



Rochester Hills

Minutes - Draft

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*

Monday, March 3, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:31 p.m. Michigan Time.

ROLL CALL

Present 6 - J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

Absent 1 - Erik Ambrozaitis

Others Present:

Ed Anzek, Director of Planning and Development

Bryan Barnett, Mayor

Dan Casey, Manager of Economic Development

Paul Davis, City Engineer

Jane Leslie, City Clerk

John Staran, City Attorney

(Erik Ambrozaitis entered at 7:33 p.m.)

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Rosen, to Approve the Agenda 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 Road, spoke on the topic of the single trash hauler. He stated there are many factors at work that damage pavement besides traffic,

such as age, material, composition and thickness, sub-base and drainage. He commented that the January thaw is a big contributor in Michigan. He stated his opposition to having a single trash hauler and suggested Council identify what policy decisions need to be made prior to drafting an RFP.

Mark Avery, 1871 Fair Oak, stated his assessment was raised this year, and he does not feel this is correct. He provided graphs and information on assessment values of 566 homes in the City, stating that he felt that fifty percent of these homes were overassessed and overtaxed. He concluded that he did not feel that the City Assessing Department is following the tax guidelines.

President Hooper asked that this information packet be copied and distributed to Council after the meeting.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Pixley complimented Mayor Barnett on the State of City speech last Thursday, February 28. He extended his compliments also to the Department of Public Service, including Director Roger Rousse and his staff members, for showcasing their new facility at the State of the City.

Mr. Webber echoed Mr. Pixley, providing kudos to the Mayor for the State of the City and to the Department of Public Service.

Mayor Barnett affirmed that the credit goes to DPS staff, indicating they had put in a lot of effort in preparing the facility for that evening.

ATTORNEY MATTERS

2008-0087 Adoption of Resolution to Adjourn to Closed Session at the conclusion of tonight's meeting (Monday, March 3, 2008) for the purpose of consulting with the City Attorney regarding the purchase or lease of real property; and regarding trial or settlement strategy in connection with specific pending litigation, *Rochester Hills v. Amazing Grace Properties*, Oakland County Circuit Court Case No. 2007080232CC.

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

A motion was made by Rosen, 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: RES0050-2008

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Monday, March 3, 2008 immediately following the adjournment of the Regular Meeting held at 7:30 p.m., Michigan Time, at the

Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan.
The purpose of the Closed Session is to consult with the City Attorney regarding the purchase or lease of real property; and regarding trial or settlement strategy in connection with specific pending litigation, Rochester Hills v. Amazing Grace Properties, Oakland County Circuit Court Case No. 2007080232CC

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.

2008-0056 Request for Approval of Traffic Control Order PK-97, Marketplace Circle, Section #30, PK-97.1 "No Parking" within the right-of-way on both sides of Marketplace Circle.

Attachments: [Agenda Summary.pdf](#)
[TCO PK-97.pdf](#)
[Map.pdf](#)
[Staff Report.pdf](#)
[Minutes AT&S 021208 \(Draft\).pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0051-2008

Whereas, Traffic Control Order No. PK-97 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-97.1 "No Parking" within the right-of-way on both sides of Marketplace Circle.

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-97 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.

Passed the Consent Agenda

A motion was made by Yalamanchi, seconded by Webber, 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

NEW BUSINESS

2007-0443 Request for Approval of the Revised Conditional Land Use - Taco Bell, a proposed demo of the existing building and reconstruction of a 3,098 square-foot, drive-through restaurant at Hampton Village, off Rochester Road, north of Auburn, zoned B-3, Shopping Center Business, WT Development Corporation, applicant.

Attachments: [Agenda Summary.pdf](#)
[Site Plans.pdf](#)
[Map.pdf](#)
[Minutes PC 020508.pdf](#)
[Staff Report 020508.pdf](#)
[Traffic Flow Revisions.pdf](#)
[Ordinance.pdf](#)
[Resolution.pdf](#)

Presentation and Council Discussion

Mr. Edward Anzek, Director of Planning and Development, introduced Mr. Bill Beckett, representing WT Development, the applicant for this project. Mr. Anzek related details of the project, which is to demolish the existing building and reconstruct a new one with an additional 300 square feet, allowing for better traffic flow when entering and exiting the establishment.

Bill Beckett stated that Taco Bell been at this location for 19 years. It is a very successful store for them. He stated that the building is specifically designed to handle drive-thru business, and he believes the adjustments to the site plan will vastly improve the property. Mr. Beckett showed the material samples to upgrade the exterior. The exterior is being upgraded from stucco to stone wainscoat. There will be a multi-colored accent band around top of building.

President Hooper related that the Planning Commission unanimously approved both the recommendation to City Council for a conditional land use approval and the Site Plan at the January 16, 2008 meeting.

Mr. Rosen questioned the size of the building, pointing out that the drawing shows the 2,700 square foot existing location, but he sees that 3,100 square feet is being proposed. He inquired as to whether the drawings were of the existing site or a future site.

Mr. Beckett stated that the packet includes a survey of the existing store and the site plan of the proposed development, pointing out the following:

- The new building is more rectangular and has exterior walk in cooler on back.
- Both buildings have approximately 80 seats.
- The new building has a larger better-designed kitchen.
- The primary wall color was a golden brick. A flesh-colored brick is at both of two entries. There is a multicolored accent band around top of building. The

cooler exterior has same finish as the building.

*In response to Mr. Yalamanchi's question, **Mr. Anzek** stated there will be two entrances to the facility. He went on to point out that they are pulling the curb line back along the north side to accommodate two-way movement and adding a bypass lane to the drive-through. If someone changes their mind, they can exit the facility without being caught in the traffic. When they reach the exit point, they can choose left or right.*

President Hooper indicated that the issues the Planning Commission had with the proposal was with the new Taco Bell nation-wide color scheme and with parking.

Mr. Anzek indicated the parking meets the minimums in the code.

Mr. Beckett pointed out site plan changes from the original site plan as follows:

- *The north driveway is a bi-directional drive and has been widened.*
- *The parking spaces have been straightened out by taking some landscape space from in front of the building.*
- *The parking has been shifted to the north side of building.*
- *A barrier-free aisle space was added.*
- *The trash enclosure was relocated farther from building. In doing so they lost two spaces and picked up the landscape they displaced on the north side.*

A motion was made by Yalamanchi, 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: RES0052-2008

Resolved, that the Rochester Hills City Council hereby approves the Revised Conditional Land Use for Taco Bell, City File No. 89-144.2, located at the Hampton Village center on Rochester Road, north of Auburn, zoned B-3, Shopping Center Business, Parcel No. 15-26-351-005, based on plans and information dated received by the Planning Department on January 16, 2008, with the following findings (WT Development, applicant).

Findings:

1. The Planning Commission recommended approval of the Revised Conditional Land Use on February 5, 2008.
2. The new building is replacing an existing building/business, which received Conditional Land Use Approval from City Council on October 25, 1989.
3. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-568(9) in particular.
4. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land.

5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
7. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community

2008-0073 Request to consider opting out of a Tax Exemption of Personal Property acquired in 2007 by Cobasys, LLC.

Attachments: [Agenda Summary.pdf](#)
[Letter Dawson 013108.pdf](#)
[MNEA Resolution.pdf](#)
[Tax Analysis.pdf](#)
[Resolution.pdf](#)
[Resolution \(Revised\).pdf](#)

Presentation and Council Discussion:

President Hooper noted that the date was revised on the resolution from Friday, February 29, 2008 to Friday, March 7, 2008.

Dan Casey, Manager of Economic Development, Planning Department, stated that this Exemption is for Cobasys, LLC; Cobasys is not a Rochester Hills-based company. They have a single piece of equipment located at a customer's site in Rochester Hills. His recommendation is that City Council opts out of the exemption.

Mr. Hooper indicated the request was for \$55 of City Taxes over six years.

A motion was made by Rosen, seconded by Yalamanchi, 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: RES0053-2008

Resolved that the City of Rochester Hills is opting-out of the exemption of the alternative energy personal property from local personal property taxes of Cobasys, LLC, a certified Alternative Energy Technology Business, as permitted by Public Act 549 of 2002, and

Be It Further Resolved that the City Clerk should forward a certified copy of this Resolution to the Michigan NextEnergy Authority no later than Friday, March 7, 2008.

COUNCIL COMMITTEE REPORTS

Mr. Yalamanchi indicated that the Strategic Planning Committee has met twice. The Committee continues to make progress. Another meeting is scheduled for tomorrow, March 4, 2008. The Committee plans to bring their recommendations to Council on March 17, 2008.

ANY OTHER BUSINESS

None

NEXT MEETING DATE

Regular Meeting - Monday, March 10, 2008 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:02 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 (insert date, or dates) Regular City Council Meeting.