



# 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, August 8, 2007

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 7:31 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 and Development  
Bryan Barnett, Mayor  
Scott Cope, Director of Building/Ordinance Compliance  
Paul Davis, City Engineer  
Susan Galeczka, Deputy Clerk  
Kevin Krajewski, Deputy Director of MIS  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
Leanne Scott, City Council Coordinator  
John Staran, City Attorney  
Bob White, Supervisor of Ordinance Services*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Raschke, seconded by Holder, to Approve the Agenda as Presented.**

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

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

## PUBLIC COMMENT

*Mr. Lee Zendel, 1575 Dutton, encouraged residents to watch the Candidate Forum on the City's web site.*

*Mr. David Kibby, 558 Whitney, stated he disagreed with a newspaper article and rather than get angry at the gentleman that wrote it, he chose to discuss the matter with him. He encouraged voters to communicate their concerns to City government and use*

*respect in their communication.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mr. Ambrozaitis** congratulated all of the Rochester Hills Government Youth Council in attendance and was appreciative of their hard work in the community.

**Mr. Duistermars** thanked Mr. Kibby for his comments on the need to show respect for the feelings of others even when you disagree with them.

**Ms. Raschke** stated the City would be sponsoring a blood drive on Thursday, August 23, beginning at 10:00 a.m. in the auditorium. She encouraged all residents and Council members to give blood as there is a shortage and all types of blood are needed. She informed citizens of the Lifeline Program for the elderly who live alone. She thanked Mr. Bob McConachie for his 28 years of service to the City in working for the Building Department.

**Mayor Barnett** thanked Mr. Bob McConachie for his 28 years of service to the City and wished him well in his retirement. He stated that the Old Persons Commission of Rochester Hills is hosting the Michigan Senior Olympics this year. He added that hundreds of senior athletes over the age of 50 in the State of Michigan will be competing in various sports. He stated that the budget for 2008 was presented, and Public Hearings will begin in two weeks. He requested that if the public or Council had questions that they would like the Administration to address during the Public Hearings, to please put the request in writing and send it to the Mayor's Office.

## ATTORNEY MATTERS

*None*

President Rosen revised the Agenda indicating the Rochester Hills Government Youth Council Presentation will begin at 8:00 p.m.

## CONSENT AGENDA

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

**2007-0385** Request for Acceptance of the Pedestrian-Bicycle Pathway Easement granted by The Marketplace of Rochester Hills LLC, a Michigan limited liability company for Parcel No. #15-30-176-001.

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

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by The Marketplace of Rochester Hills, LLC, a Michigan limited liability company, 28470 Thirteen Mile Road, Suite 220, Farmington Hills, Michigan 48334, for the construction, operation, maintenance, repair and/or replacement of a Pedestrian-Bicycle Pathway Easement over, on, under, through and across land more particularly described as Parcel No. #15-30-176-001.**

**Further Resolved that the City Clerk is directed to record the easement with the**

Oakland County Register of Deeds.

Enactment No: RES0259-2007

2007-0359

Request for Approval of the Sedimentation Basin Agreement between The Marketplace of Rochester Hills LLC, a Michigan Limited Liability Company, and the City of Rochester Hills.

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

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Sedimentation Basin Agreement, an Agreement for the protection of adjacent and downstream properties, watercourses and wetlands for the Adams Marketplace, City File #05-030.8, between the City of Rochester Hills and The Marketplace of Rochester Hills LLC, a Michigan Limited Liability Company, 28470 Thirteen Mile Road, Farmington Hills, Michigan 48334, affecting property identified as Parcel No #15-30-176-001.**

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

Enactment No: RES0260-2007

### **Passed The Consent Agenda**

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

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

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

2007-0447

Request for Purchase Authorization - DPS/Engineering, Facilities Division: Blanket Purchase Order for Snow Removal Services at four (4) City owned facilities, in the amount not-to-exceed \$45,700.00; Advanced Services Landscape, LLD, Sterling Heights, MI.

Attachments: Agenda Summary.pdf; Resolution.pdf

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

**Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Advanced Services Landscape, LLC of Sterling Heights, Michigan, as the lowest, responsive, responsible bidder with the City exercising its option to renew for 2007-2008 Snow Removal Services at four (4) City owned facilities, in the amount not-to-exceed \$45,700 through October 15, 2008.**

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

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

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

**Nay:** Ambrozaitis

**Enactment No:** RES0261-2007

**2007-0449**

Request for Purchase Authorization: DPS/Engineering, Facilities Division: For Heating and Air/Conditioning Maintenance Services for City Hall, Fire Station #1, DPS Garage and OCSO; increase to blanket purchase order in the amount of \$15,000.00 for a new not-to-exceed total of \$100,500.00; Johnson Controls, Auburn Hills, MI

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

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

**Resolved that the Rochester Hills City Council hereby authorizes the increase of a Blanket Purchase Order for HVAC maintenance to Johnson Controls of Auburn Hills, Michigan, in the increased amount of Fifteen Thousand (\$15,000) Dollars for a new total amount not-to-exceed One Hundred Thousand Five Hundred (\$100,500) Dollars through April 10, 2008.**

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

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

**Nay:** Ambrozaitis

**Enactment No:** RES0262-2007

To allow the Presentation to begin at 8:00 p.m. President Rosen completed Unfinished Business before returning to the Ordinances.

## **UNFINISHED BUSINESS**

**2007-0406**

Request for Revised Conditional Land Use - Crittenton Hospital Medical Office Building Addition, a 55,340 square-foot addition to the existing building south of University, east of Livernois zoned SP, Special Purpose; French Associates, applicant.

**Attachments:** Agenda Summary .pdf; Map.pdf; Staff Report.pdf; Site Plans.pdf; Elevations & Floor Plan.pdf; Kirco Letter 070307.pdf; Crittenton Letter 071007.pdf; PC Minutes.pdf; Resolution.pdf

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

**Resolved, that the Rochester Hills City Council hereby approves the Revised Conditional Land Use - City File No. 89-153.7 - Crittenton Hospital Medical Office Building Addition, a 55,340 square-foot addition (phase II) to the existing building located south of University, east of Livernois, zoned SP, Special Purpose, part of Parcel No. 15-15-101-003 based on plans dated received by the Planning and Development Department on July 13, 2007, with the following findings:**

**Findings:**

**1. The proposed building addition and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.**

2. The existing and expanded use will promote the intent and purpose of the Zoning Ordinance.
3. The proposed development has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the medical building, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the and use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further meeting the medical needs of people in the area.
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 proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

The motion carried by the following vote:

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

**Enactment No:** RES0264-2007

**2007-0437**

Request for Purchase Authorization - MIS: Legistar System Upgrade and Hosting Services, in the amount not-to-exceed \$49,643.00; Daystar, Inc., Chicago, IL

**Attachments:** Agenda Summary.pdf; MIS Recommendation Memo.pdf; Legistar Upgrade.pdf; Legistar Budget Changes.pdf; Resolution.pdf

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

**Whereas the use of Legistar has resulted in an increase in efficiency of several City departments since its introduction in 2003; and**

**Whereas the City of Rochester Hills has utilized the L4 version of Legistar for the past four years with only minor upgrades; and**

**Whereas the vendor, Daystar, Inc., has recently released a major rewritten version of the application called Legistar L5; and**

**Whereas the new version offers vendor-hosted Software as a Service (SaaS) at a projected savings to the City of \$27,000 over the next three years.**

**Resolved that the Rochester Hills City Council hereby authorizes a Legistar System Upgrade and Hosting Services, in the amount not-to-exceed \$41,654.00 which includes a 10% contingency, utilizing the products and services of Daystar,**

Inc.

The motion carried by the following vote:

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

**Enactment No:** RES0265-2007

## PRESENTATIONS

**2007-0472**

2006/2007 Rochester Hills Government Youth Council (RHGYC) Final Report to City Council.

**Attachments:** Agenda Summary.pdf

**Ms. Kelley Kosuda**, Chairperson of the RHGYC, and **Ms. Kristina Hurst**, Vice-Chairman of the RHGYC, reported to Council the events and accomplishments of the 2006/2007 RHGYC. The following is a brief synopsis of their report:

Completed Community Service Projects

Poverty Awareness

- Raised money to purchase school supplies for Pontiac schools
- Placed containers inside of various businesses and schools to receive donations of school supplies
- Collected monetary donations to purchase school supplies for Pontiac schools

Voter Registration

- Registered many High School students to vote at various local schools with the assistance of the City Clerk's Office staff.

Attended the Annual Michigan Municipal League (MML) day in Lansing, Michigan

- Participated with other youth delegates at various sessions throughout the day
- Held their own session to involve other youth delegates in a mock Council Meeting

Worked at the Mayor's State of the City address

- Set up seating, and a food and beverage station
- Escorted attendees at the event to their seats
- Hung coats for the attendees

Participation at City Council Meetings

**Presented**

**2007-0457**

Swearing In Ceremony - 2007/2008 Rochester Hills Government Youth Council (RHGYC)

**Attachments:** Agenda Summary.pdf; 072507 Agenda Summary.pdf; 072507 Resolution.pdf

*Ms. Holder, Council Member Liaison for the RHGYC, congratulated the members of the RHGYC and gave words of encouragement.*

*Ms. Jane Leslie, City Clerk, administered the Oath for the new RHGYC members.*

**Appointed**

**(Recess at 8:27 p.m. to 8:59 p.m.)**

## **UNFINISHED BUSINESS (continued)**

**2007-0454** Request for Purchase Authorization - DPS/Engineering: Contract for Professional Engineering Service for the South Boulevard Pathway Improvement Project in the amount of \$56,780.00; Hubbell, Roth & Clark, Inc., Pontiac, MI

**Attachments:** Agenda Summary.pdf; Map.pdf; HRC Proposal.pdf; 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 authorizes a Blanket Purchase Order for Professional Engineering Services to Hubbell, Roth & Clark, Inc for the South Boulevard Pathway Improvement Project in the amount not-to-exceed \$56,780.00.**

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

**Enactment No:** RES0266-2007

**2007-0455** Request for Purchase Authorization - DPS/Engineering: Contract for Professional Engineering Service for the Avon Road Pathway Repair Project in the amount of \$45,000.00; Hubbell, Roth & Clark, Inc., Pontiac, MI

**Attachments:** Agenda Summary.pdf; HRC Proposal.pdf; Letter to DTE 51107.pdf; Letter to DTE 62207.pdf; DTE Agreement to Share Cost.pdf; Resolution.pdf

***Mr. Fred Hartman, 532 E. Avon, asked for clarification of DTE's contribution towards the Engineering costs for the Avon Pathway.***

***Mr. Paul Davis, City Engineer, gave a brief summary of the destruction of the Avon Pathway that occurred when the contractor for DTE drove on the path. He stated that the section of existing pathway that needs repair is not in compliance with the American Association of Disabilities (ADA) requirements and does not have 4" of aggregate underneath it. He further stated that DTE has agreed to pay one half of the Engineering costs. He informed Council that the City Engineering staff has not received a reply from DTE; however upon receiving communication from DTE that staff will return to Council. He further stated that once the project had been designed, then staff would request bids for this project and will take into consideration the amount DTE would be contributing.***

***Mr. Ambrozaitis inquired as to the cost of this project without taking DTE's contribution into consideration or the cost of the ADA requirements.***

*Mr. Roger Rouse, Director of DPS/Engineering, replied that he does not have the total cost yet and he would not have that information until the final design costs have been calculated. He advised that the ADA requirements state that the pathway must be entirely upgraded.*

*Mr. Duistermars asked if the City was forced to upgrade the whole mile of pathway according to ADA standards.*

*Mr. Davis replied the City was requesting to have the entire path reconstructed as they did not want to just "spot repair" some of the path. He stated DTE does not feel they should repair the path to ADA standards. He further stated the City would like the pathway to be ADA compliant as well as meet the City requirements. He informed Council of the need for designing the pathways to be ADA compliant and spending monies to make sure that the design and the future construction afterwards will meet the ADA requirements.*

*Mr. Ambrozaitis questioned if the reconstruction of the Avon Pathway was truly needed, or was the City being proactive due to ADA compliance requirements.*

*Mr. Rouse stated he is aware of municipalities that have been sued for having pathways, and sidewalks that are not compliant with ADA standards. He advised that the City should comply by having pathways and sidewalks constructed to ADA standards. He noted that by constructing the City's pathways and sidewalks to ADA standards, it provides access for many citizens who require an aid to maneuver through the pathways. He added that now is the time to meet the ADA requirements on any new or rehabilitated pathway as it gets the City in compliance with the unfunded mandates.*

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

**Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Professional Engineering Services to Hubbell, Roth & Clark, Inc for the Avon Road Pathway Repair Project in the amount not-to-exceed \$45,000.00.**

**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:** RES0267-2007

**2007-0298**

Request to Discontinue the Defined Contribution Retirement Plan for all new City Council Members effective November 2007.

**Attachments:** Agenda Summary.pdf; 062707 Agenda Summary.pdf; 050207 Agenda Summary.pdf; CC Minutes 050207 .pdf; Memo P. Lee 041007.pdf; Resolution.pdf

*Ms. Raschke stated that it was the individual Council member's choice to accept or deny the Defined Contribution Retirement Plan.*

*Ms. Melinda Hill, 1481 Mill Race, stated that City funds were dispersed in certain ways in the past, but it did not mean that they should continue the same expenditures due to the state of the City's economics. She further stated that the City could not continue to disperse monies as they have done in the past.*

**A motion was made by Raschke, seconded by Holder, that this matter be Denied by Resolution.**

**Resolved that the Rochester Hills Council discontinues the Defined Contribution Retirement Benefit Plan for all new City Council Members effective November 2007.**

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

**Aye:** Holder, Hooper, Raschke and Rosen

**Nay:** Ambrozaitis, Duistermars and Yalamanchi

**Enactment No:** RES0231-2007

## **ORDINANCE FOR INTRODUCTION**

**2007-0165**

Acceptance for First Reading - An Ordinance to add Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and to regulate the maintenance of property and prevent blight, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** Agenda Summary.pdf; 100907 Building Dept Memo.pdf; 100907 Ordinance Revised.pdf; 080807 Agenda Summary.pdf; 080807 Overview of Changes.pdf; 080807 Ordinance Final Draft.pdf; Proposed Property Maint Ordinance.pdf; 080807 Resolution.pdf; 080107 Agenda Summa

### **PUBLIC COMMENT**

**Mr. Lee Zendel**, 1575 Dutton Rd., stated he felt "crumbling" sidewalks are the City's greatest blight. He commented the residents of Rochester Hills do not need this Ordinance that is potentially intrusive into their private lives and personal property.

**Mr. Paul Miller**, 1021 Harding Ave., stated he was strongly against the Ordinance revision. He feels the City has many Ordinances that are not enforced at this time, and that the City does not need a new Ordinance to try and enforce. He asked Council to not pass this proposed Ordinance.

**Mr. Anthony Markwort**, 2790 Walbridge St., stated he felt that by adopting an expanded Property Ordinance there would be too much governmental intervention into the lives of private citizens. He further stated the language of the Ordinance was too broad and needed to be defined.

**Ms. Eva Cantarella**, 2138 Willowleaf Dr., stated she was in favor of the Blight Ordinance. She feels that subdivisions do not have adequate restrictions in their bylaws to prevent blight issues. She suggested language for numerous sections of the proposed Blight Ordinance.

**Mr. Fred Hartman**, 532 E. Avon Rd., thanked Mr. Ambrozaitis for visiting his neighborhood due to a blight issue. He felt a Blight Ordinance would "push" him out of his home, as he was disabled and struggled to maintain it.

### **COUNCIL DISCUSSION**

**Mr. Yalamanchi** stated the residents that spoke during "Public Comments" had valid points. He encouraged Council to listen and understand the concerns of the citizens who took the time to contact them. He requested that the Ordinance should be studied more in depth before Council made a decision.

**Mr. Ambrozaitis** stated that he would like all citizens to be free from governmental

*intervention. He commented there needs to be uniformity in the codes.*

**Mr. Duistermars** questioned how the Building Department would track the amount of Garage Sales each residence would have per year; as the Ordinance states that each residence is allowed four per year.

**Mr. Bob White**, Supervisor of Ordinance Compliance, stated there was no provision in the current Property Ordinance regarding the number of Garage Sales a residence may have per year. He informed Council that the Sign Ordinance had the only verbiage that would address continued Garage Sales a resident may have; as that Ordinance states that a residence may only have a sign on their property 12 times per year.

**Mr. Duistermars** stated he felt the current Property Ordinance was sufficient for the Building Department to use at this time.

**Ms. Raschke** encouraged residents to help each other with mowing lawns, etc. She commented that Rochester Hills is an upscale community. She stated that Realtors should pick up debris on vacant properties that they are trying to sell. She feels that the current Ordinance Department has the tools that they need to keep Rochester Hills well maintained.

**Ms. Holder** thanked the Building Department for a job well done. She stated there are organizations such as, Christmas in Action, Holiday Helpers, and Motor City Blight Busters in the community that assist homeowners if they are struggling to maintain their property.

**President Rosen** stated he has concerns with Article II Interior Enforcement and Article II Exterior Enforcement.

**Mr. Cope** stated that the proposed Blight Ordinance brought to Council is a response from citizens comments that the Building Department gets on a daily basis. He further stated Article I is a compilation of all existing Ordinances that people have had problems with in the past, and staff has not been able to address them. They include:

- 1) Garage Sale Ordinance
- 2) Graffiti
- 3) Hand bills
- 4) Harborage
- 5) Swimming pools
- 6) Vacant Buildings

**Mr. Yalamanchi** asked Council to postpone this item to allow the Building Department staff and Mr. Staran time to address specific residents concerns.

**Mr. Ambrozaitis** suggested a Blight Committee should be formed

**Ms. Melinda Hill** stated Council should discuss verbiage for the Blight Ordinance from the information that has been brought before them by the Building Staff.

**Mr. Duistermars** stated appreciation for the Building Department's hard work, but feels the new Ordinance may "box" people in. He feels there may have been miscommunication between Council and the Building Staff on the exact verbiage Council wanted in the Ordinance.

**Mr. Hooper** complimented the Building Department and agreed that they need more tools to be able to effectively do their job. He stated he does not support Article II. He suggested that Council deny First Reading of the Ordinance, hold a future workshop, have all Council Members submit in writing any changes they would like implemented into Article I. He suggested Article II be dropped.

*Mr. John Staran, City Attorney, requested clarification of the proposed Motion and asked if Council would require the preparation of another draft ordinance. He stated some of the comments that were made at this meeting are irreconcilable and that it would be difficult to decipher what Council wants in the Ordinance unless all seven members were in agreement.*

*Mr. Duistermars stated Council should focus on areas that have been labeled as a severe problem. There are situations that are occurring as staff does not have an Ordinance that addresses them.*

**A motion was made by Hooper, seconded by Duistermars, that this matter be Denied by Resolution. Resolved, Further agreed (1) To remove Article II, Blight Prevention, from the proposed ordinance; (2) To discuss Article I, in General, at a Work Session in September; and (3) For Council Members to provide their suggested changes to the proposed ordinance to the Building Department prior to the Work Session. The motion carried by the following vote:**

**Resolved, that an Ordinance to add Chapter 84, Property maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the maintenance of property and prevent blight, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for First Reading.**

**Further Resolved to (1) Remove Article II, Blight Prevention, from the proposed Ordinance; (2) To discuss Article I, in General, at a Work Session in September; and (3) For Council Members to provide their suggested changes to the proposed Ordinance to the Building Department prior to the Work Session.**

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

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

**Enactment No:** RES0263-2007

## **ORDINANCE FOR ADOPTION**

**2007-0367**

Acceptance for Second Reading and Adoption - An Ordinance to Amend Section 102-326 of Article III, Water Services, of Chapter 102, Utilities, and to repeal subsection (8) of Section 54-776 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to discontinue the sale and authorization of Area Maintenance Water Meters, repeal conflicting ordinances, and prescribe a penalty for violations.

**Attachments:** Agenda Summary.pdf; Ordinance.pdf; 072507 Agenda Summary.pdf; Suppl Info.pdf; 060607 Agenda Summary.pdf; Orig Ordinance.pdf; 062107 News Article.pdf; DWSD's Coincidental Water Peak.pdf; Misc Articles.pdf; Resolution.pdf; 061807 Ltr re Area Mtnc Meters.pdf

### **PUBLIC COMMENT**

*Mr. Joe Washburn, 771 E. Bluff Ct., Board Officer of the Mill Stream Village Homeowner's Association, requested Council approve the continuation of the sale of Area Maintenance Meters, as their subdivision has approximately \$18,000 in Water/Sewerage Debt. He stated the excess in water/sewerage charges occurred as their developer did not purchase an Area Maintenance Meter to separate sewer charges from water that was used to maintain the lawn.*

*Ms. Mary Collins, 767 E. Bluff Ct., Mill Stream Village Homeowner's Association, asked*

*Council for their help regarding the water debt that this subdivision has acquired from their developer. She requested that Council approve the continuation of the Area Maintenance Meters as their increase in water debt would not continue.*

### **COUNCIL DISCUSSION**

*Ms. Holder requested a workshop to explain the water billing process for the City residents. She stated she would like the public educated on water preservation.*

*Mr. Yalamanchi stated he was in favor of the cessation of the sale of the Area Maintenance Meter to encourage water preservation. He further stated that the discontinuance of the sale of the Area Maintenance Meter would help slow the increase in the water rates.*

*Mr. Hooper stated he had spoke with Mr. Washburn and advised him to make application for an Area Maintenance Meter. He stated that everyone was paying high water rates due to the peak factor and Area Maintenance Meters. He further stated Area Maintenance Meter encourages consumption and discourages conservation. He commented that the City should be educated on water conservation.*

*Mr. Ambrozaitis inquired if the City stops the sale of the Area Maintenance Meter and a residents' meter failed to be in working order, would the City offer the resident a new meter.*

*Mr. Staran replied the decision would be up to Council if they wanted to discontinue replacing the Area Maintenance Meter for those who own one that needs repair or replacement.*

**A motion was made by Raschke, seconded by Duistermars, that this matter be Denied by Resolution.**

**Resolved that an Ordinance to Amend Section 102-326 of Article III, Water Services, of Chapter 102, Utilities, and to repeal subsection (8) of Section 54-776 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to discontinue the sale and authorization of Area Maintenance Water Meters, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 17, 2007, the day following its publication in the Rochester Eccentric on Thursday, August 16, 2007.**

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

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

**Enactment No:** RES0272-2007

## **NEW BUSINESS**

**2005-0204**

Request for Purchase Authorization - DPS: Amendment to Professional Service Contract for Tienken and Kings Cove Bridge Replacement/Traffic Signal Project in the amount of \$13,481.06 for a new not-to-exceed total of \$316,321.06; Hubbell, Roth & Clark, Inc. (HRC), Pontiac, MI

**Attachments:** Agenda Summary.pdf; HRC Invoice.pdf; 040605 Agenda Summary.pdf; Letter from HRC Jan05.pdf; 032205 Budget.pdf; 040605 Resolution.pdf; Resolution.pdf

Adopted by Resolution.

Whereas, the City desired to accept federal funding of \$750,000.00 that was subsequently appropriated towards the Tienken bridge reconstruction after the initial design services contract was awarded; and

Whereas, the City was obligated to prepare the design plans and follow the typical review and design plan letting process in accordance with a Michigan Department of Transportation format by accepting the federal funds; and

Whereas, submittal of the design plans to MDOT resulted in a review that mandated changes in the final design of the supporting bridge structure to consist of a system of battered piles in lieu of the drilled piers that were shown on the plans; and

Whereas, due to RCOC providing construction engineering services for the project, the plans had to be further refined to be in compliance with RCOC's standards;

Whereas, HRC is requesting payment in the amount of \$13,481.06 to cover the cost overruns created by MDOT's and RCOC's requests

Resolved that the Rochester Hills City Council amend and increase the current contract by \$13, 481.06 for Professional Services between Hubbell, Roth & Clark, Inc., and the City of Rochester Hills for the Tienken Road and Kings Cove Intersection-Traffic Signal and Bridge Project for a new amount not-to-exceed total of \$316,321.06 and authorize the Mayor and City Clerk to execute a contract on behalf of the City.

The motion carried by the following vote:

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

**Enactment No:** RES0268-2007

**2005-0380**

Request for Purchase Authorization - DPS/Engineering: Additional Preliminary Engineering Services for John R Road Widening, East Ferry Drain Improvements and Michelson Pump Station Reconstruction; increase to blanket purchase order in the amount of \$129,900.00 for a new not-to-exceed total of \$360,700.00; Hubbell, Roth & Clark, Inc., Pontiac, MI

**Attachments:** Agenda Summary.pdf; HRC Fees.pdf; 061505 Agenda Summary.pdf; HRC Proposal dtd 051705.pdf; 061505 Resolution.pdf; Resolution.pdf

**PUBLIC COMMENT**

*Ms. Melinda Hill, 1481 Mill Race, stated she was concerned with the additional amount of expenditures that have occurred with this project. She commented that the proposal for paving the parking lot at Spencer Park should be examined carefully, as the City may be spending too much money for the project.*

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

Resolved that the Rochester Hills City Council hereby approves the Professional Engineering Service agreement between Hubbell, Roth & Clark, Inc., and the City of Rochester Hills for the John R. Road widening, East Ferry Drain improvements project and Michelson Pump Station Reconstruction project for an additional amount of \$129,900.00 for a total amount not-to-exceed \$360,700.00 and

authorizes the Mayor and City Clerk to execute a contract on behalf of the City.

The motion carried by the following vote:

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

**Nay:** Ambrozaitis and Rosen

**Enactment No:** RES0269-2007

**2007-0467**

Request to schedule a Public Hearing to establish an Industrial Development District at 3072 Research Dr., also known as General Development Co., on August 15, 2007.

**Attachments:** Agenda Summary.pdf; 080807 Agenda Summary.pdf; 080807 Resolution.pdf; Resolution.pdf

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

**Whereas, GDC No. 9 LLC, also known as General Development Co., has filed a request for the establishment of an Industrial Development District for property it owns, identified as 3072 Research Dr., and**

**Whereas, Public Act 198, of 1974, as amended, requires that City Council hold a public hearing before considering the request.**

**Resolved to schedule the Pubic Hearing for City Council's Workshop Meeting of August 15, 2007, and**

**Be it Further Resolved, to send a certified copy of this Resolution to General Development Co., attention Bruce Brickman, Two Towne Square, Suite 850, Southfield, MI. 48076, and to FormFab, LLC, attention Norman Caetano, at 1155 Centre Road, Auburn Hills, MI 48326-2603, no later than Thursday, August 9, 2007, and**

**Be it Further Resolved to send a certified copy of this Resolution to all taxing authorities and the City's Assessor no later than August 9, 2007, and**

**Be it Finally Resolved to print a notice of the Public Hearing in the Rochester Hills Eccentric or another paper of general circulation on Thursday, August 9, 2007.**

The motion carried by the following vote:

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

**Enactment No:** RES0282-2007

**2007-0468**

Request to schedule a Public Hearing regarding the request for an Industrial Facilities Exemption Certificate (IFT) at 3072 Research Dr., also known as General Development, on August 15, 2007.

**Attachments:** Agenda Summary.pdf; Application.pdf; Letter Dawson 080107.pdf; Development Agreement.pdf; Company Overview.pdf; Financial Analysis-Personal.pdf; Financial Analysis-Real.pdf; 080807 Agenda Summary.pdf; 080807 Resolution.pdf; Resolution.pdf

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

Whereas, GNC No. 9, LLC has filed a request for the establishment of an Industrial Development District for property it owns, located at 3072 Research Dr., also known as Parcel number 15-30-477-016, and

Whereas, FormFab, LLC filed an application for an Industrial Facilities Exemption Certificate on January 3, 2007 for the same property, which it is in the process of acquiring, and

Whereas, Public Act 198, of 1974, as amended, requires that City Council hold a public hearing before considering the request and must render a decision within 60 days of receipt of the application.

Resolved to schedule the Pubic Hearing for City Council's Workshop Meeting of August 15, 2007, and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the public hearing in the Rochester Eccentric on Thursday, August 9, 2007, and

Be It Further Resolved, to send a certified copy of the notice to FormFab, LLC, attention Norman Caetano, 1155 Centre Road, Auburn Hills, MI., 48326, no later than Thursday, August 9, 2007, and

Be It Finally Resolved, to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Thursday, August 9, 2007.

The motion carried by the following vote:

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

**Enactment No:** RES0283-2007

## COUNCIL COMMITTEE REPORTS

*Mr. Yalamanchi asked President Rosen for an Environmental Oversight Committee report.*

*President Rosen stated he has not received any data back as of yet, but was expecting it within a month.*

*Mr. Duistermars inquired if the testing was complete for this phase of the project.*

*President Rosen stated they were complete so far, and if they need more testing they are required to complete a revised 381 Form.*

## ANY OTHER BUSINESS

*Mr. Ambrozaitis congratulated the Citizens of the City of Rochester for their successful Primary and was pleased with the outcome.*

## NEXT MEETING DATE

*Work Session, Wednesday, August 15, 2007 at 7:30 p.m.*

## ADJOURNMENT

*There being no further business before Council, President Rosen adjourned the meeting at 11:26 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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*SUE SMITH  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the October 10, 2007 Regular City Council Meeting.*