



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, July 12, 2010

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:02 p.m. Michigan Time.*

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Tara Beatty, Chief Assistant to the Mayor
Dan Casey, Manager of Economic Development
Paul Davis, City Engineer
Derek Delacourt, Deputy Director of Planning
Mark Hafeli, Attorney, Hafeli, Staran, Hallahan and Christ PC
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

*Deanna Hilbert, 3234 Quail Ridge Circle, questioned whether water reservoirs
could be put to a voter referendum, if the monies borrowed from City Funds would
be enough to address reservoir total costs, and if it is legal to borrow from City*

Funds for this use. She stated that if other Funds could be used for water reservoirs, they should instead be tapped to fix roads. She commented that having a uniformed Oakland County Sheriff's Officer at the June 21st Council meeting taking notes was a form of intimidation.

Scot Beaton, 655 Bolinger Street, stated that the Planning Commission will be holding a Public Hearing tomorrow night, rescheduled due to last week's power outage, to address an applicant's request to change a Planned Unit Development. He commented that this proposed change would allow the applicant to build four buildings and would render the property's entire frontage on Rochester Road a strip mall. He mentioned an Oakland Press article which addressed compensation for elected officials.

Dave Kibby, 558 Whitney, displayed pictures of a water tower and a water reservoir, noting that towers have never been considered, nor have bright lighting, razor or barbed wire or chemical usage been proposed. He stated that misinformation is being distributed to the public, referencing an Oakland Press commentary which erroneously stated that a domed roof facility is more costly and not included in project estimates. He reported that he has spoken to many residents in favor of water storage facilities.

Alice Benbow, 1582 Northumberland, commented that no defamatory remarks against any individual should be allowed during Public Comment. She stated that a powerpoint is available on the oakgov.com website reporting that Oakland County projects housing values have plummeted 35 percent and are projected to decrease 20 percent more.

Shawn Cooper, 3014 Baypoint Drive, expressed appreciation for the City's water conservation public education efforts and questioned to whom he should address questions regarding the Water Storage Feasibility Study. He stated that he is disturbed when public comments are used for personal attacks on Council. He commented that he would like all Council members to state that they will have no personal gains from a water storage project.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett made the following announcements:

- The City's tax bills have been mailed out. The bills originate from a Chicago, Illinois address as Bank of America has closed its Michigan operations. A Request for Proposal yielded bids that would have resulted in excess of \$50,000 in increased cost to the City to keep the tax billing with a Michigan firm.
- Festival of the Hills had a record attendance estimated at over 50,000. This is the fourteenth year in a row that no tax dollars were expended. Residents are encouraged to visit the City's website to view the list of sponsors and thank them for their contributions.
- Park attendance topped one million visitors last year. Weather-permitting, this year's attendance could top that number.
- The City will be receiving \$192,000 from the U.S. Fish and Wildlife Service and the Great Lakes Basin Fish Habitat Partnership under the Great Lakes

Restoration Initiative as a grant for the restoration of Avon Creek. The City is only one of five to achieve this grant.

- In response to Ms. Hilbert, he noted that money can be used from other City Funds as long as the funds are not damaged and the money is repaid in a timely fashion at the same interest rate these funds might earn externally. The goal is to save the taxpayers money and funds will be used within the Law and Ordinances.*
- The Water Campaign began before the first week of summer. Articles have also appeared in the Hills Herald and additional informational pieces are forthcoming. Ordinance Enforcement personnel are visiting individuals and businesses not in compliance to make them aware of the Watering Ordinance.*
- He commented that his experience at Harvard was fantastic and expressed thanks to the Southeast Michigan Council of Governments (SEMCOG) and the Taubman Foundation for financing the trip. He stated that he was the recipient of a competitive scholarship that paid the entire \$11,200 tuition bill for the program, which included young leaders from across the world.*

*In response to resident comments, **Mr. Webber** stated that he has no personal gain or interest in the water storage project.*

***Mr. Pixley** expressed thanks to City staff and colleagues for condolences he received regarding his father's passing. He congratulated the City for receipt of the Avon Creek Restoration Grant. He reported that he recently participated in interviews for next year's Rochester Hills Government Youth Council (RHGYC), noting that there were approximately 30 candidates and stated that the City has some phenomenal young people interested in City government and in representing fellow youth on the RHGYC. He commented that Council will be considering the appointments at an upcoming meeting.*

***President Hooper** stated that questions on the Water Storage Feasibility Study should be addressed to Roger Rousse, Director of DPS/Engineering or Paul Davis, City Engineer. He explained that all seven Council Members are elected to make decisions regarding City spending. He noted that City Attorney John Staran has stated that it is legal to borrow from other City Funds for Water Storage Facility construction and commented that the project is still in the proposal phase. He noted that utilizing City funds would be in lieu of selling bonds as one avenue of saving money. He stated that it is his decision whether to have a uniformed or plainclothes Sheriff's Deputy in the audience during a meeting.*

ATTORNEY MATTERS

***Attorney Mark Hafeli** had nothing to report.*

PRESENTATIONS

- 2010-0282** Crooks Road and M-59 Interchange Reconstruction Presentation; Michigan Department of Transportation, presenter

Attachments: [Agenda Summary.pdf](#)
[Suppl MDOT presentation.pdf](#)
[Suppl Crooks M59 Bridge Survey Question.pdf](#)

Paul Davis, City Engineer introduced Lori Swanson, P.E., Michigan Department of Transportation (MDOT) Project Manager; Mike Guter, P.E., URS; and John Katers, P.E., Orchard Hiltz & McCliment (OHM). He stated that the City does not typically use the design/build process on road projects; however, this process will allow the M-59 Interchange Project to proceed very rapidly.

Ms. Swanson stated that the yearly bridge inspection performed in 2009 found that the condition of the Crooks Road bridge over M-59 was becoming critical. MDOT determined that money should not be spent to repair a two-lane bridge when there is a need for an interchange with increased capacity, and it was decided that the interchange project would move forward. The Environmental Assessment was amended to include the project; however, the work was put on hold last fall. She commented that bid savings attained on other projects due to the economy will provide funding to bring this project back to active status, with an obligation on funds needed by the end of MDOT's fiscal year in September. She explained that the project will be advertised for a design-build process by August 31. She gave the following presentation:

Why Design-Build?

- Accelerated delivery method
- MDOT has a proven design-build delivery method in place
- Obligation of funds required by August 31, 2010
- Crooks bridge in poor condition

M-59 at Crooks Interchange Improvements

- Five lanes north and south of interchange
- Extends RCOC improvements north
- Adds loop ramps at Crooks for M-59 movements (no more left turns)
- Improves geometry of interchange
 - * Curves
 - * Superelevations
 - * Underclearance
 - * Ramp tangents and tapers
- Sidewalks improved
- Sidewalks extended through interchange to Hamlin
- Sidewalks on both sides
- Avon Industrial/Star-Batt at Crooks Improved
 - * Add pedestrian ramps
 - * Upgrade traffic signal
 - * Improvement pavement condition
 - * Improve southeast corner curb radius

Ms. Swanson stated that the only difference from the project design in 2007 is not extending the boulevard through the interchanges. The road will be connected to the south around Austin Drive with a five-lane pavement. To the north, the roadway will be widened to five lanes and the project will end at Star-Batt

Drive. She noted that doing away with direct left turns will increase capacity and reduce congestion considerably. She displayed aerial views of the project scope and noted that the sidewalk improvements will be taken up to the Hamlin Road intersection and will be ADA-compliant. She commented that MDOT is striving to locate funding to perform a mill and fill of the section of Crooks Road from Star-Batt to Hamlin as a part of this project; however, no widening could occur. The presentation reviewed construction activities on M-59:

M-59 Construction

- Crooks to east reconstructed in 2010
- Crooks to west reconstructed in 2010
- Crooks interchange will coordinate with west project
- Two lanes on M-59 maintained in each direction during construction
- All ramp movements will be maintained

Mr. Guter reviewed the procurement schedule:

- August 31: Obligation/Advertisement
- September-October: One-on-one meetings
- October 28: ATC submittal deadline
- November 11: Clarification submittal deadline
- November 17: Technical proposal due date
- November 18: Price proposal due

He noted that a short list has been prepared of four design/build teams eligible to bid on the project; these teams will receive a Request for Proposal (RFP). Selection will be price-based, with scheduling considered as well. He reviewed the options as a total closure at the bridge, or part-width closure at the bridge.

Total Closure at Bridge

- Three lanes on Crooks to north and south
 - * Temporary widening to east or west
 - * Opposite side constructed first
- Ramp movements always maintained
- South detour Auburn to Adams
- North detour Hamlin to Adams
- Access to businesses always maintained
- Avon Industrial/Star-Batt movements maintained

Part-Width at Bridge

- Three lanes on Crooks to north and south
 - * Temporary widening to east or west
 - * Opposite side constructed first
- Two lanes across bridge
- Left turns at ramps maintained
- Ramp movements closed temporarily
 - * Up to three weeks per movement
 - * One of two on south side at one time
 - * One of two on north side at one time

He noted the scheduling of each option:

Total Closure

- Two to three months to build bridge concurrent
- Four to five months to build Crooks part-width (bridge open with Crooks construction continuing)

Part-Width

- Six months to build bridge concurrent
- Six months to build Crooks concurrent

Mr. Guter noted that the Nine Mile Bridge over I-75 is a similar bridge which was completed in 55 days.

Ms. Swanson commented that a Total Closure option would include incentives or disincentives for meeting or exceeding the project timeframe.

Mr. Davis reported the results of a survey of existing business owners conducted to determine their preference for the options. He commented while he would recommend total closure for both safety and timing considerations, businesses are currently hurting in this economy and many will be affected by the project. Sixty-two responses were received with 86 percent of the respondents in favor of maintaining both directions of through traffic, 13 percent in favor of total closure, and one respondent opting for maintaining traffic in one direction. He noted the City's efforts to encourage MDOT to include the portion of Crooks from Hamlin to Star-Batt Drive in the project. He commented that the City will assist MDOT in securing the easements for the pathway completion up to Hamlin Road and will help with obtaining permits to grade, noting that driveways and right-of-ways will be redone.

Public Comment:

Alice Benbow, 1582 Northumberland, expressed concern over the project cost and stated that materials used for Michigan roadways are inadequate. She questioned whether the contract can require completion within this timeframe, and stated that Michigan companies in close proximity to Rochester Hills with a track record of providing quality services should be used.

Tom Costigan, owner of J. Thomas Jewelers, 2248 Crooks Road, requested the roadway be kept open. He noted that Crooks north of Star-Batt should be included in the project as well, as this is a major entryway to Rochester Hills.

Albert Santia, 37598 Paula Court, Clinton Township, representing Crooks Corners LLC, reported difficulties in securing tenants for their strip mall and stated the road should be kept open. He questioned whether work on the sidewalk could be delayed and funds allocated for the roadway north of Star-Batt.

Randy Jarman, Chapman's Mill, 2086 Crooks Road, commented that the restaurant has been open for one year and stated that closing the road would be detrimental to them as 40 to 50 percent of their business comes from across the bridge.

Steve Stolaruk, 1940 Oak Pointe, commented that his industrial buildings located on both sides of Crooks Road have started approximately 560 businesses over the years. He noted that the roadway provides a lifeline to these businesses and expressed concern that the road project would damage them. He stated that access to the businesses should be maintained.

Dani Homrich, of Dani Designs, 1531 W. Hamlin Road, stated he has been in business in Rochester Hills for 36 years and business is off 90 percent since the Hamlin Road project started. He reported that while he used to have many walk-in customers, he has only had two walk-ins so far this year. He pointed out that closing the bridge would require drivers to travel four miles and stated that this is too far for people to drive. He commented that his business is barely holding on and he is close to losing his Rochester Hills home.

Council Discussion:

It was the consensus of Council and Mayor Barnett that the roadway should remain open during construction.

Mr. Yalamanchi requested the following information:

- Whether funds for the sidewalk portion of the project could be allocated to the roadway north of Hamlin.
- If the Road Commission for Oakland County (RCOC) could contribute to that portion of the project.
- How two-way traffic would be maintained.
- Why there is a large dirt accumulation near the entrance ramp.
- Whether all driveways will be redone.
- How the project timing will coincide with widening M-59 to the west.

Ms. Swanson responded that inclusion of the sidewalk is a Federal requirement for the project and noted that eliminating this portion would not contribute enough funds to complete the roadway. She explained that two-way traffic would be maintained on the existing portion of the roadway while the new portion of the bridge is constructed; after that time, traffic would be moved to the new portion while the existing portion is demolished and reconstructed. She noted that the dirt accumulation is excavation from the widening project and will be used in the construction of the interchange. She stated that driveways will be redone and commented that the western M-59 reconstruction will begin after the asphalt plants open for the season around March 1, 2011.

Mr. Davis responded that the RCOC does not have funding to contribute and currently relies on Federal funding to complete their projects. He noted that they will, however, complete the pathway up to Hamlin Road.

Mr. Brennan requested the following information:

- He requested further explanation of the design/build method and questioned the benefits of the process.
- How the ramps will be configured.
- What work will be included in constructing pedestrian ramps.
- Whether any property condemnation will be required.
- Whether penalty or bonus clauses can be utilized to keep the bridge open.
- How the obligation of funds will be accomplished.

Ms. Swanson responded with the following:

- The contractor selected will hire a consultant to perform design work. Construction can begin before plan completion.
- The interchange will be a partial-cloverleaf with a single lane that widens out at the intersection, improving capacity. Signal timings will be adjusted as left-turn phasing will no longer be needed.
- Only corner-clips and grading will be required with no condemnation anticipated.
- Sidewalk design will be ADA-compliant with a truncated dome to help the visually impaired know they are coming to a road.
- Roadway and Rehabilitation and Bridge Rehabilitation and Reconstruction funding will be used. Lower bids on other projects have yielded this funding availability. If not utilized, the monies will go back to the State's General Fund.

Mr. Guter stated that liquidated damages can be incorporated into the project.

Mr. Davis stated that the City will have an Act 51 local share of approximately three percent.

Mr. Rosen questioned whether it will be MDOT's sole decision to close the road and if the cost estimate is based on full or part-closure. He stated that while keeping the bridge open is best for all concerned, he would question whether the extra benefit of closing the road might yield enough funds to complete the section from Star-Batt to Hamlin.

Mr. Guter stated that initial soil investigations conducted to date conclude that the area is adequate for spread footing to allow construction without closing the road.

Ms. Swanson commented that cost differences to keep the road open have not yet been identified. She noted that if bids exceed \$10 million with a part-width scenario, the bids would be pulled and the project reviewed.

Mr. Davis noted that although this would be the best time to complete the portion of roadway up to Hamlin, Tri-Party Funds have been exhausted.

Mr. Klomp questioned whether money will be the only criteria considered in determining partial or full closure. He expressed concerns for public safety in providing EMS service to the southwest corner of the City.

Ms. Swanson responded that City feedback, the roadway alignment and detours required will be reviewed, along with a review of the existing bridge footings to determine whether they can accommodate the new bridge footings. She stated that MDOT will meet with the City's emergency personnel.

Presented.

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.

2010-0248 Approval of Minutes - City Council Meeting - April 26, 2010

Attachments: [CC Min 042610.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0158-2010

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 26, 2010 be approved as presented.

2010-0277 Request for Purchase Authorization - DPS/ENG: Contract for upgrading the pathway ramps to meet Americans with Disabilities Act (ADA) standards at various locations along Auburn Road between Adams Road and Dequindre in the amount of \$4,600.00 and any additional funds owed and identified in the final audit; Michigan Department of Transportation, Lansing, MI

Attachments: [Agenda Summary.pdf](#)
[MDOT Resurfacing Map.pdf](#)
[MDOT Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0159-2010

Resolved, that the Rochester Hills City Council hereby approves a contract for upgrading the pathway ramps to meet Americans with Disabilities Act (ADA) standards at various locations along Auburn Road between Adams Road and Dequindre, authorizes payment in the amount of \$4,600.00 and any additional funds owed that are identified in the final audit and authorizes the Mayor and City Clerk to execute the contract on behalf of the City.

2010-0278 Request for Purchase Authorization - DPS/ENG: Contract for 2010 Pavement Striping Program in the amount of \$42,577.58 with a 5% contingency of \$2,128.88 for a not-to-exceed total of \$44,706.46; R.S. Contracting Inc., Casco, MI

Attachments: [Agenda Summary.pdf](#)
[2010 Striping Location Map.pdf](#)
[2010 AB Pavement Striping Inventory.pdf](#)
[2010 CRH Striping BID TAB.pdf](#)
[RCOC 2010 BID TAB Striping.pdf](#)
[RS 2010 Authorization Letter.pdf](#)
[RCOC 2010 Striping Approval Lt.pdf](#)
[MDOT Spray Thermoplastic Material Spec.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0160-2010

Resolved, that the Rochester Hills City Council hereby authorizes a contract for the 2010 Pavement Striping Program to R.S. Contracting Inc., Casco, Michigan in the amount of \$42,577.58 with a 5% contingency of \$2,128.88 for a not-to-exceed total of \$44,706.46.

Passed the Consent Agenda

A motion was made by Pixley, 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 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

The following Consent Agenda Items were discussed and adopted by separate motion.

2010-0265 Request for Purchase Authorization - DPS/ENG: Approval of Rights-of-Way Acquisition for the John R Pathway Project, East Side (Avon to Bloomer Park) and authorization for payments to land owners in the amount of \$4,400.00

Attachments: [Agenda Summary.pdf](#)
[Spreadsheet.pdf](#)
[Pedestrian Bicycle Easement Navarre.pdf](#)
[Temp Pedestrian Bicycle Pyne.pdf](#)
[Drainage Easement Jaskolski.pdf](#)
[Drainage Easement Floreno.pdf](#)
[Pedestrian Bicycle Easement Seidell.pdf](#)
[Resolution.pdf](#)

Public Comment:

Lyn Toussaint, 1005 Bloomer Road, commented that in the late 1980s and early 1990s, the City secured property on the west side of John R for pathway and questioned why the east side is being considered now.

Robert Quigley, 1078 Bloomer, questioned whether this purchase would include all property required for the pathway. He expressed concern that the pathway construction would not be complete, leaving gaps and exposing the City to liability.

Alice Benbow, 1582 Northumberland, questioned whether any Council member had a conflict of interest in this project.

Council Discussion:

President Hooper questioned whether this request included all properties needed and why the pathway is slated for the east side of the road.

Paul Davis, City Engineer, responded that all pathway sections are covered with these eight properties and commented that the purchase of additional easements was not deemed necessary. He stated that he was not certain why the east side was selected for construction at this time, and noted that the Master Pathway Plan proposes pathways on both sides of all major roads.

Mr. Yalamanchi requested that Mr. Davis provide information verifying that all the easement purchases are complete.

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 - Brennan, Hooper, Klomp, Pixley, Webber and Yalamanchi

Nay 1 - Rosen

Enactment No: RES0161-2010

Resolved, that the Rochester Hills City Council hereby authorizes payments to land owners for rights-of-way acquisition for the John R Pathway Project, East Side (Avon to Bloomer Park) in the amount of \$4,400.00.

2010-0274 Request for Purchase Authorization - DPS/FAC: Blanket Purchase Order for snow removal services at City Hall, Precinct #5, 52/3 District Court and Oakland County Sheriff Department Substation in the amount not-to-exceed \$75,000.00; ULTRA Professional Outdoor Services LLC, Auburn Hills, MI

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

Mr. Brennan questioned whether the City utilized all funds allocated for this past winter and what happens to any unused amounts.

Roger Rouse, Director of DPS/Engineering, responded that the actual expenditure for this past winter came in well below budget and salt was stockpiled. He stated that unused funds return to the Facilities Fund Balance.

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

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

Enactment No: RES0162-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for snow removal services at City Hall, Precinct #5, 52/3 District Court and Oakland County Sheriff Department in the amount not-to-exceed \$75,000.00 to ULTRA Professional Outdoor Services LLC, Auburn Hills, Michigan through June 15, 2011.

PUBLIC HEARINGS

2010-0264 Request for Approval of an Industrial Facilities Exemption Certificate for 2770 Research Drive

Attachments: [Agenda Summary.pdf](#)
[WABCO Application.pdf](#)
[WABCO Development Agreement.pdf](#)
[WABCO TB Analysis Summary.pdf](#)
[Suppl WABCO powerpoint.pdf](#)
[Public Hearing Notice.pdf](#)
[062110 Agenda Summary.pdf](#)
[062110 Resolution.pdf](#)
[Resolution.pdf](#)

Dan Casey highlighted the following regarding the project:

- The Michigan Economic Growth Authority (MEGA) Board approved tax credits in support of WABCO's expansion project contingent upon City Council approving the tax abatement.
- WABCO's lease of the former Avon Gear building on Research Drive is also contingent upon receipt of the abatement. He stated that the building is 62,000 square feet and has been vacant for two-and-a-half years.
- An IDD is already in place.
- WABCO is requesting a five-year abatement, as its lease term on the building is for five years. He noted that City Council's Tax Abatement Policy restricts the length of the abatement to the length of the lease term.
- WABCO will invest \$1.9 million in Personal Property and create 50 new jobs; with 270 new jobs and \$6.2 million in new equipment over a five-year period.

Jeff Stukenborg, Product Development Leader, WABCO North America LLC, explained that the Westinghouse Air Brake Company (WABCO), started in 1869, is a high-technology company leading in safety and control systems for commercial vehicles. He gave the following presentation:

About WABCO

- Sales of \$1.5 billion in 2009
- Over 8,100 employees in 31 countries; 1,250 engineers
- 18 plant locations in 10 countries
- Listed on the New York Stock Exchange as WBC

WABCO's North American Operation Plan

- WABCO North America will be building new or remanufacturing of electronic, electrical/mechanical, or mechanical products for the automotive, commercial vehicle, industrial, agricultural and medical industry.
- Remanufacturing is a very green process, reusing high amounts of the components (typically 85 percent) and keeping potential harmful materials out of landfills. Electronics reman is a high technological industry and will need to employ high skilled technicians.
- Potential Customers: GM, Ford, Chrysler, Toyota, Honda, TRW, Continental, Delphi, etc.

- *Hiring Plan:*
 - * 1st Year - 79 Employees
 - * 2nd Year - 118 Employees
 - * 3rd Year - 164 Employees
 - * 4th Year - 205 Employees
 - * 5th Year - 274 Employees.
- *We will be meeting MEGA's requirements for wages and benefits.*

MEGA Activities

- *May 7, 2010 - Submitted MEGA application.*
- *June 1, 2010 - Rochester Hills building chosen (2770 Research Drive). Lease negotiations begin.*
- *June 15, 2010 - MEGA Board approved application (supported by Dan Casey from Rochester Hills).*
- *June 28, 2010 - Lease signed by Avon Gear and WABCO, subject to final MEGA and City of Rochester Hills approval of tax credits.*
- *July 12, 2010 - Rochester Hills City Council review.*

Mr. Casey reviewed the tax implications of the abatement:

Total taxes without abatement: \$71,089; Rochester Hills share: \$29,479.
Taxes with abatement: \$35,894; Rochester Hills share: \$14,739.

President Hooper Opened the Public Hearing at 9:00 p.m. Seeing No Public Input, President Hooper Closed the Public Hearing at 9:01 p.m.

Council Discussion:

Mr. Pixley expressed his appreciation to WABCO representatives for their interest in doing business in Rochester Hills.

Mr. Yalamanchi questioned the type of jobs to be created and their pay scale.

Mr. Stukenborg responded that Electrical Technician jobs at a scale of \$13 to \$14 per hour plus benefits would be created, along with some positions related to electronics soldering at a lesser scale. He noted that the range of jobs created would be \$11 to \$14 per hour.

Mr. Webber questioned how the positions would be marketed.

Mr. Stukenborg responded that the State was viewed as an opportunity because of the skill set of available employees. He noted that WABCO will work with the City and State to post these job positions.

Frank Impson, Controller, WABCO North America LLC, stated that a full range of jobs will eventually be created, including Human Resources and Finance people and commented that all available local resources will be used. He mentioned that when WABCO first started its search, it reviewed the entire North American Free Trade Agreement (NAFTA) region, and selected Rochester Hills.

Mr. Stukenborg noted that WABCO is looking to pull work back into the states previously outsourced to other countries.

Mayor Barnett commented that WABCO will complement many of the companies already in Rochester Hills. He noted that these are not abated current taxes, as the empty former Avon Gear building currently produces very little tax revenue.

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

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

Enactment No: RES0163-2010

Whereas, WABCO North America, LLC, as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, is located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended; and

Whereas, the Industrial Development District is that property located at 2770 Research Dr., also known as Tax Parcel No. 15-29-352-003, and further described as:

T3N, R11E, SEC 29 & 30 ROCHESTER HILLS EXECUTIVE PARK LOT 29 11-18-87 FR 300-005 & 15-30-476-007; and

Whereas, the Industrial Development District was established on October 18, 2006; and

Whereas, WABCO North America, LLC has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation; and

Whereas, A Public Hearing regarding this request was held at the City Council's Regular Meeting of July 12, 2010 in which the taxing authorities, applicant and public were given an opportunity to be heard; and

Whereas, The Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the Rochester Hills City Council hereby approves the request of WABCO North America, LLC for an Industrial Facilities Exemption Certificate for a period of five (5) years after project completion for personal property only; and

Be It Further Resolved, that the accompanying agreement between WABCO North America, LLC and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this Resolution no later than July 30, 2010; and

Be It Finally Resolved, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

NEW BUSINESS

(Mr. Klomp exited at 10:10 p.m. and re-entered at 10:12 p.m.)

(Mr. Rosen exited at 10:13 p.m. and re-entered at 10:14 p.m.)

- 2009-0411 Request for Approval of the HDSC's recommendation to deny eliminating the locally designated historic district at 1585 South Rochester Road, located on the east side of Rochester Road, north of Hamlin Road

Attachments: [Agenda Summary.pdf](#)
[Final HDSC Report.pdf](#)
[SHPO Review Ltr 032310.pdf](#)
[SHPO Staff Comments.pdf](#)
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John Dziurman, AIA, and Dr. Richard Stamps, Historic Districts Commission (HDC) and Historic Districts Study Committee (HDSC) members, presented this item. They were joined by Jim Hannick and LaVere Webster, HDSC members and Rod Wilson, Rochester Avon Historical Society.

Mr. Dziurman led the presentation:

Historic Preservation in our Community/Rochester Hills Historic Districts Study Committee Report - Request for Elimination of the Historic District located at 1585 South Rochester Road

- Charge of the HDSC: Pursuant to Chapter 118, Section 129, the City Council referred a request for elimination of the historic district located at 1585 South Rochester Road to the HDSC on September 28, 2009.
- A map of the City's current Designated Historic Districts was displayed, along with exterior photos of 1585 S. Rochester Road.
- Parcel ID 15-23-300-001, Boundary Justification: The district consists of the entire intact parcel that remains of the property historically associated with the house. In the late 1980s, portions of the property were sold for redevelopment. To the south of the district is a retail nursery operation. To the east, west and north are newer housing subdivisions.

History of the District

- Approximately 27 acres remain of the 103 acre farmstead.
- The existing house on the property was constructed about 1900.
- E. C. Crout purchased 65 acres in 1902 and 1903, son of T. H. Crout, a farmer who relocated to Avon Township with his family in 1869 from Northampton County, Pennsylvania.
- E. C. Crout created the famous Fairview Stock Farm on the property.
- According to the 1903 Biographical Record and Leading Citizens of Oakland County, "Mr. Crout has spared no expense in fitting up this farm, having expended some \$7,000 in buildings alone, all of these being of the most modern, sanitary kind, fitted with heating and private gas apparatus, telephone and steam fittings and all so attractive, substantial and convenient as to place Fairview Stock Farm far beyond anything of its kind in this section of the state."
- Mr. Crout continued to purchase adjacent acreage and in 1914 his estate sold 103.56 acres to Frank Parmenter.
- A 1916 photograph shows the Frank Parmenter Fairview Stock Farm, including a historic house in Queen Anne style, numerous outbuildings, barns and a shelter, and the interurban railroad in front of the property on Rochester Road.
- Parmenter sold the property to A. Moore in 1916. The property changed hands several times, including reverting back to Moore between then and 1935, when the

- estate of A. Moore entered into a land contract with Wayne H. and Ethna M. Eddy for the property. The Eddys officially purchased the property in 1936 and took occupancy after April 1, 1936.
- Before going into business for himself, Wayne H. Eddy worked for General Motors and the Packard Motor Car Company. He was the chief/lead engineer for Pontiac Motors and received the first Pontiac off of the assembly line. He later was the chief/lead engineer at Buick and then Packard.
 - In the late 1940s, he founded the Allen Cooler and Ventilator Company in Rochester. (The business was sold to Solaronics in the late 1980s).
 - Mr. Eddy died at the age of 71 in 1965, and his second wife, Hyacinth Eddy, continued living on the property while managing all their businesses. In 1986, Ms. Eddy sold the property for development. The housing subdivision to the east was created at that time.
 - At the time of local designation in 1978, the property included all of the elements of a large, prominent, local farmstead; the main house with ancillary outbuildings. There was a hay barn, silos, horse barn, metal corn cribs, well house, machine shop, metal shed and a second Greek Revival house.
 - In 1991, due to demolition by neglect, the outbuildings were failing structurally and the City building official had no choice but to order the second house on the property and all of the remaining outbuildings be demolished because of their deteriorated condition.
 - Prior to 1995, the Historic District Ordinance listing included the historic resource (main house) and one hundred feet around it, although the Historic Districts Commission was asked by the City to review the proposed demolition. In 1995, the Historic Districts Ordinance was amended to include the entire parcel of each historic designated resource.
 - A 1991 site plan sketch shows all of the building locations on the Eddy Farm prior to demolition. The owners in 1991 are the same owners today.

Mr. Dziurman reviewed the criteria for district elimination with respect to the subject property:

Lost Physical Characteristics

- Count of Historic and Non-Historic Resources:
 - * There is one historic and zero non-historic resource in this district. One-hundred percent of the surviving resources are historic. Only one of the original buildings of the farmstead survives, the other having been destroyed in 1991.
 - * The house at 1585 South Rochester Road has not changed from the time of designation in 1978. The barns, second house, and other outbuildings on the property were demolished; however, they were not included with the original designation. Therefore, the district has not lost its original physical characteristics from when it was designated.

Insignificance

- In 1978, when the Avon Township Historical District Study Committee conducted their investigation of potential historic districts in the township, they used the requirements listed in Michigan's Local Historic District Act, which instructed study committees to conduct studies and research and make a written report on the cultural, social, economic, political, architectural or historical significance of the property under consideration. A primary purpose of the 2002 Rochester Hills Historic Districts Survey was to re-evaluate all of the properties that were

designated in 1978. Michigan's Local Historic Districts Act has been amended extensively since 1978. The 1992 amendments specify requirements for study committee reports and require study committees to be guided by the evaluation criteria for the National Register of Historic Places.

- Rochester Hills' Historic Preservation Ordinance has also undergone substantive amendment. The original ordinance limited the size of a historic district to 100 feet from the primary structure. This was amended in 1995 to include the entire parcel. Thus, it became necessary to evaluate all of the resources on the property.

* After the 1992 amendments, and prior to 2002, Public Act 169 of 1970 required that study committees "shall be guided by" the criteria for listing in the National Register of Historic Places.

* In 2002, the State Historic Preservation Office (SHPO) adopted rules regarding local historic district designation that every study committee "shall follow" the criteria for listing in the National Register.

National Register Criteria for Evaluation

- The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or

D. That have yielded, or may be likely to yield, information important in prehistory or history.

Significance

- The Eddy Farm Historic District is significant under National Register Criterion A, for its association with a pattern of historical events, and under Criterion C, for its embodiment of the distinctive characteristics of a type of architecture and planning. The areas of significance are agriculture, architecture and community planning and development. The district's period of significance is from 1900, when the main house was constructed, to the late 1980s, when Wayne Eddy's second wife, Hyacinth Eddy, sold the property for development.

Defective Procedure? No

- The procedures followed in 1978 establishing the 1585 South Rochester Road Historic District were not defective. When the property was designated a local historic district, the Avon Township Board and Avon Township Study Committee correctly followed the procedures prescribed by State Law at that time. The study committee adopted evaluation criteria, conducted an inventory, prepared inventory sheets on each property, prepared a preliminary and a final report, drafted an ordinance, and undertook the required transmittals and public hearing. Of the several hundred properties that the study committee inventoried, 65 were recommended for local historic district designation. The Avon Township Board

designated 31 of these as noncontiguous historic districts each containing one building and the remainder as part of the Stoney Creek and Winkler Mill Pond Historic Districts.

Conclusion

- The house continues to possess the historic and architectural integrity needed for it to be considered significant for its history and architecture. It is one of two local examples of the Neoclassical style and was designed by architect John Burns. It is associated with Wayne H. Eddy, a chief automotive engineer in the 1930s and business owner and founder from the 1940s until his death in 1965.
- The Historic Districts Ordinance that Avon Township adopted in 1978 limited a non-contiguous district to the designated structure on the property and the area within one hundred feet from that structure (or to the property line if that was less than one-hundred feet away). In 1995, the City of Rochester Hills amended their Ordinance to include the entire parcel with all of its historic and non-historic resources. This was done to comply with the changes in State Law.
- The HDSC finds that the house at 1585 South Rochester Road should retain its local historic district designation, since:
 1. The historic district has not lost those physical characteristics that enabled establishment of the district;
 2. The historic district is significant in a way previously defined; or
 3. The historic district was established pursuant to all legal procedures. (Section 118-34, Rochester Hills Code of Ordinances).
- Currently, only 84 of the City's 29,739 structures (0.0028 percent) are listed as having historical value in Rochester Hills.

Preservation and Future Development

- Historic and Potential Historic Properties will become the highest percentage of remaining parcels available for future development.
- If we are going to preserve the history of our community, we need to ensure that our remaining historic properties are properly and creatively reused.

The Value of Historic Properties

- Tells the story of our community to current and future residents.
- Creates a community with unique settings and neighborhoods.
- Provides a positive identity and image.
- Promotes arts and culture.
- Provides economic benefits.
 - * Rehabilitation Tax Credits
 - State - 25 percent of the cost of the work
 - Federal - 20 percent of the cost of the work
 - * Property values - designated historic properties retain their value better than their undesignated equivalents.
 - * Heritage Tourism - makes your city unique.

Preservation and Future Development

- Between 1980 and 2009, the City's population has almost doubled (40,000 to 75,000+). Total developed buildable land in the City is now close to 90+ percent capacity.

- *The HDC and the Planning Commission already have a track record in creating responsible development that benefits all stakeholders and the community.*
 - * *Rochester College*
 - * *Lorna Stone Village*
 - * *City Place*
- *Creative and Financial Tools*
 - * *Adaptive Reuse Ideas*
 - * *PUD requirements and incentives*
 - * *Overlay Zoning*
 - * *Form Based Codes*
 - * *Historic Tax Credits*
 - * *Historic properties = higher value*
 - * *Arts and Culture incentives*
 - *Financial; Marketing*
- *City Staff and all City Commissions, Boards and Committees need to all work together to create options and opportunities that will be accepted to the City, community and developers, in order to protect our historic resources while ensuring appropriate economic development in the future.*

Mr. Dziurman noted that the National Register allows a registered historic site to be moved if it is under threat of demolition. He commented that Council was approached for delisting after the economic downturn.

Dr. Stamps commented that the City is bound by the Ordinance, and noted that in reviewing the criteria the HDSC cannot support delisting. He mentioned that members of the public have attended the public hearings and meetings expressing support for retaining the historic listing.

Public Comment:

The following individuals spoke against approving the delisting:

Scot Beaton, 655 Bolinger, stated that the house is a valuable asset to the City.

Greg Domka, 891 River Bend, commented that he did not see any bias in the decision-making process and requested Council deny the request to delist.

John Rayner, 272 Bedlington, stated that these homes should be preserved so the young residents of the City know there are more choices in architecture than merely subdivision homes.

Rod Wilson, 403 Red Oak Lane, commented that City Council has a responsibility to protect the City's heritage. He stated that the only change to the property is the neglect that has happened over the last several years and commented that the owner should be required to bring this home up to code.

Deanna Hilbert, 3234 Quail Ridge Circle, mentioned a historic home in the 16 Mile Corridor in Troy that has been preserved. She questioned whether any Council members received contributions from the developer.

Alice Benbow, 1582 Northumberland, supported denial of the delisting request.

Melinda Hill, 1481 Mill Race, commented that the developer purchased the property knowing it had historic designation and stated that the 1978 designation followed proper procedure.

Martha Black, 2408 Jackson, supported denying the delisting request. She commented that perhaps the current owner could pass the home on to the residents and stated that many people would give their time to preserve it.

Paul Miller, 1021 Harding, commented that the HDSC was not a biased group.

He stated that while the property owner has certain rights, he also has duties to maintain the property.

Lorraine McGoldrick, 709 Essex, stated that the house should not be in poor repair. She commented that she is not anti-development and stated that both development and preservation can go forward.

Noreen Meganck, 172 Stonetree Circle, commented that she supported denying the delisting request. She stated that the City should help fill vacancies rather than allow new retail development.

Mukesh Mangla, 1052 Oak Tree, Bloomfield Hills, expressed support for delisting, stating that clarifications made to the State Law provided consideration of a property owner's wishes. He questioned Jack Burns' involvement in the design of the home, pointing out that there is no historical proof that he was a degreed architect and commenting that he only designed homes in the later part of his retirement life.

Mr. John Gaber, Esq., Williams, Williams, Rattner & Plunkett, P.C., 380 North Old Woodward Avenue, Suite 300, Birmingham, representing G & V Investments (G&V), commented that there are compelling reasons to eliminate the historic district:

- The historic value is insignificant, restoration unfeasible and no market exists for the adaptive reuse of the house.
- The Bordine house immediately to the south was delisted and torn down.
- The property owner's rights should be considered, and none of the criteria for maintaining the historic district have been met.
- Section 118-126 of the State Act, states that City Council can eliminate an existing historic district at any time. Section 118-133 of the Act states that after receiving a final report that recommends the establishment, modification or elimination of a historic district, the City Council, at its discretion, may introduce and pass or reject an ordinance to establish, modify or eliminate a historic district.
- The Ordinance specifies that the HDSC must consider the three criteria for delisting: loss of physical characteristics, insignificance and defective procedure, in preparing their report for City Council. Nothing in the Ordinance requires City Council to make its determination based upon these three criteria. The study committee's focus is to assist City Council in making its decision. City Council has the discretion to use the study committee report and any other pertinent information it chooses to use in making its decision on the elimination of the district.
- The City's consultant revised the preliminary report to support the final result desired by the HDSC. Nothing of significance was discovered after the preliminary report was presented.
- Many of the historic references are from recollections of events that occurred over 75 years ago and cannot be corroborated by written sources. In fact, his research shows that Mr. Eddy was a production superintendent, not a chief automotive engineer. Further, Jack Burns is only connected to the house in the final report. The redesign of the home which occurred in the mid-1930s is not a good example of Neoclassical style.
- The Final Report quoted the Jane Busch survey which noted that this is a standalone farmhouse; he commented that this would be significant only when associated with a farm of significance. The farm buildings are now gone.
- While the report compared Mr. Eddy to the likes of Dodge and Fisher, this farm never reached the prominence of the other farms in the township.
- The house does not present a high level of integrity of design and shows poor workmanship.

Mr. William Finnicum, President of Finnicum Brownlie Architects, stated that there is strong grounds to delist the property. He cited excerpts from the Criteria for National Registry and commented that the building and the site no longer have integrity of location and setting. He commented that when the property was initially designated with 100 feet around it, it lost all of its context as a farmstead. He pointed out that through no fault of the owner, the home fronts a six-lane road with tens of thousands of cars going by. He displayed photographs of the home's columns noting that this house's materials were done for economy and convenience, not for high workmanship. He commented that a good example of Neoclassical Style would show a center gable and center door; instead this house has a side gable and off-set door. He commented that this home is actually a Queen Anne house dressed up as Neoclassical.

Mr. Gaber commented that restoration is not feasible, noting that mold was discovered in 2007, resulting from water intrusion due to acts of vandalism. He pointed out that approximately \$1 million would be needed to remediate the mold and restore the home, and commented that this figure would not include rehabilitation for commercial use with elevators, fire suppression systems and Americans with Disabilities Act modifications. He stated that the 1991 demolition of the outbuildings cannot be characterized as demolition by neglect as these structures were not within the historic district at the time. He commented that G&V cannot afford to restore this house, and it is an attractive and dangerous nuisance which cannot currently be insured.

Mr. Finnicum stated that the rooms are long and narrow, and commented that the layout would not be conducive to retail, restaurant or office. He noted that the current location would not make the home a destination, providing the example of restored homes in resort areas such as Saugatuck which have been converted to restaurants and retail.

William Gilbert, G&V Investments, the property owner, noted that at one time, G&V was going to give the house to a couple and help them move the home to another location on the property; however, after investigation, the couple decided it would not be practical and abandoned the idea.

Mr. Gaber noted that the Bordine house, a stone home delisted and demolished in 1996, sets the precedence for the delisting. He commented that HDC minutes confirm the reasons why that house was allowed to be demolished.

- The Bordine structure had been subject to several additions, this home has as well.
- The Bordine structure was deemed to have no value and was too small to be used as a business office; this is similar to the current house under consideration.
- The property surrounding the Bordine house was also noted as available for new development; the same rationale applies here.
- Planning Commission files note that the interior of the Bordine house was in good condition; the subject house is not.

Derek Delacourt, Deputy Director of Planning, stated that he is confident that the process dictated by the City's Ordinance has been followed. He commented that some final reports have supported their preliminary reports and some have not.

Council Discussion:

Mr. Webber requested Mr. Dziurman address tonight's comments and questioned who assembled the supporting documentation for the preliminary and final reports. He questioned how many of the City's historic properties are open and accessible to the public and whether the Bordine house should not have been demolished.

Mr. Dziurman stated that it takes a great deal of time to do this research. He expressed his belief that the decision to delist the Bordine house was politically-motivated. He pointed out that if a historic house is moved off of the site, it would not be considered historic for the purpose of obtaining tax credits. He stated that the home was originally a Queen Anne Victorian house which was updated to the current fashion at the time and stated that the updates do not make it less historic.

Dr. Stamps commented that if the decision had to be made again, the Bordine house would not have been delisted. Regarding public access, he stated that it is best to use a structure for its original purpose, such as a residence remaining a residence.

Kristine Kidorf, Kidorf Preservation Consulting, the City's consultant, noted that her research took her to the American Institute of Architects (AIA) office in Detroit; she noted that the architect was also involved in the Sign of the Black and White Cow on Tienken and 2371 South Livernois as well.

Mr. Gaber stated that while there are possibilities for adaptive reuses of these structures, the feasibility must be determined. He stated that there are no guarantees of tax credits, noting that the State has denied credit for some renovations.

Mr. Dziurman responded that the HDC works with property owners and has held workshops to help residents through the process of obtaining tax credits.

Mr. Gilbert reported that his company was willing to give the interested couple land from this parcel and assist in moving the house; however, the couple determined rehabilitation was not feasible. He commented that Mrs. Eddy demolished buildings prior to selling the property and noted that he could not verify some of the historical facts stated in the report.

Mr. Finnicum stated that the house has to represent a high artistic value, significance in materials and workmanship, and distinctive characteristics of style. The home does not have any of these qualities. It is a distortion of the style.

Mr. Rosen noted that he has known Mr. Gaber for over 15 years, and also knows Mr. Gilbert, Mr. Dziurman and Dr. Stamps. He stated that Mr. Gaber

contributed to his most recent campaign along with contributing to his opponent. He commented that these facts will not affect his consideration of this request. He commented that he has confidence in the HDSC, their work and the integrity of their process and believes that Council should accept the recommendation and not delist the property. He cited the Avon Prairie House on Livernois and the Mercy Medical Building on Rochester Road as examples of adaptive reuse.

Mr. Pixley stated that he does not support the HDSC's recommendation and questioned what would happen to the property if Council does not approve the delisting.

Mr. Gaber noted that the home is subject to a Planned Unit Development (PUD) Agreement that requires the house be maintained. A request is currently before the Planning Commission to revise the PUD Agreement.

Mr. Gilbert stated that nothing will be done to the home as there is no adaptive reuse for the house.

Mr. Yalamanchi questioned whether Mr. Gilbert has owned the property since 1986 and questioned whether maintenance of the house is a condition of the 2004 PUD. He noted that the six-lane road has been there since before 2004.

Mr. Gilbert responded that the home was owned by a bank and G&V was the property manager since 1986. He commented that G&V bought the home approximately ten years ago. He noted that the PUD includes nothing about maintenance and stated that the original PUD called for the house to be moved to the southwest corner of the property.

Mr. Dziurman stated that the City's Ordinance requires that the buildings be maintained and this owner has not maintained the buildings. He commented that in working with the owner in development of the PUD, it was assumed that the house would be restored; as such, he was given an economic incentive of increased density to do that. He stated that the owner should not be rewarded for going against the Ordinance.

Mr. Yalamanchi requested Council postpone action until August 9, 2010 to allow for more time to review the information provided.

President Hooper stated that while he respects the information provided in the Final Report, similar to Stiles School and Frank Farm, this applicant does not want the historic designation. He commented that either the taxpayers should own properties like this or an individual should take over the home as a labor of love to invest personal funds in it. He stated that he would agree with Dr. Stamps that the Bordine house should not have been delisted or torn down, as that house had historic significance. He mentioned that if Council does not delist the property, nothing will be done with it, and it will most likely be boarded up similar to the Helen O'Neill Pottery house on Crooks Road. He stated that significant properties should be maintained; however, not everything can be saved and the property owner's rights should be respected.

A motion was made by Yalamanchi, seconded by Rosen, that this matter be Tabled by Resolution to be addressed at the August 9, 2010 Regular City Council Meeting. The motion FAILED by the following vote:

Aye 3 - Klomp, Rosen and Yalamanchi

Nay 4 - Brennan, Hooper, Pixley and Webber

Resolved, that the Rochester Hills City Council hereby TABLES the Approval of the HDSC's recommendation to deny eliminating the locally designated historic district at 1585 South Rochester Road, located on the east side of Rochester Road, north of Hamlin Road.

Be It Further Resolved, that the matter be addressed at the August 9, 2010 Regular City Council Meeting.

2009-0411 Request for Approval of the HDSC's recommendation to deny eliminating the locally designated historic district at 1585 South Rochester Road, located on the east side of Rochester Road, north of Hamlin Road

Attachments: [Agenda Summary.pdf](#)
[Final HDSC Report.pdf](#)
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A motion was made by Rosen, seconded by Yalamanchi, that this matter be Adopted by Resolution that the Rochester Hills City Council does not eliminate the locally designated historic district located at 1585 South Rochester Road. The motion FAILED by the following vote:

Aye 3 - Klomp, Rosen and Yalamanchi

Nay 4 - Brennan, Hooper, Pixley and Webber

Whereas, Division 4 of the City's Historic Preservation Ordinance (Chapter 118) establishes the procedure for the establishment, modification or elimination of Historic Districts; and

Whereas, Section 118-130 of the City's Historic Preservation Ordinance (Chapter 118) identifies the duties of the City's Historic Districts Study Committee and the process for establishment of a study committee report; and

Whereas, the City's duly established Designated Non-Contiguous List included the following property identified as:

1585 S. Rochester Road, located on the east side of Rochester Road, north of Hamlin Road, consisting of Parcel Number 15-23-300-035, Zoned B-2 (General Business) with a PUD overlay; and

Whereas, in compliance with the City's Historic Preservation Ordinance, the City's Historic Districts Study Committee conducted research on the above identified property; prepared a Preliminary Report in November, 2009; transmitted a copy of the Preliminary Report to the City's Planning Commission and the State Historic Preservation Office; held the required and properly noticed Public Hearing on February 11, 2010; and submitted a Final Report to City Council; and

Whereas, the City's Historic Districts Study Committee has determined that the historic district has not lost the physical characteristics that enabled establishment of the district, that the district was not established pursuant to defective procedures, and that the district is significant in a way previously defined;

Now, Therefore, Be It Resolved, that the City of Rochester Hills City Council concurs with the recommendation of the City's Historic Districts Study Committee and does not eliminate the locally designated historic district located at 1585 South Rochester Road.

2010-0289 Request to eliminate the non-contiguous historic district designation for 1585 South Rochester Road and Accept for First Reading the proposed Ordinance eliminating the historic district

Attachments: [Suppl Presentation 071210.pdf](#)
[Suppl Ordinance 071210.pdf](#)
[Suppl Resolution 071210.pdf](#)

A motion was made by Brennan, seconded by Pixley, that the Rochester Hills City Council resolves to eliminate the non-contiguous historic district designation for 1585 South Rochester Road and Accept for First Reading the proposed Ordinance eliminating the historic district. The motion CARRIED by the following vote:

Aye 4 - Brennan, Hooper, Pixley and Webber

Nay 3 - Klomp, Rosen and Yalamanchi

Whereas, the property owner has requested that the historic district designation of the property known as 1585 South Rochester Road, located on the east side of Rochester Road, north of Hamlin Road, be eliminated; and

Whereas, the City's Historical Preservation Ordinance (Chapter 118, Division 4 of the City Code), establishes the procedure for the establishment, modification or elimination of historic districts; and

Whereas, in compliance with City Ordinance and State Law, the City's Historic District Study Committee researched the subject property; prepared a preliminary report; transmitted copies of the preliminary report to the City Planning Commission and State Historic Preservation Office; properly noticed and held a public hearing on February 11, 2010; prepared and submitted to City Council the Historic District Study Committee's Final Report; and otherwise fulfilled and completed required procedures.

Therefore, the Rochester Hills City Council resolves to eliminate the non-contiguous historic district designation for 1585 South Rochester Road and accepts for First Reading the proposed Ordinance eliminating the historic district.

It Is Further Resolved that upon final adoption of the proposed Ordinance, the City shall, in accordance with City Code Sect. 118-113(b) record notice of the elimination of the historic district at the Register of Deeds.

2010-0290 Motion to Adjourn

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

Aye 1 - Yalamanchi

Nay 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Resolved, that the Rochester Hills City Council hereby adjourns the meeting.

2010-0279 Request for Purchase Authorization - DPS/ENG: South Boulevard Pathway Improvement Project in the amount of \$258,958.08 plus a 10% contingency in the amount of \$25,895.80 for a total not-to-exceed amount of \$284,853.88; Pro-Line Asphalt, Washington, MI

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

Paul Davis, City Engineer, stated that the project bids came in less than the budget. He explained that the project includes three sections of pathway which are not located in a continuous area, along with some drain work.

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 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0164-2010

Resolved, that the Rochester Hills City Council authorizes the award of a contract for the South Boulevard Pathway Improvement Project to Pro-Line Asphalt, Washington, Michigan, in the amount of \$258,958.08 plus a 10% contingency in the amount of \$25,895.80 for a total not-to-exceed amount of \$284,853.88 and further authorizes the Mayor and Clerk to execute a contract on behalf of the City.

The following Consent Agenda Item was moved to immediately follow Legislative File 2010-0279.

2007-0454 Request for Purchase Authorization - DPS/ENG: Amendment of the Professional Service Agreement to provide construction layout services for the South Boulevard Pathway Improvements Project in the amount of \$9,047.50 for a new not-to-exceed total of \$65,827.50; Hubbell, Roth & Clark, Inc., Pontiac, MI

Attachments: [Agenda Summary.pdf](#)
[HRC Layout Proposal.pdf](#)
[080107 Agenda Summary.pdf](#)
[Map.pdf](#)
[HRC Proposal.pdf](#)
[080107 Resolution.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0165-2010

Resolved, that the Rochester Hills City Council hereby approves the Amendment of the Professional Service Agreement to provide construction layout services for the South Boulevard Pathway Improvements Project to Hubbell, Roth & Clark, Inc., Pontiac, Michigan in the amount of \$9,047.50 for a new not-to-exceed total of \$65,827.50 and further authorizes the Mayor to execute a contract on behalf of the City.

COUNCIL COMMITTEE REPORTS

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting - Monday, July 19, 2010 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:37 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 September 13, 2010 Regular City Council Meeting.