



# Rochester Hills Minutes City Council Regular Meeting

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Rochester Hills, MI 48309  
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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Melinda Hill, Bryan K. Barnett, John L. Dalton, Jim Duistermars,  
Barbara L. Holder, Linda Raschke, Gerald Robbins*

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Wednesday, July 20, 2005

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hill called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.*

## ROLL CALL

**Present:** Melinda Hill, Bryan Barnett, Barbara Holder, Linda Raschke and Gerald Robbins

**Absent:** John Dalton and Jim Duistermars

Others Present:

*John Staran, City Attorney  
Jane Leslie, City Clerk  
Alan Buckenmeyer, Parks Operations Manager  
Mr. Fred Carter, Beachfront Coordinator,  
Dan Casey, Economic Development Manager  
Scott Cope, Director of Building/Ordinance Enforcement  
Susan Galeczka, Deputy Clerk  
Mike Hartner, Director of Parks & Forestry  
Julie Jenuwine, Director of Finance  
Cliff McLeod, Fire Inspector  
Deborah Millhouse, Deputy Director of Planning/Development  
Roger Rousse, Director of DPS/Engineering*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**Resolved** that the Rochester Hills City Council approves the Agenda for the July 20, 2005 Regular meeting with the following addition under ATTORNEY MATTERS:

**2005-0501 - Adoption of a Resolution to meet in Closed Session on Wednesday, July 27, 2005 at 6:30 p.m., Michigan time, at the Rochester Hills Municipal Offices to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation: Adams/Hamlin Development v. the City of Rochester Hills.**

**A motion was made by Robbins, seconded by Raschke, to Approve Agenda as Amended.**

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

**Aye:** Hill, Barnett, Holder, Raschke and Robbins

**Absent:** Dalton and Duistermars

## PUBLIC COMMENT

**Mr. Jay Wiencko**, 508 Marquette Drive, Director of Community Media Network (CMN), expressed his disappointment with Council's decision on July 6th to suspend funding of public access television services provided by CMN and expressed his hope that Council would revisit the issue in the future.

**Rev. Gary W. Heinonen**, 2504 Crofthill Drive, Auburn Hills, explained that he produces four television programs on public access television at the Oakland University studio that are available to Rochester Hills residents. He asked that Council continue to support public access programming.

**Mr. Will Molnar**, County Commissioner, 5380 Breeze Hill Place, Troy, indicated that the County budget had been presented and asked residents and City Council members for their feedback. He stressed that this year's budget is "facing a \$1.3 million budget deficit" and there are concerns that a loss of grant money may result in funding a portion of the County Prosecutor's budget out of the County's General Fund. He noted that the budget can be viewed at the County's website: [www.co.oakland.mi.us](http://www.co.oakland.mi.us).

### (Mr. Duistermars Entered at 7:43 p.m.)

**Present:** Melinda Hill, Bryan Barnett, Jim Duistermars, Barbara Holder, Linda Raschke and Gerald Robbins

**Absent:** John Dalton

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mr. Robbins** wished his wife a happy birthday.

**Ms. Raschke** announced that Auburn Hills opened a skateboarding park and invited all Rochester Hills skateboarders, BMX bikers and in-line skaters to attend.

**Mr. Duistermars** stated that Spencer Park had hosted the 2005 Michigan Lifeguard Competition resulting in many winners from Rochester Hills.

**Mr. Barnett** discussed various youth sports activities available through the Rochester Avon Recreation Authority (RARA).

**Ms. Holder** announced that there were cards throughout City Hall designed to assist people to maneuver through the City's new website. She encouraged residents to enjoy the Velodrome races every Friday at Bloomer Park.

## ATTORNEY MATTERS

**City Attorney John Staran** discussed the following two items:

\* Indicated that the Adams/Hamlin zoning case remains pending, and no settlement has been reached nor any proposed settlement pending following the court-ordered facilitation process.

\* The City of Rochester has filed suit against Rochester Hills and the Older Persons Commission (OPC) over the issue of usage of the OPC Wellness Center by persons under 60 years of age.

**2005-0501**

Adoption of a Resolution to meet in Closed Session on Wednesday, July 27, 2005 at 6:30 PM, Michigan time at the Rochester Hills Municipal Offices to consult with the Attorney regarding trial or settlement strategy in connection

with specific pending litigation, Adams/Hamlin Development v. the City of Rochester Hills

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

**Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Wednesday, July 27, 2005 at 6:30 PM, Michigan Time at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan to consult with the Attorney regarding trial or settlement strategy in connection with specific pending litigation, Adams/Hamlin Development v. the City of Rochester Hills.**

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

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**Enactment No:** RES0228-2005

## RECOGNITIONS

**2005-0486** Office of the Mayor Honors Thelma Spencer Park Lifeguard Captain Kevin Giroux

**Attachments:** Agenda Summary.pdf; Competition info.pdf; 0486 Proclamation.pdf

***Mr. Fred Carter, Beachfront Coordinator, briefly described the recent Life Guard competition and read the names of the winners.***

***President Hill read the following resolution in honor of Lifeguard Captain Kevin Giroux.***

**Whereas, as a result of the quick action of Lifeguard Captain Kevin Giroux, a young child was rescued from drowning at Thelma Spencer Park on Wednesday, June 23, 2005; and**

**Whereas, the City of Rochester Hills is extremely proud of the skill, diligence and training displayed by Kevin, he is to be commended for his outstanding effort.**

**Now, Therefore, Be It Resolved, that the Mayor and City Council of the City of Rochester Hills hereby convey our admiration for the dedication of Kevin Giroux and the entire Spencer Park Lifeguard Team.**

**Pat Somerville, Mayor  
Melinda Hill, Council President  
John L. Dalton, Council Member  
Barbara Holder, Council Vice President  
Bryan Barnett, Council Member  
Jim Duistermars, Council Member  
Linda Raschke, Council Member  
Gerald Robbins, Council Member**

**Presented**

**2005-0487** Proclamation Recognizing MDA Firefighter "Fill the Boot" Program - July 29, 30 & 31, 2005

**Attachments:** Agenda Summary.pdf; firefightersfilltheboot2005.pdf; 0487 Proclamation.pdf

*Mr. Cliff McLeod, Fire Inspector, and Ms. Heather Jacqua of the Muscular Dystrophy Association thanked everyone for their support and urged residents to "drop a buck in their boot."*

*President Hill read the following resolution:*

**Honorary Proclamation  
Recognizing  
MDA Firefighter "Fill The Boot" Program  
July 29, 30 & 31, 2005**

**Whereas, firefighters have long been America's heroes, and they risk their lives daily for the safety and well-being of our country; and**

**Whereas, for more than 50 years, firefighters nationwide have sustained the long, proud tradition of the pledge made years ago to provide help and hope to "Jerry's Kids" and the Muscular Dystrophy Association (MDA); and**

**Whereas, since the vow was made in 1954, firefighters have raised millions of dollars for the Muscular Dystrophy Association's quest for a cure; and**

**Whereas, in 2004 alone, Michigan firefighters raised \$302,632 and more than \$20.3 million dollars throughout the country in support of the Muscular Dystrophy Association's many programs; and**

**Whereas, in support and recognition of the effort of our local firefighters, the Muscular Dystrophy Association announces July 29 through July 31, 2005 as Fill The Boot Weekend.**

**Now, Therefore, Be It Resolved, that I, Pat Somerville, Mayor of the City of Rochester Hills, on behalf of the City, do hereby proclaim July 29, 30 and 31, 2005 as the MDA Firefighter "Fill The Boot" Weekend, and applaud the dedicated service and contributions our firefighters provide to the citizens of Rochester Hills and the Muscular Dystrophy Association.**

**In Witness Whereof, I have hereunto set my hand and caused my Seal to be affixed this 12th day of July 2005.**

**Pat Somerville, Mayor  
City of Rochester Hills**

**Presented**

## **PRESENTATIONS**

**2005-0491** Update on Clinton River Trail Project - Dan Kiefer

**Attachments:** Agenda Summary.pdf

***Mr. Dan Keifer, representing The Friends of Clinton River Trail, shared the following information about the trail:***

***\* Connects five communities:***

- Auburn Hills***
- Pontiac***
- Rochester***
- Rochester Hills***
- Sylvan Lake***

- \* Connects to the West Bloomfield Trail in Sylvan Lake and runs 15.6 miles to the Macomb Orchard Trail in Shelby Township.
- \* Connects with the Paint Creek Trail in downtown Rochester.
- \* There is access from the trail into Bloomer Park and the Velodrome.
- \* Between 60% and 70% of the funding comes from State and Federal monies.
- \* Is overseen by a unique alliance of the five communities' parks and recreation directors.
- \* Has the potential to draw cycling tourists to the community, thus boosting economic potential.
- \* The road crossing improvements at Livernois and Avon Roads are the model for how Oakland County will create trail crossings in the future.

**President Hill** thanked Mr. Keifer for his presentation and announced that there would be a ribbon cutting ceremony for the new Clinton River Trail bridge the next day at 1:00 p.m.

**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.

**2005-0493** Approval of Minutes - Regular City Council Meeting - April 6, 2005

**Attachments:** Min CC Reg Mt. 040605.pdf; 0493 Resolution.pdf

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

**Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on April 6, 2005 be approved as presented.**

**Enactment No:** RES0229-2005

**2005-0459** Adoption of Resolution Authorizing the Parks and Forestry Director to be the Agent for the City of Rochester Hills for Oakland County's West Nile Virus Fund Program

**Attachments:** Agenda Summary.pdf; OC West Nile Fund Disbursement Letter.pdf; 0459 Resolution.pdf

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

**Whereas, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities; and**

**Whereas, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding, or focused**

adult mosquito insecticide spraying in designated community green areas; and

Whereas, the City of Rochester Hills, Oakland County, Michigan, has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

Now, Therefore, Be It Resolved that the City Council of Rochester Hills authorizes and directs its Parks and Forestry Director, as agent for the City of Rochester Hills, in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution #05091, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

**Enactment No:** RES0230-2005

**2005-0325**

Acceptance of a Watermain Easement granted by The Pointe Group, Inc., a Michigan Corporation, for the Piontkowski Office Building, for Parcel No. 15-34-477-016

**Attachments:** Agenda Summary.pdf; Corrected Easement.pdf; Easement.pdf; 0325 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain easement granted by The Pointe Group, Inc., a Michigan Corporation, 2185 Crooks Road, Rochester Hills, Michigan 48309, for the construction, operation, maintenance, repair and/or replacement of a Watermain over, on, under, through and across land more particularly described as Parcel No. 15-34-477-016.

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

**Enactment No:** RES0231-2005

**2005-0432**

Acceptance of the Sanitary Sewer Easement granted by Great Oaks Management Company, L.L.C., a Michigan Limited Liability Company, for the Great Oaks Mall Redevelopment Project, City File #77-505.3, for Parcel No. 15-10-351-078

**Attachments:** Agenda Summary.pdf; Sanitary Sewer Easement.pdf; 0432 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer Easement granted by Great Oaks Management Company, L.L.C., a Michigan Limited Liability Company, of 22725 Greater Mack, Suite 206A, St. Clair Shores, Michigan 48080, for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer Easement over, on, under, through and across land more particularly described as Parcel No. 15-10-351-078.

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

**Enactment No:** RES0232-2005

**2005-0433**

Acceptance of a Watermain Easement granted by Great Oaks Management

Company, L.L.C., a Michigan Limited Liability Company, for the Great Oaks Mall Redevelopment, for Parcel No. 15-10-351-078

**Attachments:** Agenda Summary.pdf; Watermain Easement.pdf; 0433 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain Easement granted by Great Oaks Management Company, L.L.C., 22725 Greater Mack, Suite 206A, St. Clair Shores, Michigan 48080, for the construction, operation, maintenance, repair and/or replacement of a Watermain Easement over, on, under, through and across land more particularly described as Parcel No. 15-10-351-078.**

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

**Enactment No:** RES0233-2005

**2005-0434**

Acceptance of a Watermain Easement granted by Executive Place, LLC, a Michigan Limited Liability Company, for the Executive Place Office, for Parcel Nos. 15-36-352-018 & 15-36-352-019

**Attachments:** Agenda Summary.pdf; Watermain Easement.pdf; 0434 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain easement granted by Executive Place LLC, a Michigan Limited Liability Company, 5485 Abbey, Rochester, Michigan, for the construction, operation, maintenance, repair and/or replacement of a Watermain Easement over, on, under, through and across land more particularly described as Parcel No. 15-36-352-018 and 15-36-352-019.**

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

**Enactment No:** RES0234-2005

**2005-0438**

Approval of the Agreement for the Maintenance of Storm Water Detention System between Executive Place LLC, a Michigan Limited Liability Corporation, and the City of Rochester Hills, for parcel No. 15-36-352-018 & 15-36-352-019

**Attachments:** Agenda Summary.pdf; Storm Water Detention Agreement.pdf; 0438 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Agreement for Maintenance of a Storm Water Detention System, an agreement relative to the details of development and use, repair and maintenance of the Storm Water Detention System Agreement for the Executive Place Office, City File No. 02-026, between the City of Rochester Hills and Executive Place LLC, a Michigan Limited Liability Corporation, 5485 Abbey, Rochester, Michigan 48306, affecting property identified as Parcel Nos. 15-36-352-018 and 15-36-352-019.**

**Further Resolved that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.**

**Enactment No:** RES0235-2005

**2005-0440**

Acceptance of an Easement for Ingress and Egress for Public and Emergency Vehicles, granted by Executive Place LLC, a Michigan Limited Liability Company, for Executive Place Office Building, for Parcel Nos. 15-36-352-018 & 15-36-352-019

**Attachments:** Agenda Summary.pdf; Ingress and Egress Easement.pdf; 0440 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an Easement for Ingress and Egress of Public and Emergency Vehicles, and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common by the residents of the development for vehicular travel, granted by Executive Place LLC, a Michigan Limited Liability Company, 5485 Abbey Rd., Rochester, Michigan 48306, over, on, under, through and across land more particularly described as Parcel Nos. 15-36-352-018 and 15-36-352-019.**

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

**Enactment No:** RES0236-2005

**2005-0465**

Acceptance of a Watermain Easement granted by Selective-Delaware, LLC, a Delaware limited liability company for Country Club Village, for Parcel No. 15-35-203-002

**Attachments:** Agenda Summary.pdf; Watermain Easement.pdf; 0465 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain easement granted by Selective-Delaware LLC, a Delaware limited liability company, 100 Galleria Officentre, Suite 200, Southfield, Michigan 48034, for the construction, operation, maintenance, repair and/or replacement of a Watermain Easement over, on, under, through and across land more particularly described as Parcel No. 15-35-203-002.**

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

**Enactment No:** RES0237-2005

**2005-0471**

Acceptance of a Sanitary Sewer Easement granted by Selective-Delaware, LLC, a Delaware limited liability company for Country Club Village, Parcel No. 15-35-203-002

**Attachments:** Agenda Summary.pdf; Sanitary Sewer Easement.pdf; 0471 Resolution.pdf

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

**Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer Easement granted by Selective-Delaware, LLC, a Delaware limited liability company, 100 Galleria Officentre, Suite 200, Southfield, Michigan 48034, for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer over, on, under, through and across land more particularly described as Parcel No. 15-35-203-002.**

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



**Oakland County Register of Deeds.**

Enactment No: RES0238-2005

**Passed The Consent Agenda**

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

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**PUBLIC HEARINGS****2005-0312**

Public Hearing regarding a request by Energy Quest LLC to lease oil and gas rights for 141.7 acres on Hamlin Road, including Borden Park for the exploration and mining thereof; Energy Quest, Inc., applicant

**Attachments:** Agenda Summary.pdf; Public Hearing Notice.pdf; 070605 Agenda Summary.pdf; 051805 Agenda Summary pdf; Energy Quest Oil Gas Lease1.pdf; Memo Casey 20050426.pdf; Resolution to Set Public Hearing.pdf; 0312 Resolution.pdf; Final Signed Lease.pdf

**Mr. Dan Casey**, Economic Development Manager, indicated that Energy Quest approached the City several months earlier to lease the City's mineral rights under Bloomer Park for the exploration for oil and/or gas. Addressing issues raised by Council during a previous Work Session meeting, Mr. Casey described four facilities in Troy, Sterling Heights, Shelby Township and Novi that operate in a similar fashion to that proposed for Rochester Hills. He then addressed specific questions raised during the previous meeting:

\* Energy Quest is responsible for acquiring any necessary rights-of-way for the transportation of the oil and/or gas product.

\* Dearborn appears to be one of the only other municipalities that has entered into such a lease agreement.

\* With regard to complaints generated by this type of facility, Mr. Casey was only able to identify two:

- Lyon Township - Occasional oil spillage resulting in odor complaints.

- Kensington Park - Noise complaint during the initial drilling process.

**Mr. Jeff Schwartz** and **Mr. Frank Noverr** of Energy Quest, 3016 Casey Road, Traverse City, Michigan; **Mr. Trey Brice** of the law firm Beier Howlett, and **Mr. Casey** responded to various questions posed by Council members:

\* The process for transporting the product from the facility will depend on what is found. Oil will likely be trucked away, while gas will likely be piped away.

\* The most likely location for a facility, should a marketable product be found, would be in a light industrial area.

\* The lease provides for a finite amount of time to locate any marketable product. Should this time frame expire, all mineral rights revert back to the original owners.

\* The City will receive 1/6th of the profits for the entire time that the facility is in operation.

- \* *The location of the product will not impact the location of the facility, as Energy Quest will employ directional drilling to access the gas and/or oil.*
- \* *The lease with the City does not permit drilling on City property.*
- \* *Facility plans must be submitted and approved by the Michigan Department of Environmental Quality (MDEQ).*
- \* *Once the minerals are depleted and the facility is closed, the MDEQ requires that all lands be restored to their original state.*
- \* *Energy Quest will determine when the facility should close.*
- \* *The seismic testing merely sends energy waves into the ground and is unlikely to damage ball fields, etc.*
- \* *The City's Director of Parks & Forestry will have the final approval for all testing in the park.*
- \* *As the product in question is approximately 4,000 feet below ground, there is no danger of it "percolating" to the surface and causing a hazard.*
- \* *It is impossible to estimate the potential economic outcome of this project until a marketable product is identified.*

**Mr. Robbins** asked Mr. Hartner his opinion of this proposed plan.

**Mr. Hartner**, Director of Parks & Forestry, stated that while he initially had many of the same concerns that Council has expressed, he has come to the conclusion that the checks and balances are in place to protect the park and this could result in an innovative source of revenue for the City.

**Mr. Staran** noted that Mr. Hartner will be responsible for determining the timing of testing within the park to ensure the least amount of interference in park activities. Furthermore, there is a provision in the lease that all reasonable precautions will be taken to avoid damage to any property.

**President Hill** Opened the Public Hearing at 9:06 p.m.

**Mr. Gary Grabaum**, 1563 Nadine, a homeowner near Borden Park, raised the following questions:

- \* *How much damage will be done to park grasses and wooded areas?*
- \* *Will this facility have a negative impact on surrounding property values?*
- \* *Could removing the product from under the ground cause damage such as shifting soils?*

**Ms. Donna Kelel**, 1803 Bliss Court, raised concerns about the annual fireworks display near natural gas, as well as children being hurt by large equipment in the area.

**Mr. Scott Hunter**, 2057 Roundtree, raised the following questions:

- \* *How much noise will a pumping facility generate?*
- \* *What is the environmental impact of hazardous materials?*

\* *What mechanism is in place were Energy Quest unable financially to repair any damage caused by their actions?*

**Mr. John Abdella**, 1120 Sugarcreek, asked how homeowners can prevent Energy Quest from drilling into their mineral rights without permission, notification or compensation.

**There being no further Public Comment, President Hill Closed the Public Hearing at 9:14 p.m.**

**Mr. Casey, Mr. Schwartz, Mr. Noverr and Mr. Staran** addressed the questions and concerns raised during the Public Hearing:

\* *It could be suggested that Energy Quest provide a plan prior to testing indicating their intentions of where trucks will be located.*

\* *While the MDEQ does not require it, Energy Quest conducts a meeting with the Fire Chief and an emergency plan is established.*

\* *The lease agreement can require that Energy Quest post a bond for restoration purposes, although that is governed by the MDEQ with their own insurance and bonding requirements.*

\* *It would not be possible to drill beyond the leased production unit as the MDEQ audits the drilling continuously and requires GPS information as to where the drill bit is located.*

\* *There is no danger of sinkholes as a result of drilling as the drilling area is porous rock, not cave-like structures.*

\* *The facility would be housed to reduce any noise.*

\* *There have been no noise complaints from the Troy facility, which is located in a more residential setting than that proposed for Rochester Hills.*

**Mr. Robbins** questioned whether the funds generated by this project would go into the City's General Fund or could be earmarked for park development.

**Mr. Staran** stated that Council would make that determination.

**President Hill** noted that residents would have difficulty understanding that the City will not be overseeing this operation and will have to be directed to contact the MDEQ with complaints, questions or concerns.

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

**Whereas, Energy Quest, Inc., a Michigan Corporation, has requested to enter into a lease agreement ("the Lease") with the City of Rochester Hills for the right to explore and mine oil and gas and their byproducts on city land; and**

**Whereas, City property covered under terms of the Lease, including optional lands, are held under clear title by the City of Rochester Hills; and**

**Whereas, the Lease identifies various terms and conditions, including lease rates, royalty shares and primary terms; and**

**Whereas, the location of oil and gas facilities on the property is prohibited, subject to the terms of the Lease; and**

Whereas, the City retains ownership of all mineral rights on the property, subject to the terms of the Lease; and

Whereas, Energy Quest, Inc. will notify and receive permission from the Parks and Recreation Department Director prior to entering the property under terms of the Lease for purposes of seismic and other testing; and

Whereas, Energy Quest, Inc. has agreed to minimize impacts to the operation of Earl E. Borden Park during testing and fully repair any land disturbed during the testing phase.

Resolved, to lease 141.777 acres of property owned by the City of Rochester Hills, identified as, Parcel # 70-15-25-100-012, and further identified as:

Township 3 North-Range 11 East

Section 25:

N 62 acres of W/2 of NW/4, th S 89°39'58" E 120', th S 00°06'36" E 60', th N 89°39'58" W 60' th S 00°06'36" E 140' th N 89°39'58" W 60', th N 00°06'36" W 200' to beginning, also W/2 of E/2 of NW/4, also part of NW/4 beginning at point dist S 00°31'00" E 450.65' from N/4 corner, th S 00°31'00" E 2246.64', th S 88°35'00" W 674.41', th N 00°17'00" W 2713.90', th E 280', th S 00°17'00" E 450.65', th E 385.13' to beginning

to Energy Quest, Inc. of Traverse City, for a primary term of three (3) years, subject to the terms and conditions of the Lease, including optional lands; and

Be It Further Resolved to direct the Mayor and City Clerk to sign the Lease on behalf of the City after review by the City Attorney's office as to form.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**(Recess 9:41 p.m. - 9:55 p.m.)**

**2005-0453**

Public Hearing to consider the establishment of an Industrial Development District (IDD) at 3098 Research Dr.

**Attachments:** Agenda Summary.pdf; 072005 Agenda Summary.pdf; Public Hearing Notice.pdf; 070605 Agenda summary.pdf; Resolution to Set Public Hearing.pdf; 0453 Resolution.pdf

*Mr. Dan Casey, Economic Development Manager, explained that the request was for a six-year tax abatement for up to 50% of local mills, which would include local schools, the community college, the County, the City and the intermediate school district. As the applicant is proposing to purchase a building currently under construction, the request falls under the category of "speculative." An Industrial Development District needs to be in place, therefore, Council needs to create one in order to facilitate the abatement request.*

*Mr. Casey indicated that while the abatement application requested a six-year abatement of both real and personal property, it was his recommendation that a six-year abatement for only real property be approved. Utilizing charts found in the City's Tax Abatement Policy, he was able to demonstrate that the applicant did qualify for a real property abatement, but did not meet the criteria for personal property.*

Mr. Casey described the three components involved in approving this abatement:

- 1) A resolution defining the building as "speculative."
- 2) The establishment of the Industrial Development District.
- 3) Approval of the tax abatement.

The final step in the process is the drafting and approval of the development agreement. If approved by the State Tax Commission, the abatement would become effective December 31, 2005.

**Mr. Simon Kirkby**, Chief Executive Officer of BMD Group, 2044 Austin Drive, indicated that his company had recently been purchased by a venture capital company and they were in the process of searching for a global headquarters and were considering Rochester Hills. Mr. Kirkby described, in detail, the unique automobile business that focuses primarily on racecars and driver training.

**Ms. Cynthia Grubb**, Michigan Economic Development Corporation (MEDC), expressed her support for this tax abatement request on behalf of the MEDC. She commended BMD Group's plan for growth, investment and commitment. Further more, she stated that their connection to the auto industry represented "good synergy for the company and the State of Michigan." Ms. Grubb indicated that during a time of investment a company is very vulnerable, thus, she was supportive of the six-year tax abatement.

**Mr. Casey** confirmed he would provide copies of his financial impact analysis for Council's consideration prior to the final vote on the matter.

**President Hill Opened the Public Hearing at 10:15 p.m.**

**There being no Public Comment, President Hill Closed the Public Hearing at 10:16 p.m.**

**Discussed**

**2005-0425**

Public Hearing regarding an application by BMD Group Inc., also known as E-Motive, for an industrial facilities exemption certificate for real and personal property to be located at 3098 Research Drive

**Attachments:** Agenda Summary V6.pdf; Financial Calc.pdf; 072005 Agenda Summary.pdf; Public Hearing Notice.pdf; 070605 Agenda Summary V3.pdf; 061505 Agenda Summary.pdf; Letter GDC-EMotive 20050606.pdf; application-EMotive.pdf; legal desc-EMotive.pdf; Project Costs EMoti

**President Hill** questioned whether the entire five-acre development would be included in the Industrial Development District or just the building the applicant intends to purchase.

**Mr. Casey**, Economic Development Manager, clarified that the property owner is in the process of requesting a land division, which is unlikely to be resolved prior to Council's vote on the matter. However, the current statute permits designating a street address as a district and that is what the applicant requested. Therefore, the land split issue will play no role in the district determination

**President Hill Opened the Public Hearing at 10:16 p.m.**

**There being no Public Comment, President Hill Closed the Public Hearing at 10:17 p.m.**

**Discussed**

## ORDINANCE FOR INTRODUCTION

2005-0393

Acceptance for First Reading - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone one parcel of land totaling approximately 17 acres, located west of Rochdale and north of Walton, known as Parcel No. 15-09-451-002 from R-3, Single-Family Residential and RM-1, Multiple Family Residential, to RCD, One Family Cluster and to prescribe penalties for the violation thereof

**Attachments:** Agenda Summary.pdf; Map aerial.pdf; Ord. Amendment.pdf; First Reading Agenda Summary.pdf; Report Staff 20050603.pdf; Letter Randazzo 20050525.pdf; Minutes CC-PC 1988.pdf; Zoning Ord. Sections.pdf; First Reading Resolution.pdf; 0393 Resolution.pdf

**Ms. Deborah Millhouse**, Deputy Director of Planning/Development, briefly explained that the applicant was seeking a rezoning from a split zoning of R-3 (single-family residential) and RM-1 (multiple-family residential) to RCD (One Family Cluster). The RM-1 density permits between 6.2 to 7.9 units, whereas the RCD zoning permits a maximum of only three units per acre.

Ms. Millhouse stressed two key points with regard to this request:

- 1) The requested rezoning reflects a reduction in density.
- 2) A Type B buffer will be required between the RCD and the existing residential to the west.

Ms. Millhouse further noted that this particular property was recently identified during the ongoing Master Land Use Plan update as a Priority 1 Natural Area. She explained that the RCD designation is intended for development of areas with natural constraints such as steep slopes, floodplain, wetlands, etc.

**Mr. Anthony Randazzo**, Trillium Companies, Inc., 2617 Beacon Hill, Auburn Hills, stressed his request to down zone the property in question and the accommodations he was making for a lower unit density, as well as his intention to donate one section of the land to the State to create a conservation easement.

### **PUBLIC COMMENT:**

**Mr. Milt Stetkiw**, 150 Tartan, expressed his opposition to the rezoning and development of this site, noting in great detail the difficulties he and his neighbors who live near this site experience with flooding issues, which he feared would be exacerbated by this plan.

**Ms. Lynn Rizzo**, 1360 New Life Lane, while displaying photos of flooding in her neighborhood, asked that the rezoning request be denied and that City staff examine "these pieces of property and determine their actual buildability."

### **COUNCIL DISCUSSION:**

**President Hill, Mr. Staran and Ms. Millhouse** all stressed that the issue before Council was merely the rezoning and any issues to do with the actual development of the property would be addressed during the site plan review process. It was further noted that the property was already zoned residential, therefore, any denial of rezoning would not prevent future development.

**A motion was made by Robbins, seconded by Barnett, that this matter be Accepted for First Reading by Resolution.**

Resolved that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone one parcel of land totaling approximately 17 acres, located west of Rochdale and north of Walton, known as Parcel No. 15-09-451-002 from R-3, Single-Family Residential and RM-1, Multiple Family Residential, to RCD, One Family Cluster and to prescribe penalties for the violation thereof is hereby accepted for First Reading.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

## ORDINANCE FOR ADOPTION

**2005-0417**

Acceptance for Second Reading and Adoption - An Ordinance to Amend Section 94-143 of Chapter 94, Streets, Sidewalks and Certain Other Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to replace the time required for notice and compliance with notice to a property owner to repair a sidewalk or remove an encroachment from a sidewalk, to repeal conflicting ordinances and prescribe a penalty for violations

**Attachments:** Agenda Summary.pdf; Corrected Ordinance Sec 94-143[1].pdf; Agenda Summary First Reading.pdf; Sidewalk Sec 94 143.pdf; First Reading Resolution.pdf; 0417 Resolution.pdf

**A motion was made by Barnett, seconded by Duistermars, that this matter be Accepted for Second Reading and Adoption by Resolution.**

**Resolved that an Ordinance to Amend Section 94-143 of Chapter 94, Streets, Sidewalks and Certain Other Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to replace the time required for notice and compliance with notice to a property owner to repair a sidewalk or remove an encroachment from a sidewalk, to repeal conflicting ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, July 29, 2005 following its publication in the Rochester Eccentric on Thursday, July 28, 2005.**

The motion carried by the following vote:

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**Enactment No:** RES0240-2005

## UNFINISHED BUSINESS

**2005-0479**

Request to enter into Purchase Agreement for the Sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006

**Attachments:** Agenda Summary.pdf; Supplemental info.pdf; 0479 Resolution.pdf

***Mr. Dan Casey, Economic Development Manager, noted that there had been considerable interest in the City-owned property at 1700 West Hamlin Road resulting in***

four purchase offers. He briefly described the offers as follows:

**Dr. Anil Kumar**

- \* Recently purchased adjoining City-owned property to the west.
- \* Intends to create a cancer resource center to be linked with the planned cancer facility to the west, as well as an urgent care center.
- \* It is unlikely there is adequate parking for a medical use.
- \* Would donate the Hamlin Road right-of-way to the City.
- \* Offered \$1,350,000; the highest of the four offers.

**Employees Only**

- \* Provides human resources services to small and mid-size companies.
- \* Would provide human resources services to Rochester Hills companies at reduced or no fee.
- \* Would donate Hamlin Road right-of-way to the City.
- \* Has a good "financial track record" and would be a "great asset to the community."
- \* Offered \$1,312,000.

**K&L Technologies, LLC**

- \* The prototype company the City has envisioned for the SmartZone.
- \* Technology company doing research and development.
- \* Tenants may include:
  - Legacy Metals, Inc.
  - Roof-Lok, Inc.
  - Lee Technologies, Inc.
- \* Have 75% of the building either pre-leased or they will be occupying it themselves.
- \* Would donate the Hamlin Road right-of-way to the City.
- \* Offered \$1,310,000.

**Rochester Place Properties**

- \* Will need additional land for parking for their tenant.
- \* Is a development company, rather than a technology company.
- \* Offered \$1,075,000.

Mr. Casey stressed that any of the four bidders would have to make significant improvements to the building following purchase. He further noted that the City purchased the property for \$1,040,940 in 1999 and he estimated the current value at \$1,149,000. Thus the highest bid submitted by Dr. Kumar represented a \$309,000 profit. Mr. Casey expressed his commitment to work with each of the bidders to find a site for them in Rochester Hills.



*Mr. Casey responded to questions and concerns raised by Council:*

*\* There is no guarantee that the proposed tenants noted by K&L Technologies, LLC will occupy the building, however, many of the tenants are linked through business.*

*\* K&L Technologies, LLC will be performing research and development and, thus, their equipment could potentially result in greater personal property tax base.*

*\* Employees Only's offer for reduced or no fee services can be handled through a contractual arrangement with the Local Development Finance Authority (LDFA).*

*\* By ordinance, medical uses require more parking than other uses.*

*\* Agreeing to sell the property to Dr. Kumar would not result in a tacit approval of reduced parking requirements.*

*\* Dr. Kumar does own the adjoining wooded area that could be converted to parking space.*

*\* Parking requirements for medical buildings are far more stringent than for general office uses and are tied to the building layout (number of examination rooms, etc.).*

*\* There are not many medical uses in that area, it is primarily industrial.*

*\* The cancer facility would not be located in the Letica building, but rather a cancer information center and urgent care facility.*

*\* It is difficult to estimate personal property tax levels as the type and age of the equipment is not known for any of the bidders.*

*\* One can speculate that the technology-type use will have a higher personal property value than other uses.*

**Mr. Robbins** asked that representatives of each bidder be permitted to speak before Council:

**Dr. Anil Kumar**, Walton Boulevard Associates, 2370 Walton Boulevard, described his intent for the building noting it would have a cancer information center to allow people to gain access to information about their cancer, with an urgent care facility on the second floor. This purchase would allow him to expand the services and could create a medical facility area in this location. The location near M-59 is advantageous for a medical facility.

**Mr. Mario Apruzzese** of Employees Only, 5700 Crooks Road, Troy, provided a brief history of his company, noting that they were identified in Crains Detroit Business in 2003 as "one of the ten best places to work in Southeast Michigan." This location would become the company's national headquarters, with clients in 19 different states. Their services would be a draw for other companies to locate in Rochester Hills.

**Mr. John Lee**, K&L Technologies, LLC, 445 South Livernois, explained that the owner of K&L is also a partner or owner in several of the other companies listed as proposed tenants, thus, the building would be primarily owner-occupied. Mr. Lee noted that, with the acquisition of this building, they can consolidate the sales, research and engineering aspects of the business for which the owner holds two patents. Mr. Lee stressed that purchasing this building would provide the company with an opportunity to "expand our business and develop deep roots in the community."

*Representatives from Rochester Place Properties had left the meeting and were unavailable for comment.*

**Mr. Casey** continued addressing Council's questions and concerns as follows:

\* Any company that locates in the SmartZone is eligible for tax capture for the school mills and State Education Tax.

\* Businesses within the LDFA boundary must be eligible for tax capture to be used for infrastructure projects.

\* K&L Technologies, LLC would definitely qualify for both tax captures.

\* Employees Only may qualify under the LDFA, but it is not likely.

\* Unless the medical office were conducting research, they would not qualify for tax capture under the LDFA plan.

\* K&L Technologies, LLC will likely generate the greatest taxable value of all the applicants, but by a very small margin.

\* The final sale price of the building will dictate the taxable value.

\* It is advisable to develop a master plan for the sale of the remaining properties and to use the profits from the previous sales, including the 1700 West Hamlin Road property, to pay for the demolition of the manufacturing building without using General Fund dollars and, thus, increasing the value and saleability of that property.

**Mr. Casey** stated that it is his intent to subdivide the remaining property and sell it piece by piece to companies or developers that are looking for different size buildings.

**Ms. Holder** made a motion to sell the 1700 West Hamlin Road property to K&L Technologies, LLC, citing the likely greater taxable value.

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

**Whereas, the City of Rochester Hills holds clear title to 1700 W. Hamlin Road, further identified as Parcel No. 15-21-376-006; and**

**Whereas, the City has received three qualifying offers to acquire the above property; and**

**Whereas, the property is zoned ORT, Office-Research-Technology; and**

**Whereas, the City Council finds the offer from K&L Technologies acceptable and its proposed use appropriate for an ORT-zoned parcel.**

**Resolved to enter into a "Purchase Agreement" with K&L Technologies for 1700 W. Hamlin, further identified as Parcel No. 15-21-376-006, consisting of 1.45 acres and an existing 11,000-square-foot office building; and**

**Be It Further Resolved to accept K&L Technologies' acceptable offer of \$1.31 million; and**

**Be It Finally Resolved to direct the Mayor to sign the Purchase Agreement after review by the City Attorney's office as to form.**

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

**Aye:** Hill, Barnett and Holder  
**Nay:** Duistermars, Raschke and Robbins  
**Absent:** Dalton

**(Recess 11:55 p.m. - 12:10 p.m.)**

**2005-0479**

Reconsider Motion to enter into Purchase Agreement for the Sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006 with K&L Technologies

**Attachments:** Agenda Summary.pdf; Supplemental info.pdf; 0479 Resolution.pdf

**Mr. Robbins**, noting that Council cannot vote twice on the same motion, moved to reconsider the previously defeated motion.

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

**Whereas, the City of Rochester Hills City Council failed to pass a motion to enter into a Purchase Agreement with K&L Technologies for the Sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006.**

**Resolved that the City of Rochester Hills City Council hereby reconsiders the Motion to enter into a Purchase Agreement for the Sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006 with K&L Technologies.**

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

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins  
**Absent:** Dalton

**Attachments:** Agenda Summary.pdf; Supplemental info.pdf; 0479 Resolution.pdf

**President Hill** indicated that the motion to sell the 1700 West Hamlin Road property to K&L Technologies, LLC was returned to consideration.

**A motion was made by Holder, seconded by Barnett, that this matter be Adopted by Resolution. to accept the purchase offer from K&L Technologies.**

**Whereas, the City of Rochester Hills holds clear title to 1700 W. Hamlin Road, further identified as Parcel No. 15-21-376-006; and**

**Whereas, the City has received three qualifying offers to acquire the above property; and**

**Whereas, the property is zoned ORT, Office-Research-Technology; and**

**Whereas, the City Council finds the offer from K&L Technologies acceptable and its proposed use appropriate for an ORT-zoned parcel.**

**Resolved to enter into a "Purchase Agreement" with K&L Technologies for 1700 W. Hamlin, further identified as Parcel No. 15-21-376-006, consisting of 1.45 acres**

and an existing 11,000-square-foot office building; and

**Be It Further Resolved to accept K&L Technologies' acceptable offer of \$1.31 million; and**

**Be It Finally Resolved to direct the Mayor to sign the Purchase Agreement after review by the City Attorney's office as to form.**

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

**Aye:** Hill, Barnett, Duistermars, Holder and Robbins

**Nay:** Raschke

**Absent:** Dalton

**Enactment No:** RES0241-2005

**2005-0494**

Update on DPS Facility Project

**Attachments:** Agenda Summary.pdf; Brief History/ProposedSchedule.pdf; DeMattia Cost Estimate.pdf; Supplemental info.pdf; Supplemental Information Memo re DPS Facility.pdf

**Mr. Roger Rouse**, Director of DPS/Engineering, noting the late hour of the meeting, indicated that rather than provide a full presentation, he, **Mr. Scott Cope**, Director of Building/Ordinance Enforcement; **Mr. Matt Hubbard**, Chief Estimator of DeMattia Group; **Mr. Jack Michael**, Project Manager of DeMattia Group; **Mr. Robert Szantner**, Principal of Yamasaki Associates, Inc.; and **Ms. Linda Davis-Kirksey**, the City's Grant Writer, were present to address questions or concerns raised by Council. The following issues were discussed.

\* *New features and issues that will be addressed with the new DPS Facility design:*

- Handicapped accessible.
- Shower facilities for men and women.
- Containment of vehicle waste oil.
- Protection of vehicles from the elements.
- Expansion of fuel carrying capacity to serve as a central depot in case of emergency.
- Security and perimeter improvements.
- Interior salt storage to prevent salt runoff.

\* *Some issues of regulation compliance are addressed with a "piece meal" approach.*

\* *To bring the building up to current code would likely cost approximately half a million dollars.*

\* *Bringing the current building into compliance would not address such issues as vehicle storage and substandard ventilation.*

\* *Options for financing a new DPS Facility without raising taxes:*

- Grant money.
- Proceeds from the sale of the Letica building.
- Bond and repay using water and sewer user fees.

\* *It has been proposed that the facility could be built using bond money and those bonds could subsequently be repaid using grant money or the proceeds from the eventual sale of the Letica building.*

- \* *The cost of labor and materials will continue to increase over time.*

**Ms. Davis-Kirksey** addressed questions regarding the appropriations process, noting that it is a misnomer to refer to them as "grants":

- \* *The project is spread out over four areas of the Federal appropriations request.*
- \* *An appropriation is different from a grant in that matching funds are not necessary.*
- \* *The requests were made for \$12 million for construction of the facility and \$1.5 million for green roof technology.*
- \* *The methodology employed is to "spread different areas of this project over various areas of the [HUD] bill."*
- \* *All paperwork has been submitted as of March.*
- \* *A definitive answer as to the disposition of the requests is expected by the end of September or early October of 2005.*

**Mr. Rousse** addressed questions regarding green roof technology:

- \* *Has a high up front cost resulting in long-term savings through low maintenance costs.*
- \* *Can double or even triple the life cycle of a roof system.*
- \* *Minimizes storm water retention.*
- \* *Saves on energy as it reduces heating and air conditioning requirements.*
- \* *Previous green roof failures have been corrected.*
- \* *The roof membrane consists of a very low, slow-growing leaf plant.*

**Mr. Barnett** cautioned against moving too quickly with this project, as it could have a negative impact on the DPS Department, stressing that the department lost eleven employees the previous year due to budget issues and is likely to lose as many if not more this year if the local roads millage is not approved by voters. While acknowledging the need for a new DPS Facility, he questioned the reasoning of building a new facility to include all of the options noted previously if the City will "not have the people to use them."

**Ms. Holder, Mr. Robbins and Ms. Raschke** indicated that they did not want to be "held hostage to a millage" request and felt that it would do a disservice to residents to postpone the project any longer as it is necessary and further delays will likely increase the overall costs.

**Mr. Barnett** further cautioned Council members about the use of bonding to finance the project, noting that \$14 million in bonds will likely result in \$20 million when paid in full over twenty years.

**President Hill** questioned the apparent increase of approximately \$3 million in the overall project budget from the previous year.

**Mr. Hubbard** noted the following changes to the budget:

- \* *Some increases in the equipment portion of the project as a result of required replacements.*

- \* *More extensive soil testing was needed.*
- \* *Additional testing and layout of the building as a result of the soil testing.*
- \* *An estimating error that was absorbed by the contingency.*
- \* *Various miscellaneous items.*

**President Hill** clarified that, while it was true the construction would not be paid by raising taxes, it would be paid by raising the water and sewer rates. She noted that, in addition to this project, it has been proposed that the water reservoirs be funded through bonding to be repaid using water and sewer user fees. She questioned "how much can we put on the back of the water and sewer user?"

**Mr. Robbins** stressed that the Council "needs to really take a look at what they're going to do if this [road] millage fails." He indicated that Council needs to examine alternative ways to fund other programs. Mr. Robbins stated that the current DPS Facility is unsafe and described it as a "sitting liability for the City."

**Discussed**

## NEW BUSINESS

**2005-0367**

Request for Approval of Preliminary Site Condominium Plan - City File No. 00-037 - Northbrooke East Site Condominiums, a 12 unit development on approximately 3.7 acres, located south of Auburn and east of Crooks, zoned R-4, One Family Residential, known as Parcel No. 15-33-128-009, Northbrooke East Development, LLC, applicant

**Attachments:** Agenda Summary.pdf; Mapaerial.pdf; Report Staff 20050602.pdf; Site Plans.pdf; Map.pdf; Letter AVT 20050312.pdf; 0367 Resolution.pdf

**Ms. Deborah Millhouse**, Deputy Director of Planning/Development, explained that the applicant is utilizing the lot size variation option and all proposed units meet or exceed the minimum requirements. She further noted that the Planning Commission unanimously recommended approval of this plan and all conditions have been addressed or are included as conditions in the resolution.

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

**Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Northbrooke East (City File No. 00-037), based on the plans dated received by the Department of Planning and Development on June 24, 2005, with the following five findings and subject to the following five conditions. The affected property is zoned R-4, One-Family Residential and identified as Parcel No. 15-33-128-009.**

**Findings:**

- 1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.**
- 2. Adequate utilities are available to properly service the proposed development.**
- 3. The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.**

4. The preliminary plan represents the only possible street layout and a reasonable lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

**Conditions:**

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.
2. Payment of \$2,400.00, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.

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

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**Enactment No:** RES0242-2005

**2005-0461**

Request for Purchase Authorization - MIS/CLERK'S: Consulting services for City-wide document and records management planning and design, blanket purchase not-to-exceed \$225,457.00; Plangraphics, Inc., Frankfort, Kentucky

**Attachments:** Agenda Summary.pdf; Plangraphics Proposal.pdf; 0461 Resolution.pdf

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

**Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Plangraphics, Inc. of Frankfort, Kentucky, as most qualified proposer for the purchase of consulting services for City-wide document and records management planning and design in the amount not-to-exceed \$225,457.00 through August 1, 2006.**

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

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

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

**Enactment No:** RES0243-2005

**2005-0470**

Adoption of Resolution authorizing Mayor, City Clerk and Finance Director to circulate preliminary and final official statement for Rewold Drain Phase II Improvements, Series 2005 - Continuing Disclosure

**Attachments:** Agenda Summary.pdf; Petition 1984.pdf; Petition 1984 OCDC Bd Acceptance.pdf; Drain Bd Meeting Name Change.pdf; 0470 Resolution.pdf

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

**Now, Therefore, Be It Resolved by the City Council of the City of Rochester Hills, as follows:**

1. The Mayor, the City Clerk and the Finance Director are authorized to approve the circulation of a preliminary and final official statement for the Drain Bonds, Phase II Drain Improvements, Series 2005 (the "Bonds"), to be issued by the Rewold Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor, the City Clerk or the Finance Director are authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the Bonds.
2. The Mayor, the City Clerk and the Finance Director are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City, for the benefit of the holders of the Bonds to be issued by the Rewold Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Duistermars, Holder, Raschke and Robbins

**Absent:** Dalton

## COUNCIL COMMITTEE REPORTS

### Public Safety Committee:

*Ms. Raschke, Chairperson of the Public Safety Committee, asked Council to move forward with the creation and adoption of a false alarm ordinance. She then explained that, for the Rochester Hills Fire Department to retain its Advanced Life Support (ALS) system status through the Oakland County Medical Control Board, they must respond to emergencies with a two-member ALS unit at all times. Therefore, the Public Safety Committee supports the recommendation of the Fire Chief to hire three fire fighter/paramedics and one EMS coordinator and asked that this matter be included in the upcoming budget discussions.*

*President Hill indicated that both matters would be addressed by Council.*

### Planning Commission:

*President Hill stated that the recent Planning Commission meeting brought to light issues with regard to the City's parking ordinance and noted that they would be discussing possible changes, along with further examination of the conditional zoning issue.*

### Master Land Use Plan:

*President Hill noted that an update of the Master Land Use Plan would likely come to Council in September, as well as another joint meeting between Council and the Planning Commission.*

### Sister City Committee/Auburn Hills:

*Ms. Holder explained that the joint traffic study with Auburn Hills is not intended to specifically address the Tienken Road barrier issue, but rather to examine what "roadway improvements might enhance movement throughout both cities."*



**ANY OTHER BUSINESS**

*None.*

**NEXT MEETING DATE**

*Regular and Work Session Meeting - Wednesday, July 27, 2005 at 7:30 p.m.*

**ADJOURNMENT**

*There being no further business before Council, President Hill adjourned the meeting at 1:14 a.m.*

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*MELINDA HILL, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*MARGARET A. MANZ  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the November 2, 2005 Regular City Council Meeting.*