



Rochester Hills

Minutes

City Council Regular Meeting

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

*Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel,
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, April 2, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:03 p.m. Michigan Time.

ROLL CALL

Present 6 - Greg Hooper, Nathan Klomp, James Rosen, Mark Tisdel, Michael Webber and Ravi Yalamanchi

Absent 1 - Adam Kochenderfer

Others Present:

Ed Anzek, Director of Planning and Economic Development

Tara Beatty, Chief Assistant

Captain Michael Johnson, Oakland County Sheriff's Office

Gerry Lee, Forestry Operations Manager

Jane Leslie, City Clerk

Paul Shumejko, Transportation Engineer

John Staran, City Attorney

Michelle Thorpe, Rochester Hills Government Youth Council Representative

Kelly Winters, Deputy Director of Building/Ordinance Compliance

Mayor Barnett and Mr. Kochenderfer provided prior notice that they would not be able to attend.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 6 - Hooper, Klomp, Rosen, Tisdel, Webber and Yalamanchi

Absent 1 - Kochenderfer

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Michelle Thorpe, Rochester Hills Government Youth Council Representative (RHGYC) reported that this year's 5K Run/Walk is scheduled for Saturday, June 16, 2012 at Bloomer Park. The 5K will benefit the Boys & Girls Club of Troy. She noted that RHGYC members have distributed hundreds of flyers to promote the 5K and invited interested individuals to pre-register online at www.goracego.com. She mentioned that the RHGYC will be undertaking beautification projects at the Van Hoosen Jones-Stoney Creek Cemetery and in conjunction with the installation of a 9/11 Tribute in front of Fire Station No. 1. She announced that application packets are available for next year's RHGYC and are due in the Clerk's Office on May 11th. She stated that being an RHGYC member has been a great experience.

Mr. Tisdell added that the RHGYC's 5K proceeds will be utilized to allow Rochester Hills students the opportunity to take part in Boys & Girls Club programs.

Mr. Webber announced that the annual Interclub Banquet will be held on Wednesday, April 18th at Great Oaks Country Club. All area service club members are invited to attend the event, which will begin with a reception at 6:00 p.m. and dinner at 7:00 p.m.

ATTORNEY MATTERS

None.

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.

2012-0064 Approval of Minutes - City Council Regular Meeting - February 13, 2012

Attachments: [CC Min 021312.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0043-2012

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on February 13, 2012 be approved as presented.

2012-0095 Approval of Minutes - City Council Special Meeting - March 5, 2012

Attachments: [CC Spec Mtg Min 030512.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0044-2012

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on March 5, 2012 be approved as presented.

2012-0109 Approval of Minutes - City Council Regular Meeting - March 19, 2012

Attachments: [CC Min 031912.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0045-2012

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 19, 2012 be approved as presented.

2011-0485 Request for Approval of the proposed amendments to the Van Hoosen Jones-Stoney Creek Cemetery Rules and Regulations

Attachments: [Agenda Summary.pdf](#)
[Proposed Rules and Regulations.pdf](#)
[111411 Agenda Summary.pdf](#)
[111411 Proposed Amended Rules and Regulations.pdf](#)
[111411 Resolution.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0046-2012

Resolved, that the Rochester Hills City Council hereby approves the proposed amendments to the Van Hoosen Jones-Stoney Creek Cemetery Rules and Regulations.

2012-0097 Request for Approval of Traffic Control Order SS-144-12, Streets within Shadow Woods Subdivision No. 1 & No. 2 - Section #8: STOP at designated locations, and Traffic Control Order YS-106-12, Streets within Shadow Woods Subdivision No. 1 & No. 2 - Section 8: YIELD at designated locations

- Attachments:** [Agenda Summary.pdf](#)
[ShadowWoodsSub Map.pdf](#)
[Section 8 Map.pdf](#)
[TCO SS-144-12.pdf](#)
[TCO YS-106-12.pdf](#)
[AT&S Minutes Excerpt 031312.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0047-2012

Whereas, Traffic Control Order No. SS-144-12 and YS-106-12 have 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 Orders cover:

Streets within Shadow Woods Subdivision No. 1 & No. 2 - Section #8

SS-144.1	Telluride Drive	<u>STOP</u>	for Snowmass Drive
SS-144.2	Timberline Drive	<u>STOP</u>	for Sunlight Drive
SS-144.3	Sunlight Court	<u>STOP</u>	for Sunlight Drive
SS-144.4	Broadmoor Court	<u>STOP</u>	for Broadmoor Drive
SS-144.5	Steamboat Springs	<u>STOP</u>	for Winter Park Road
YS-106.1	Snowmass Drive	<u>YIELD</u>	for Telluride Drive
YS-106.2	Snowmass Drive	<u>YIELD</u>	for Sunlight Drive
YS-106.3	Sunlight Drive	<u>YIELD</u>	for Timberline Drive
YS-106.4	Timberline Court	<u>YIELD</u>	for Timberline Drive
YS-106.5	Hidden Valley Drive	<u>YIELD</u>	for Snowmass Drive
YS-106.6	Keystone Drive	<u>YIELD</u>	for Timberline Drive
YS-106.7	Keystone Drive	<u>YIELD</u>	for Sunlight Drive
YS-106.8	Broadmoor Drive	<u>YIELD</u>	for Steamboat Springs Drive
YS-106.9	Broadmoor Drive	<u>YIELD</u>	for Steamboat Springs Drive
YS-106.10	Winter Park Road	<u>YIELD</u>	for Broadmoor Drive
YS-106.11	Winter Park Court	<u>YIELD</u>	for Winter Park Road
YS-106.12	Avalanche Drive	<u>YIELD</u>	for Winter Park Road
YS-106.13	Avalanche Drive	<u>YIELD</u>	for Steamboat Springs Drive

Whereas, said Traffic Control Orders 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 Orders and recommends that the Orders be approved;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Orders SS-144-12 and YS-106-12 to be in effect until rescinded or superseded by subsequent orders; and

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

Passed the Consent Agenda

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

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

ORDINANCE FOR INTRODUCTION

2011-0431 Acceptance for First Reading - An Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone two vacant parcels totaling approximately 7.3 acres, known as parcels 15-01-277-015 and 15-01-278-006, located on Dequindre, south of Washington, from RE Residential Estate to R-1 One Family Residential, and to repeal conflicting Ordinances and prescribe a penalty for violations thereof

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Density.pdf](#)
[Ordinance.pdf](#)
[Winkler Mill Estates Density and Age\(1\).pdf](#)
[Staff Report Rezoning.pdf](#)
[Memo Anzek 092711.pdf](#)
[Minutes PC 110111.pdf](#)
[Minutes PC 100411.pdf](#)
[Minutes PC 101706.pdf](#)
[Minutes CC 111506.pdf](#)
[Site Plans.pdf](#)
[WE Density.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, explained that the owner of the two subject parcels approached the City in August of last year about reactivating the plat for Little Winkler Estates. He explained that the plat expired after there was no action on the part of the owner to extend or keep it active. He noted that the City adopted a new Zoning Ordinance in 2009 which introduced the category of Residential Estate zoning, requiring a minimum of one-acre parcels as a means to protect and preserve more rural larger lot developments. He mentioned that properties along Washington Road, Livernois north of Tienken, Avon Circle East and West and Seville were designated Residential Estate, along with these two subject parcels.

He stated that when the owner of the property brought a request forward to reactivate the plat, it was noted that the new Residential Estate zoning, along with the adoption of new Engineering Standards cut the number of possible lots from ten to approximately five. Subsequent to staff discussion and closer examination, as well as a review of denser development on nearby properties to the north in Winkler Mill Estates, south in the City of Rochester and across Dequindre in Shelby Township, it was determined that the Residential Estate zoning could be viewed as excessive for this parcel. He further noted that the subject property has access

from Dequindre and does not orient itself to access from Washington Road. Upon review, staff determined that a request for corrective action to rezone the parcel back to R-1 zoning would fit more into the density category of the surroundings.

Mr. Anzek noted that the Planning Commission reviewed the request in October, held a Public Hearing in November and by a seven-to-two vote supported a recommendation to Council to rezone these seven acres back to R-1, with 20,000 square foot minimum lot areas and 100 foot lot frontages.

Public Comment:

Robert White, 56187 Dequindre, stated that his property, just to the west of the subject parcel, is the most affected by this rezoning request. He explained that there are two existing homes on large estate-sized lots directly adjacent to the properties. He stated that Council should oppose this request because it goes against the City's own stated goals to protect the character of estate-sized development and could serve to declare Residential Estate zoning null-and-void, spurring developers to request R-1 zoning on other Residential Estate properties. He mentioned that Mr. Kassab, the owner, allowed the plat to expire without seeking an extension and had stopped paying taxes on the lots. He noted that when the City created Residential Estate zoning and deemed that these parcels should be included, the owner was notified of the change and did nothing. He mentioned that the documents and aerial photographs included do not show the natural, topographic and developmental buffers that distinguish and separate the parcels from the nearby density. He pointed out that mature trees and Dequindre Road form an eastern buffer to Shelby Township, a pond, bike path and property owned by Consumers Energy form a southerly buffer to the City of Rochester, an established subdivision forms a northern buffer, and his property is to the west. He commented that it is dangerous from a policy standpoint to go back to R-1 zoning.

Kristen Klick White, 56187 Dequindre, stated that she and her husband bought their property one year ago, after a search for a country-like estate to raise their family. She noted that her property consists of two acres surrounded by mature trees and two ponds. She commented that granting the rezoning request would set a precedent that could allow the owners of the ten-acre parcel along Washington Road to the west of their and their neighbor's property to request rezoning to R-1 as well. She mentioned that prior to purchasing their home, she and her husband performed due diligence by contacting Consumers Energy, reviewing the Rochester Historical Society's report on their home, and reviewing the documents from the original proposed plat for the subject parcel. At that time, staff told them that the preliminary approval for the subject parcel granted in 2006 had expired and the owner would be prevented from coming back and building that same proposed development as the zoning had changed. She asked Council to retain the Residential Estate zoning on this property as there is value to protecting the city's larger lots.

President Hooper requested Mr. Anzek point out the Residential Estate parcels adjacent on the aerial photographs displayed and questioned why the 10-acre parcel to the west of the White's property would warrant remaining Residential Estate.

Mr. Anzek highlighted the Residential Estate parcels in the area and noted that the ten-acre parcel has access only off of Washington Road. He commented that the fundamental difference is that these two subject parcels are oriented to Dequindre. He mentioned that the White's property is accessed through an easement that runs directly through the two parcels in question.

President Hooper questioned whether the R-1 zoning requiring a minimum lot size of 20,000 square feet would result in lots and homes similar to those currently existing in Winkler Mill Estates to the north.

Mr. Anzek responded that it would, and noted that Winkler Mill Estates is, and would remain, zoned R-1. He mentioned that the original plan for the subject property included lot sizes of 22,500 square feet.

President Hooper questioned what the possible number of lots would be after a rezoning, considering the City's recently-adopted engineering standards.

Mr. Anzek responded that approximately nine to 10 lots would be possible; however, he would have to review how the developer would account for any necessary retention basin.

President Hooper questioned whether the City's Tree Ordinance would have an effect on the site.

Mr. Anzek responded that the Tree Ordinance would not apply to this site because it was pre-platted years ago.

President Hooper questioned whether approving the rezoning would allow the White's property to be considered a candidate for rezoning from Residential Estate to R-1.

Mr. Anzek responded that he does not see that as a possibility. He commented that the White's and their neighbor's parcel might be able to be combined to form three lots from two, but it would depend on what retention would be necessary.

Council Discussion:

Mr. Yalamanchi questioned what the City's obligation would be to the owner of the 10-acre parcel to the west if its owners submitted a request to rezone that property back to R-1.

Mr. Anzek stated that the Planning Commission was initially not in support of the rezoning request for the subject parcels until they reviewed the densities in close proximity to the property. He pointed out that R-1 is still considered a very low density development. He noted that the ten-acre parcel to the west only has access from Washington Road and fits more with the intentions of the Residential Estate zoning category. He commented that while his first response would be that no rezoning would be warranted for that parcel, any request made would have to go through the process of Planning Commission review as he does not have the right to deny a request.

Mr. Yalamanchi requested City Attorney John Staran comment on whether the City has the grounds to say no. He noted public comment alleging that the developer was delinquent in taxes and questioned whether that was true.

Mr. Anzek responded that the applicant was never required to pay taxes on the completed parcels as they were never created.

Mr. Yalamanchi questioned why the request was initiated.

Mr. Anzek responded that staff noted the property was initially zoned R-1. He stated that letters informing the owner of the need for an extension to the plat approval were sent; however, Mr. Kassab claims that he did not receive them. Regarding the rezoning to Residential Estate, Mr. Anzek noted that Mr. Kassab thought that he was already vested because he had cleared the first hurdle of approvals. He stated that as Planning Director, he reviewed the property and the compatibility of what it is adjacent to, and determined that this is an area that should not have been rezoned Residential Estate. He commented that letters were sent to all of the 435 owners of the properties subject to rezoning to Residential Estate notifying them of an informational meeting, and only 25 owners attended. He stated that this request should be considered a correction, as the rezoning of the parcels to Residential Estate should not have been done.

Mr. Yalamanchi stated that he believes that the rezoning to Residential Estate was the right thing to do, to preserve bigger lots allowing for trees and natural spaces. He pointed out that the property owners did not initiate the request and stated that the zoning should stay as it is. He commented that rezoning this parcel could open up opportunities for future property owners to come forward and request rezoning.

President Hooper asked City Attorney John Staran to comment whether the rezoning request could lead to additional requests from other property owners.

John Staran, City Attorney, responded that the rezoning would not necessarily spur additional requests. He stated, however, that it is a legitimate question to ask whether a precedent could be set for other properties to be rezoned. He noted that the City should review requests on a case-by-case basis, adhering to the Master Plan wherever possible.

Mr. Tisdell questioned whether any R-1 or heavy-density developments exist with sole access off of Washington Road.

Mr. Anzek responded that Winkler Mill Estates has access off both Washington and Dequindre Roads.

Mr. Tisdell questioned whether the ten-acre parcel fronting Washington Road had access from another road.

Mr. Anzek responded that it did not.

Mr. Webber stated that when the 435 properties were rezoned from R-1 to Residential Estate in 2009, he expected that a few issues like this could arise. He pointed out that the Planning Commission thoroughly examined this issue and commented that reviewing the final plan for the development will ultimately determine how the character of the area can be maintained and how it will be preserved. He stated that this is not property that either the City or the adjacent neighbors owns, and the City should work with the owners of the property. He commented that he is interested in seeing what the ultimate plan for the property will be.

Mr. Klomp questioned what the reasoning was for initially zoning these parcels Residential Estate.

Mr. Anzek explained that prior to 2007 the Master Land Use Plan had four residential single family zoning categories that did not document density. After the Zoning Ordinance created four categories based on density, individuals began assembling large lots with the hopes of dividing them into multiple lots or condominium developments. The 2007 Master Land Use Plan gave the City the credence to establish the Residential Estate zoning, as any lot larger than one acre could be considered exclusionary. At that time, it was thought that moving forward with Residential Estate zoning allowed a safety net to protect lots such as those that exist along Washington Road. He commented that he cannot say that staff gave much thought to the subject parcels because at that time, the plat was still vested.

Mr. Klomp stated that he has a hard time not supporting something that the Planning Commission strongly supported. He commented that no one is more affected than the actual property owner, and pointed out that many property owners were affected and delayed by the economy.

Mr. Rosen questioned whether the parcels could still be developed into five parcels if the zoning remained Residential Estate.

Mr. Anzek responded that they could, and noted that it would result in four or five parcels.

Mr. Rosen commented that larger lots could yield higher priced developments. He questioned whether rezoning could eventually lead to all the adjacent parcels from Dequindre to Washington being rezoned to R-1.

Mr. Anzek noted that in order for that to be feasible and functioning, a road would have to be cut through the entire distance.

Mr. Rosen stated that he is inclined to leave the zoning for these parcels as Residential Estate and commented that it makes more sense to keep a consistent zoning all the way from Washington to Dequindre.

A motion was made by Tisdell, seconded by Webber, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote:

Aye 4 - Hooper, Klomp, Tisdell and Webber

Nay 2 - Rosen and Yalamanchi

Absent 1 - Kochenderfer

Resolved, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone two vacant parcels totaling approximately 7.3 acres, known as parcels 15-01-277-015 and 15-01-278-006, located on Dequindre, south of Washington, from RE Residential Estate to R-1 One Family Residential, and to repeal conflicting Ordinances and prescribe a penalty for violations thereof is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2012-0079 Acceptance for Second Reading - an Ordinance to amend Section 84-11 of Chapter 84, Property Maintenance Code, Sections 94-35 and Article III of Chapter 94, and Article II of Chapter 106, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations concerning tree pruning and maintenance by property owners in the city, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[031912 Agenda Summary.pdf](#)
[Lee Memo 011312.pdf](#)
[031912 Resolution.pdf](#)
[Resolution.pdf](#)

A motion was made by Yalamanchi, seconded by Webber, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0048-2012

Resolved, that an Ordinance to amend Section 84-11 of Chapter 84, Property Maintenance Code, Sections 94-35 and Article III of Chapter 94, and Article II of Chapter 106, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations concerning tree pruning and maintenance by property owners in the city, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, April 13, 2012, the day following its publication in the Rochester Post on Thursday, April 12, 2012.

2012-0089 Acceptance for Second Reading - An Ordinance to amend Article III of Chapter 98, Michigan Vehicle Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt by reference Section 625(1)(c) of the Michigan Vehicle Code, repeal conflicting Ordinances and prescribe penalties for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[031912 Agenda Summary.pdf](#)
[Staran Ltr 030812.pdf](#)
[031912 Resolution.pdf](#)
[Resolution.pdf](#)

A motion was made by Yalamanchi, seconded by Klomp, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0049-2012

Resolved, that an Ordinance to amend Article III of Chapter 98, Michigan Vehicle Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt by reference Section 625(1)(c) of the Michigan Vehicle Code, repeal conflicting Ordinances and prescribe penalties for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, April 13, 2012, the day following its publication in the Rochester Post on Thursday, April 12, 2012.

NEW BUSINESS

2012-0056 Request for Preliminary Site Condominium Plan Approval - Avon Lakes Condominium, a two-unit development on Mackwood, west of Dequindre, zoned R-4, One Family Residential, Parcel No. 15-25-202-040, Hamlin Associates, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Condo Plans.pdf](#)
[Minutes PC 030612 \(excerpt\).pdf](#)
[Staff Report 030612.pdf](#)
[Review #1 comments.pdf](#)
[PHN Post.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that this request will divide a parcel from the original Mac Kary Subdivision in half to create two homesites on Mackwood. He explained that a provision of State Law requires the creation of a two-unit site condominium in order to accomplish the division because the property was previously platted. He mentioned that water and sewer leads are on the property and storm drain issues will be addressed. He noted that there originally was confusion by several of the residents of the Avon Lakes Subdivision that the resulting building would be townhomes or duplex-type structures; however, the result will be two single-family detached homes which will become a part of the Avon Lakes Homeowner's Association.

The applicant, **Dale Garrett**, Hamlin Associates, was in attendance.

Mr. Klomp questioned whether the homes will look the same as the other homes in the Avon Lakes neighborhood.

Mr. Garrett responded that the homes will be the same as those being constructed in Avon Lakes Sub No. 4 on the east end of the lake.

John Staran, City Attorney, explained that a Site Condominium is a form of ownership and development, and the result is a single family home. He mentioned that passersby would not notice any difference in building, construction or use from the surrounding homes.

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

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0050-2012

Resolved, that the Rochester Hills City Council hereby approves the request for Approval of the Preliminary Site Condominium Plan for Avon Lakes Condominium, a two-unit development located on Mackwood, west of Dequindre, zoned R-4, One Family Residential, Parcel No. 15-25-202-040, based on plans dated received by the Planning and Economic Development Department on November 3, 2011, with the following findings and subject to the following conditions:

Findings:

1. Upon compliance with the following conditions, the Preliminary Plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The Preliminary Plan represents a reasonable lot layout and orientation.
4. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.
5. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. Provision of \$200 per unit for street trees, payment made prior to obtaining a Land Improvement Permit.
2. That the applicant receives all engineering-related permits, including a Soil Erosion and Sedimentation Control Permit and approved Construction documents required by Public Services prior to Final Plan Approval.

2012-0065 Request for a Sidewalk Waiver for Avon Lakes Condominium, a two-unit development on 1.2 acres located on Mackwood, between John R and Dequindre Roads

Attachments: [Agenda Summary.pdf](#)
[Sidewalk Location Map.pdf](#)
[PC Minutes 030612 \(Excerpt\).pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, explained that the sidewalk waiver request is considered appropriate as there are no sidewalks within the entire development of Avon Lakes. He commented that if sidewalks were to be added to the development at some point in the future, each property owner will be responsible for installation of their share. He stated that requiring sidewalks for this parcel would result in an attractive nuisance.

A motion was made by Klomp, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0051-2012

Resolved, that the Rochester Hills City Council hereby approves the request for a Sidewalk Waiver for Avon Lakes Condominium, a two-unit development on 1.2 acres located on Mackwood, west of Dequindre with the following finding:

1. The proposed sidewalk would not currently connect with any established non-motorized vehicle-pedestrian pathway of sidewalk, nor would it be likely to connect to any non-motorized vehicle-pedestrian pathway in the future.

2012-0110 Resolution In Support of Senate Bill 52 - Speed Limits On Unpaved Roads

Attachments: [Agenda Summary.pdf](#)
[Senate Bill 52 Staran Letter.pdf](#)
[Senate Bill 52.pdf](#)
[Resolution.pdf](#)

President Hooper recapped the history behind Senate Bill 52 and noted how the speed limits on gravel roads were raised to 55 miles per hour (MPH).

John Staran, City Attorney, noted that State Police supported the legislative change in 2006 to achieve what they viewed as a better model for setting speed limits and creating more uniformity throughout the state. Speeds were to be based on the number of access points within a certain distance. The effect of this change to a uniform model was to diminish local control. While this change works in many places throughout the state, in Rochester Hills and Oakland County it caused some of the slowly-traveled dirt roads to be turned into 55 MPH speedways. A legislative effort sponsored by former State Senator Mike Bishop to reverse the change was vetoed by former Governor Jennifer Granholm in 2007. Senate Bill 52 is a renewed effort to restore local control.

Public Comment:

Linda Raschke, 1599 Dutton Road, stated that both Dutton and Washington are unique roads within Oakland County. She commented that since Dutton was opened all the way to Lapeer Road, speed limits along the roadway change drastically. She stated that drivers do not travel according to road conditions and stated that the City has the responsibility to provide a safe road. She commented that she must go out into the roadway in an attempt to slow traffic just to allow her guests the ability to safely leave her driveway. She mentioned that track teams and other runners use the rural gravel roads left in the community for training purposes. She requested Council adopt the resolution in support of Senate Bill 52.

Lee Zendel, 1575 Dutton Road, stated that considering that most gravel roads in the state are lightly traveled and do not have multiple access points, the Michigan State Police decided that the speed limit increase made sense. He noted, however, that considering Dutton Road and Washington Road, this increase does not make sense because of topography and drainage issues. He pointed out that traffic has increased substantially and Dutton is no longer a calm, rural road. He requested Council adopt the resolution in support of Senate Bill 52.

Deborah Prachaseri, 1860 Carter Road, requested Council support the resolution. She stated that when she turns out of her street onto Washington Road, there is a hill and limited sight distance. She pointed out that the only roads within the County where you can travel 55 MPH are M-59 and I-75, and commented that this speed on narrow dirt roads does not make sense.

President Hooper commented that this is one of those instances where he does not know what the previous Legislature was thinking when they allowed the limits to increase.

Mr. Webber stated that he grew up backing Dutton Road and his family saw many accidents there. He commented that he looks forward to supporting the resolution and noted that this community has a long history of voicing its concerns to the State about the removal of local control. He suggested that the resolution of support be transmitted to all three County Commissioners.

Mr. Yalamanchi requested City Attorney Staran clarify the purpose of Senate Bill 52.

John Staran, City Attorney, responded that Senate Bill 52 would restore the speed limits that were in place before the previous legislation raised the limits, thereby returning the control of setting speed limits to Rochester Hills.

Mr. Yalamanchi questioned whether lowering the speed limits could be overridden by Oakland County, as these roads are County roads.

Mr. Staran responded that if Senate Bill 52 stays intact, it cannot be overridden. The roads would return to their prior speed limits and remain unless the City of Rochester Hills asked for the limits to be changed.

Mr. Rosen suggested that the resolution's wording be strengthened by adding the word "considerably" in the third paragraph prior to "higher speed limits". He questioned how the resolution of support would be transmitted to and addressed by its recipients.

Mr. Webber responded that each recipient should treat the resolution similar to a constituent letter. Transmitting the resolution to the State Senators that introduced the bill, the Transportation Committee, and State Representative Tom McMillin is a good start to convey the City's position.

Mr. Tisdell requested Mr. Staran comment whether adopting the resolution falls within Council's resolution powers rendered by Section 2.1 of the City Charter.

Mr. Staran responded that it does. He stated that while the Bill would have state-wide implications and applications, this has been a matter of considerable concern, discussion and debate since 2006. He noted that Senator Bishop's prior efforts came largely at the urging of the people in the City of Rochester Hills. He commented that while Senate Bill 52 is proposed State legislation, it is very much a matter of local concern and is within Council's resolution-making authority under the City Charter.

Mr. Klomp concurred, noting that this is a public safety issue and needs to be addressed with a strong voice. He commented that the higher limits threaten the character of the northern end of the city.

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

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0052-2012

Whereas, 2006 PA 85, effective November 9, 2006, amended the Michigan Vehicle Code concerning methods for establishing speed limits on public highways based, in part, on the number of vehicular access points within a 1/2 mile segment; and

Whereas, as a result of 2006 PA 85, some dirt and gravel roads in the City of Rochester Hills that were previously posted with lower speed limits had their speed limits increased to the 55 mph prima facie speed limit; and

Whereas, concerned residents and the Rochester Hills City Council believe that considerably higher speed limits on those unpaved roads create unsafe and dangerous conditions for motorists, bicyclists and pedestrians, especially where the unpaved roads are hilly, bumpy, winding or lack shoulders or sidewalks; and

Whereas, Senate Bill No. 52, introduced by State Senators Marleau, Kowall and Pappageorge, would amend the Michigan Vehicle Code to reinstate speed limits for unpaved roads that were lawfully posted before the effective date of 2006 PA 85, unless the city, village or township where the road is located asks its county road commission to increase the speed limit and the road commission concurs; and

Whereas, SB 52 has been referred to the Senate Committee on Transportation; and

Whereas, the City Council believes enactment of SB 52 will promote the public health, safety and welfare of the city's residents, visitors and the traveling public.

Therefore, it is resolved that the Rochester Hills City Council declares its support for SB 52 and urges the State Legislature and the Governor to promptly enact it.

It is further resolved that the City Clerk shall transmit this resolution of support to State Senators Marleau, Kowall, Pappageorge, the Senate Committee on Transportation, State Representative McMillin, Governor Snyder, Oakland County Executive Patterson, Oakland County Commissioners Gosselin, Matis and River, the Road Commission for Oakland County, and the Michigan Municipal League.

2012-0098 Request for Purchase Authorization - BLDG/FAC: Purchase of electrical contractor services and energy efficient products for replacement at City facilities in the amount of \$73,123.53 with a 10% contingency of \$7,312.35 for a total not-to-exceed of \$80,435.88 and further authorizes the Mayor to execute a contract on behalf of the City; Tri-Master, Inc., Linden, MI

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

Kelly Winters, Deputy Director of Building/Ordinance Compliance, stated that this item, and the two following on tonight's agenda, provide an opportunity to use remaining funding from the \$600,000 Energy Efficiency and Conservation Block Grant Program (EECBG) the City had previously been awarded. He explained that through diligent work and efficiencies by staff and the contractors involved, prior projects undertaken under the grant yielded contingency amounts that were not ultimately needed. It is being requested to utilize these contingency amounts to seek some additional improvements. He noted that an April 19, 2012 deadline exists to have funds committed for use, and the Administration is currently awaiting approval from the Department of Energy for the additional work.

President Hooper questioned whether this and the following two requests add up to the left over contingency amounts.

Mr. Winters responded that they did. He commented that it is fortunate that these contingency funds were not needed and there are monies leftover that can be applied to additional projects.

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

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0053-2012

Resolved, that the Rochester Hills City Council authorizes the purchase of electrical contractor services and energy efficient products for replacement at City facilities to Tri-Master, Inc., Linden, Michigan in the amount of \$73,123.53 with a 10% contingency of \$7,312.35 for a total not-to-exceed of \$80,435.88 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2012-0099** Request for Purchase Authorization - BLDG/FAC: Purchase of HVAC/mechanical contractor services and energy efficient equipment for replacement at four (4) City facilities in the amount of \$54,906.05 with a 10% contingency of \$5,490.61 for a total not-to-exceed amount of \$60,396.66; K&S Ventures, Inc., Auburn Hills, MI

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

See Legislative File 2012-0098 for Discussion.

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

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0054-2012

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of HVAC/mechanical contractor services and energy efficient equipment for replacement at four (4) City facilities to K&S Ventures, Inc., Auburn Hills, Michigan, in the amount of \$54,906.05 with a 10% contingency of \$5,490.61 for a total not-to-exceed amount of \$60,396.66.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2012-0100** Request for Purchase Authorization - BLDG/FAC: Purchase of insulation and UV window protection and storms at the Van Hoosen Dairy Barn and Stoney Creek School House in the amount of \$57,372.00 plus a 10% contingency of \$5,737.20 for a total not-to-exceed amount of \$63,109.20; Usztan, L.L.C., Auburn Hills, MI

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

Kelly Winters, Deputy Director of Building/Ordinance Compliance, explained that this request will achieve energy efficiencies through the installation of a thermal barrier and UV-protection, while maintaining the historic character of the Van Hoosen Dairy Barn and Stoney Creek School House buildings.

President Hooper noted that the project was let out for bids and none were received. He questioned whether Council had to waive the City's purchasing requirements to award the contract to Usztan L.L.C.

John Staran, City Attorney, responded that it did not and the contract award could be considered an administrative issue.

President Hooper questioned how the storms will be installed.

Mr. Winters responded that internal and external storms will be installed, maintaining the appearance of the existing structures and essentially sandwiching the existing glass.

See Legislative File 2012-0098 for Additional Discussion.

A motion was made by Yalamanchi, seconded by Tisdell, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Klomp, Rosen, Tisdell, Webber and Yalamanchi

Absent 1 - Kochenderfer

Enactment No: RES0055-2012

Resolved, that the Rochester Hills City Council authorizes the purchase of insulation and UV window protection and storms at the Van Hoosen Dairy Barn and Stoney Creek School House in the amount of \$57,372.00 plus a 10% contingency of \$5,737.20 for a total not-to-exceed amount of \$63,109.20 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

COUNCIL COMMITTEE REPORTS

Rochester Area Youth Assistance (RAYA):

Mr. Klomp reported that RAYA held their annual Youth Recognition Banquet last week and honored a dozen youngsters with promising futures for their involvement in the community.

Paint Creek Trailways:

Mr. Klomp reported that Oakland Township is currently in a quest for a grant at the State level to support building a 12-foot wide bridge along with bathroom facilities to connect the Paint Creek Trail to the Paint Creek Cider Mill just south of Gallagher Road. He noted that if the grant application is successful, the \$350,000 project will allow trail users safe access to the Cider Mill area without traversing busy Gallagher Road.

Rochester-Avon Recreation Authority (RARA):

President Hooper questioned whether RARA's search for a new location has progressed.

Mr. Klomp responded that RARA has reviewed another property in Executive Session; however, public details are not yet available.

Police and Road Funding Technical Review Committee (PRTRC):

President Hooper reported that the PRTRC will be reporting their findings and recommendations to Council at the April 23, 2012 Regular Council Meeting.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, April 23, 2012 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:26 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 April 23, 2012 Regular City Council Meeting.