval was aware that the remaining investment beyond two years would not be abated.

Mr. Casey stated that Raval was aware of this. He stated that Raval will file a report at the end of the two-year period outlining the investment made during this period.

A motion was made by Ambrozaitis, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0325-2008

Whereas, City Council approved an Industrial Facilities Exemption Certificate and Development Agreement for Raval USA on June 9, 2008; and

Whereas, Raval USA has requested modifications to the Development Agreement originally approved by City Council on June 9, 2008.

Resolved, that the Rochester Hills City Council hereby approves the amended Development Agreement for Raval USA after review by the City Council as to form.

- 2008-0411** Request for Wetland Use Permit - Rayconnect, Inc. Industrial Building, to impact approximately .28 acre to develop a 51,800 square-foot industrial building with a 9,330 square-foot office on 9.8 vacant acres (two parcels) located at Austin and Devondale, zoned I-1, Light Industrial, Kirco Development, applicant

Attachments: [Agenda Summary.pdf](#)
[Site Plans.pdf](#)
[Map.pdf](#)
[Staff Report.pdf](#)
[Letter ASTI 091908.pdf](#)
[Minutes PC 081908.pdf](#)
[Resolution.pdf](#)

Derek Delacourt, Deputy Director of Planning, explained that Rayconnect was proposing to build an industrial building on soon-to-be extended Austin Drive. The site plan and approvals have been granted by the City's Planning Commission. Along with the site plan approval, there was a recommendation from the Planning Commission for approval of a Wetland Use Permit for the filling and utilization of approximately 0.24 acres of wetland associated with the development. The City's wetland consultant has reviewed the proposed fill and the proposed wetland permit and is recommending approval of the permit and the associated mitigation. The applicant has also submitted the Michigan Department of Environmental Quality (MDEQ) permits related to the fill.

Lloyd Silva, Kirco Development; and **David Hunter** and **Jeff Smith**, both with Professional Engineering Associates, were in attendance and introduced themselves to Council.

President Hooper opened the Public Hearing at 8:49 p.m. Seeing no public input, President Hooper closed the Public Hearing at 9:31 p.m.

Mr. Ambrozaitis thanked Rayconnect for making the investment in the City.

A motion was made by Ambrozaitis, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0326-2008

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit to impact approximately .28 acre for industrial use construction (parking, loading, fire lane and detention basin) for the Rayconnect, Inc. Industrial Building project, a 61,000 square-foot industrial building and office located on 9.8 vacant acres at Austin and Devondale, zoned I-1, Light Industrial, Parcel Nos. 15-29-452-027 and -028, with the following findings and conditions:

Findings:

1. Of the approximately 2.42 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately .28 acre.
2. The impact of .04 acre is located in a low-quality wetland, but it will improve water quality to be discharged in to another wetland offsite.
3. The applicant has reduced potential wetland impact by incorporating a retaining wall in the area of impact for the required vehicle parking.
4. No prudent alternatives exist for constructing the parking, fire lane and detention basin for the development.

Conditions:

1. That the applicant receive all applicable MDEQ permits and Oakland County Drain Permits prior to issuance of a Land Improvement Permit.
2. That the applicant provide a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to Construction Plan Approval.
3. Verification that comments 3f., 3g, and 3h from ASTI's letter of September 19, 2008 are incorporated on the Final Site Plans, prior to Final Approval by Staff.

2008-0500 Request for Approval of the Floodplain Use Permit for Rivercrest Professional Center

Attachments: [Agenda Summary.pdf](#)
[Soil Map.pdf](#)
[Parking Lot Map.pdf](#)
[Grading Plan Map.pdf](#)
[City FUP Application.pdf](#)
[MDEQ FPU Application.pdf](#)
[Memo 091208.pdf](#)
[Memo 092408.pdf](#)
[Resolution.pdf](#)

Roger Rousse, Director of DPS/Engineering, stated that the City had received the Michigan Department of Environmental Quality (MDEQ) Part 331 Flood Plain Water Resource Protection Permit for this project. He explained that this is a parking lot rehabilitation project where the applicant proposes to mill the existing asphalt surface and use that as a base. An additional three inches of asphalt will be placed on top. The curbs will be redone, as well as the area where the dumpster is contained. He stated that DPS recommends approval of this Flood Plain Permit.

Mr. Rosen questioned why the flood plain permit was necessary.

Mr. Rousse explained that a permit is necessary because the existing parking lot is below the flood plain.

A motion was made by Ambrozaitis, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0327-2008

Whereas, the Rivercrest Professional Center, located on the northeast corner of Avon and Livernois Roads, is rehabilitating their parking lot which includes approximately 299 cubic yards of fill with the 100-year floodplain; and

Whereas, the Department of Public Service recommends approval of the Floodplain Use Permit for Rivercrest Professional Center;

Resolved, that the Rochester Hills City Council approves the Floodplain Use Permit for Rivercrest Professional Center.

2008-0498 Request for Purchase Authorization - DPS/ENG: Contract award for the 2008 Pathway Rehabilitation and Sidewalk Replacement Programs in the amount of \$358,808.90 with a 10% contingency in the amount of \$35,880.89; Rotondo Construction Corporation, Farmington Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution.pdf](#)

Roger Rousse, Director of DPS/Engineering, explained that Administration had a desire to accelerate these pathway projects. This project is to rehabilitate large sections of the pathway, including some of the concrete portions, and also constructing some new pathway on the east side of Rochester Road just south of Tienken Road.

Mr. Ambrozaitis questioned how this related to the goal of having one side of a major road covered by pathway.

Mr. Rousse stated that this particular project was by the school, which is a major traffic generator.

Mr. Ambrozaitis further questioned whether Mr. Rousse saw this project as necessary from the standpoint of safety.

Mr. Rousse responded yes.

President Hooper stated that he noted that in the bid price the price for asphalt was very high. He commented that he hoped that those areas could be done with concrete.

A motion was made by Ambrozaitis, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0328-2008

Resolved, that the Rochester Hills City Council hereby authorizes a contract to Rotondo Construction Corporation for the 2008 Pathway Rehabilitation and Sidewalk Replacement Programs in the amount of \$358,808.90 with a 10% contingency in the amount of \$35,880.89 for a total of \$394,689.79 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

2008-0511 Discussion regarding the dissolution of the Liquor License Technical Review Committee.

Attachments: [Agenda Summary.pdf](#)
[Ordinance Chapter 6 Article I.pdf](#)
[Ordinance Chapter 6 Article II.pdf](#)

Mr. Pixley stated that he supported dissolving the Liquor License Technical Review Committee, and commented that most of the issues coming before the committee have been related to transfers, which are approved by City Council. He stated that in keeping with the ideas of efficiency and less meeting time, it makes sense to dissolve this committee.

Mr. Brennan echoed Mr. Pixley's comments, stating that as a former member of this Committee, he felt dissolving it was appropriate.

Council Discussion ensued as to whether a motion to dissolve the committee should be made at this point, or whether City Attorney Staran could be directed to revise the Ordinance to reflect the dissolution of the Liquor License Technical Review Committee to bring to Council for a future vote.

City Attorney Staran responded that City Council should agree to amend the Ordinance to eliminate any references to the committee. He would take a motion as a direction for him to bring back a proposed Ordinance Amendment to eliminate the Liquor License Technical Review Committee.

A motion was made by Pixley, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0329-2008

RESOLVED, that Rochester Hills City Council directs City Attorney Staran to make the necessary amendments to the Liquor Ordinance Chapter 6 Alcoholic Liquor Articles I. and II. to dissolve the Liquor License Technical Review Committee.

COUNCIL COMMITTEE REPORTS

Zoning/Sign Board of Appeals:

Mr. Brennan reported that the Zoning/Sign Board of Appeals approved variances for the property located at the northeast corner of Auburn and Livernois Roads, commenting that Ron Jonna and Associates intends to put in a new retail center on this property.

Paint Creek Trailways Committee:

Mr. Webber reported that he and Mr. Yalamanchi had attended meetings of the Paint Creek Trailways Committee, and shared that the year-long review of the Master Plan is nearing completion. He stated that the document will be available online for comments by year's end.

Older Persons Commission (OPC):

President Hooper stated that he, Mr. Rosen and Mr. Yalamanchi attended the OPC Visioning Session. He stated that the sessions were very helpful in gathering data for future planning for OPC.

ANY OTHER BUSINESS

Mr. Pixley stated that he has been in contact with residents expressing concern over speeds in various neighborhoods in the City and requested that motorists drive safely and monitor their speeds in residential areas.

Mr. Ambrozaitis added that residents out on the streets could also help by wearing reflective clothing. He questioned whether the City's Treasurer and Accounting departments could update City Council on how the City's pension funds were being affected by the recent financial conditions.

President Hooper asked Mayor Barnett to have his staff prepare an e-mail to Council members in response to this request.

Mayor Barnett commented that the City does have Smart Carts available that could be placed in neighborhoods along with additional Sheriff patrols to monitor and control speeds. He stated that neighborhood associations could also reiterate traffic safety.

President Hooper announced that an update on the Smart Zone would be presented to Council at the Monday, October 13, 2008 Regular Meeting.

NEXT MEETING DATE

Regular Meeting - Monday, October 13, 2008 - 7:30 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:04 p.m.

GREG HOOPER, President
Rochester Hills City Council

JANE LESLIE, Clerk
City of Rochester Hills

*MARY JO WHITBEY
Administrative Secretary
City Clerk's Office*

Approved as presented at the February 9, 2009 Regular City Council Meeting.