



Rochester Hills Minutes City Council

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

Wednesday, April 7, 2004

7:30 PM

1000 Rochester Hills Drive, Rochester Hills, MI
48309

DRAFT

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

ROLL CALL

Present: Dalton, Barnett, Duistermars, Hill, Raschke and Robbins

Absent: Holder

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Alan Buckenmeyer, Parks Operations Manager
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Derek Delacourt, Planner
Dan Casey, Economic Development Manager
Susan Galeczka, City Council Liaison
Bob Grace, Director of MIS
Julie Jenuwine, Interim Finance Director
Kevin Krajewski, Network Administrator/Deputy Director of MIS
Raymond Leafdale, General Superintendent
Roger Rousse, Director of DPS/Engineering
Paul Shumejko, Transportation Engineer*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Duistermars, seconded by Barnett, to Approve Agenda as Amended. with the addition of Agenda Item No. 2004-0363, Participation in the St. Clair Shores/Warren Water System Feasibility Study , following Item 2004-0227 under NEW BUSINESS.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Raschke and Robbins

Absent: Holder

(Barb Holder Entered at 7:40 p.m.)

Present: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

PUBLIC COMMENT

Ms. Josephine Geraci, 1566 Colony Drive, identified herself as Chairperson of the Cemetery Committee and stated that the year-end report was complete. She noted that questions could be directed to her. Ms. Geraci described the new Older Persons' Commission facility as "wonderful" and stated that, although she is a tax paying resident, she would pay to use the facility.

Ms. Linda Vidmar, 3315 Greenspring Lane, expressed concern that the City was considering a "city income tax" and noted that she would like tax money spent on repairing the roads.

President Dalton stated that there has been no discussion or consideration of implementing a city income tax.

Mr. Ed Baron, 3310 Greenspring Lane, stated his opposition to the possible use by developer REI of park property for a detention pond.

Mr. Gerald Evans, 1645 Park Creek Court, stated his opposition to a city income tax.

Mr. Larry Schloss, 2851 Current Drive, stated that he does not believe that the Brownfield Act applies to the proposed redevelopment of the Suburban Softball property.

Mr. Lee Zendel, 1575 Dutton Road, expressed his opposition to a single waste hauler and reminded residents to email their opinions regarding this issue to rhfreedom03@yahoo.com.

Ms. Melody Hart, 3583 Sleepy Fox Drive, stated that the Public Hearing for the Madison Park project was placed too late on the Agenda. She noted that only three (3) Council members are eligible for recall at this time.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton explained that a consultant was brought in to discuss funding options for road improvements, but not a city income tax. He then clarified that the City is not "donating" park land for the use of the REI detention pond. He emphasized that the City will receive "adequate compensation" for the use of this property. President Dalton then wished everyone a happy Easter.

Mayor Somerville thanked all residents who donated Easter baskets to be distributed to children throughout the City.

Ms. Linda Raschke wished everyone a happy Easter and asked that the service men and women be kept in everyone's thoughts and prayers.

Ms. Hill announced that the Michigan Historic Preservation Network will be holding its annual conference in Rochester Hills on April 22nd and 23rd. She encouraged anyone interested in historic preservation to attend.

Mr. Duistermars wished everyone a happy Easter.

Mr. Barnett reminded Council members that the Youth Representatives assigned to serve on Council's Communication Committees will be attending the May 5th meeting to provide reports on their involvement in the committees.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

- 2004-0286** Presentation to Bob Spaman, Finance Director
- Attachments:** Master Report.pdf
- Mr. Bob Spaman, having served as Finance Director for the City of Rochester Hills from 1997 until his recent resignation, was honored by the Mayor and City Council for his years of service and was presented with a commemorative plaque.*
- 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.

- 2004-0291** Approval of Minutes - Special City Council Meeting, February 11, 2004
- Attachments:** Minutes CC Reg 021104.pdf; Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on February 11, 2004 be approved as presented.**
- Enactment No:** RES0102-2004
- 2004-0294** Approval of Minutes - Regular City Council Meeting - February 18, 2004
- Attachments:** Minutes CC Reg 021804.pdf; 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 February 18, 2004 be approved as presented.**
- Enactment No:** RES0104-2004
- 2004-0125** Acceptance of Sanitary Sewer easement granted by Singh Cider Mill Village, LLC, Parcel No. 15-13-401-001
- Attachments:** Agenda Summary.pdf; Easement.pdf; Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary easement granted by Singh Cider Mill Village, L.L.C., 7125 Orchard Lake Road, Suite 200, West Bloomfield, MI 48322 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. 15-13-401-001.**

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

Enactment No: RES0109-2004

2004-0126

Acceptance of Watermain Easement granted by Singh Cider Mill Village, LLC; Parcel No. 15-13-401-001

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by Singh Cider Mill Village, LLC, 7125 Orchard Lake Road, Suite 200, West Bloomfield, MI 48322 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. 15-13-401-001.

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

Enactment No: RES0121-2004

2004-0257

Acceptance of Pedestrian-Bicycle Pathway Easement granted by Singh Cider Mill Village, L.L.C., Parcel No. 15-13-401-001

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an easement granted by Singh Cider Mill Village, L.L.C., 7125 Orchard Lake Road, Suite 200, West Bloomfield, MI 48322 for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway over, on, under, through and across land more particularly described as Parcel No. 15-13-401-001.

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

Enactment No: RES0110-2004

2004-0303

Acceptance of Watermain Easement granted by South Boulevard Properties, LLC; Parcel No. 15-36-452-008

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by South Boulevard Properties, LLC, a Michigan limited liability company of 44199 Dequindre, Suite 108, Troy, Michigan 48085 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. 15-36-452-008.

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

Enactment No: RES0105-2004

2004-0304

Acceptance of Sanitary Sewer Easement granted by South Boulevard Properties, LLC; Parcel No. 15-36-452-008

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer easement granted by South Boulevard Properties, LLC, 44199 Dequindre, Suite 108, Troy, Michigan 48085 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. 15-36-452-008.

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

Enactment No: RES0106-2004

2004-0306

Acceptance of Watermain Easement granted by SBII, LLC for Parcel No.15-36-452-006

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by SBII, LLC, a Michigan limited liability company of 550 Hulet Drive, Ste. 103, Bloomfield Hills, Michigan 48302, 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. 15-36-452-006.

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

Enactment No: RES0107-2004

2004-0310

Acceptance of Watermain Easement granted by American Axle & Manufacturing, Inc., a Delaware Corporation; Parcel No. 15-30-477-014

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

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain easement granted by American Axle & Manufacturing, Inc., a Delaware Corporation, of 1840 Holbrook, Detroit, MI 48212 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. 15-30-477-014.

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

Enactment No: RES0108-2004

2004-0226

Traffic Control Order No. PK-78: No Parking along Hampton Circle from Barclay Circle to east of Sandhurst

Attachments: Agenda Summary.pdf; Traffic Control Order 78.pdf; Map.pdf; Minutes ATSB 030904.pdf; Resolution.pdf

This matter was Adopted by Resolution.

Whereas, Traffic Control Order No. PK-78 has been issued by the City Transportation Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

TCO No. PK-78.1 No Parking within the right-of-way of south side of Hampton Circle from Barclay Circle (at their south intersection) to a point Nine Hundred Fifty (950) feet easterly thereof.

TCO No. PK-78.2 No Parking within the right-of-way of north side of Hampton Circle from Barclay Circle (at their south intersection) to a point Two Hundred Sixty (260) feet easterly thereof.

TCO No. PK-78.3 No Parking within the right-of-way of north side of Hampton Circle (at their south intersection) from a point Three Hundred Eighty (380) feet to a point Twelve Hundred Fifty (1,250) feet easterly thereof.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order No. PK-78 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan and signs and/or markings in conformity with the Michigan Manual of Uniform Traffic Control Devices giving notice of the same have been placed and maintained.

This Order rescinds and supercedes the following Traffic Control Order(s) adopted by the City of Rochester Hills: PK-76.

The motion carried.

Enactment No: RES0119-2004

2004-0270

Adoption of Resolution - authorizing permit application from the Road Commission for Oakland County (RCOC) for the Greater Rochester Memorial Day Parade to be held on Monday, May 31, 2004

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the Cities of Rochester Hills and Rochester jointly host the Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veterans organizations.

Whereas, the parade route begins at 10:00 a.m., at Mt. Avon Cemetery within the City of Rochester and run along First Street, then southerly along Castell Street, then westerly along Harding Road to Livernois Road, and finally Livernois Road southerly to Veterans Pointe Park; and

Whereas, staging this event requires closing certain County routes and using others for posted detour routes; and

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Livernois Road and Avon Road.

Now Therefore Be It Resolved, that the Rochester Hills City Council authorizes the Mayor or his/her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved, that the parade routes be scheduled for Monday, May 31, 2004, starting at 10:00 a.m., on Harding and Livernois Roads; and

Further Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0103-2004

Passed The Consent Agenda

A motion was made by Raschke, 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: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

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

2004-0301 Request for Purchase Authorization - DPS/ENGINEERING: Professional Services for Hillview Lane Special Assessment District Project, blanket purchase order not-to-exceed \$50,783.66; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Attachments: Agenda Summary.pdf; Supplement 23 OHM.pdf; Hillview Exhibit 1 02-04-04[2].pdf; Hillview Exhibit 2 02-04-04[2].pdf; Project Costs.pdf; Assessment Roll.pdf; Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, Mr. Paul Davis, City Engineer, and Mr. Paul Shumejko, Transportation Engineer, explained that the request before Council was for \$50,000 for pre-construction engineering design services for the eventual paving of Hillview Lane. It was indicated that the entire project would cost \$323,000, with approximately \$64,000 being eventually returned to the City as the residents' share of the road paving costs.

Council determined that the project should be postponed to allow further evaluation of

the local road funding issue. They specifically noted that this project would benefit only sixteen (16) buildable lots in the City and resident approval was marginal, with a vote of nine (9) homeowners in favor of paving the road and seven (7) opposed to the project.

A motion was made by Barnett, seconded by Hill, that this matter be Postponed by Resolution.

Resolved that the Rochester Hills City Council hereby POSTPONES authorization of a Blanket Purchase Order to Orchard, Hiltz & McCliment, Inc. of Livonia, Michigan, for professional services for the Special Assessment District Paving of Hillview Lane, in the amount not-to-exceed \$50,783.66 while local road funding is evaluated.

The motion carried by the following vote:

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

2004-0284

Request for Purchase Authorization - MIS: Redesign of the Rochester Hills web site and implementation of the Content Management System, blanket purchase order not-to-exceed \$35,910.00; Municipal Web Services, Birmingham, MI

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

Ms. Hill expressed her support for this project and asked that the overall design of the web site be "clean."

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Municipal Web Service, of Birmingham, MI 48009, as the most qualified and best value for the purchase of web site redesign, hosting, and a Content Management System for all of the departments of City Hall, in the amount not-to-exceed \$ 35,910.00 through December 31, 2004.

The motion carried by the following vote:

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

Enactment No: RES0099-2004

2004-0296

Request for Purchase Authorization - MIS: 2004 Equipment, Supplies and Software Purchases Project, blanket purchase order not-to-exceed \$190,300.00

Attachments: Agenda Summary.pdf; Lease Case Studies.pdf; Resolution.pdf

Mr. Duistermars recused himself from discussion and the vote, citing a work-related conflict of interest.

Ms. Hill expressed her support for this purchase.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the purchase of 2004 budgeted equipment, supplies and software for an amount not-to-exceed \$190,300.00 through December 31, 2004.

The motion carried by the following vote:

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

Abstain: Duistermars

Enactment No: RES0100-2004

2004-0313

Request for Purchase Authorization: PARKS/FORESTRY: Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, blanket purchase order not-to-exceed \$130,000.00 (\$26,000.00 annually); Melrose Pyrotechnics, Inc., Kingsbury, IN

Attachments: Agenda Summary.pdf; 041504 E-mail Staran J.pdf; 2004-0313 Resolution.pdf

Mr. Zendel, 1575 Dutton Road, stated that he was under the impression that City contracts could be no longer than three (3) years, indicating that this contract was for five (5) years.

Mr. Barnett explained that this contract is fulfilled by donations, thus no City funds are expended for this event.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Melrose Pyrotechnics, Inc., Kingsbury, IN, for the Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, in the amount not-to-exceed \$130,000.00.

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

The motion carried by the following vote:

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

Enactment No: RES0131-2004

Attachments: Agenda Summary.pdf; 041504 E-mail Staran J.pdf; 2004-0313 Resolution.pdf

City Attorney John Staran requested time to review the purchasing ordinance with regard to Mr. Zendel's assertion that contracts should not exceed three (3) years.

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

Resolved that the Rochester Hills City Council hereby RESCINDS authorization of a Blanket Purchase Order to Melrose Pyrotechnics, Inc., Kingsbury, IN, for the Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, in the amount not-to-exceed \$130,000.00.

The motion carried by the following vote:

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

Enactment No: RES0131-2004

Attachments: Agenda Summary.pdf; 041504 E-mail Staran J.pdf; 2004-0313 Resolution.pdf

Council voted to postpone a final decision on this matter until it has been examined by City Attorney John Staran.

Postponed by Resolution.

Resolved that the Rochester Hills City Council hereby POSTPONES authorization of a Blanket Purchase Order to Melrose Pyrotechnics, Inc., Kingsbury, IN, for the Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, in the amount not-to-exceed \$130,000.00.

Be It Further Resolved that the matter of the length of the Blanket Purchase Order contract be reviewed by City Attorney John Staran to determine if a five (5) year contract is permissible under the City's purchasing ordinance.

The motion carried by the following vote:

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

Enactment No: RES0131-2004

PUBLIC HEARINGS

2004-0204

Approval of Brownfield Plan - Madison Park (City File No. 03-023) a proposed mixed-use development located on the south side of Hamlin Road, east of the proposed Adams Road realignment, identified as Parcel Nos. 15-29-151-015, 15-29-151-008, 15-29-151-017, 15-29-151-012, 15-29-151-011, 15-29-176-004, 15-29-176-008 and 15-29-176-006.

Attachments: Agenda Summary.pdf; Map aerial.pdf; Report Staff 20040329.pdf; Assessment Proposal - Ben Matthews.pdf; Flow Chart.pdf; Brownfield Plan Final.pdf; Tax Table Final Mad Park.pdf; minutes bra 20040304.pdf; Notice Public Hearing 051204.pdf; Resolution.pdf

STAFF PRESENTATION:

Mr. Derek Delacourt, Planner, briefly explained that the item before City Council was a request to approve the Brownfield Redevelopment Plan for the subject site. He then addressed specific questions related to the project:

- 1) *The project does qualify for Brownfield Redevelopment under the State Brownfield Legislation and for Tax Increment Financing (TIF).*
- 2) *Based on multiple meetings with the Michigan Department of Environmental Quality (MDEQ), City Staff has determined that all proposed activities have been deemed eligible for this process.*
- 3) *As part of the Consent Judgement and the Brownfield Plan, the City is not responsible for any of the financing associated with the remediation of this property.*
- 4) *All environmental information and studies generated by the City's consultant is or will be made available upon finalization to the public and can be obtained either through the Planning Department or the Clerk's Department.*
- 5) *The Brownfield Plan is the first step in the cleanup process. The Work Plan, which will establish the eligible activities, must still be submitted to the City's Brownfield Redevelopment Authority (BRA) and is scheduled for discussion by that body at two (2) upcoming BRA meetings to be held April 15th and May 6th. This Work Plan must be approved by the MDEQ.*

Mr. Delacourt stressed that the Work Plan review and submission cannot move forward until the Brownfield Plan is approved by City Council. He further noted that the intent of City Staff is to ensure that the cleanup proposed solves the contamination issue and provides a safe set of circumstances for the development that the City ultimately deems appropriate.

Ms. Jill Ferrari, Director of Brownfield Development for Applied Science & Technology, Inc. (ASTI) of Brighton, offered a presentation that explained the Michigan Brownfield Redevelopment Financing Act and disputed erroneous claims made in a flyer recently circulated to area residents:

WHAT IS A BROWNFIELD PLAN?

** Michigan Brownfield Redevelopment Financing Act, Public Act 381*

- Specifically designed to address contaminated sites.

- Allows Brownfield Redevelopment Authority to pass Brownfield Plans that must be approved by City Council.

** The Brownfield Plan may include Tax Increment Financing (TIF)*

** TIF is a process where additional property taxes, including taxes levied for school operating purposes, that come from the increased value of an eligible property over a base year (the year the property was added to the Brownfield Plan) can be captured to reimburse a developer for certain eligible activities.*

** Eligible activities in Rochester Hills are defined as:*

- Site assessment and Baseline Environmental Assessment (BEA) activities.

- Additional response activities necessary for public health and safety.

- Due care responsibilities on the part of the Developer.

** The "Eligible Activities" for the Suburban Softball project include:*

- Site Assessment

- Additional Response Activities

** Removal of landfill material.*

** Leachate/methane collection systems*

** Re-engineering cap*

- Due Care

** Long-term monitoring*

HOW DOES IT AFFECT THE TAXES I PAY?

** There is no effect to any properties outside of the eligible properties included within the Brownfield Plan.*

** There will be no increase in taxes as a result of this Brownfield Plan.*

** All current taxes paid on the property will remain in effect, and will be collected from the new owner.*

WHAT IS THE CITY'S OVERSIGHT CAPACITY?

- * *City Council must approve the Brownfield Plan.*
- * *Reimbursement agreement will form binding contract between Developer and City.*
- * *Quarterly (or more frequent) reports must be made to the BRA.*
- * *No activity is reimbursed unless it has been determined to be "eligible."*
- * *Local taxes may be used to reimburse the Developer for activities that MDEQ decides not to fund through school taxes. Reimbursement agreement will address this.*
- * *\$30 million dollar cap. The City has the authority to require that any increase in eligible activities be approved through City Council.*

Mr. Trevor Woollatt, Project Manager for ASTI of Brighton, provided a brief overview of the activities that have been completed, the resultant findings, and explained why the property qualifies as a Brownfield Site:

- * *Conduct a Baseline Environmental Assessment (BEA) to provide information regarding the current conditions of the property.*
- * *Exceedances of exposure pathways were detected, such as:*
 - *Direct contact*
 - *Indoor air inhalation*
 - *Ground water/surface water*
 - *Drinking water*
- * *Concentrations from every chemical group were found including:*
 - *PCBs*
 - *Metals*
 - *Semi-Volatiles*
 - *Volatiles*

Mr. Woollatt noted that these exceedances qualify this property for Brownfield Redevelopment. He further indicated that a BEA is not intended to provide a mechanism to address exposure or cleanup activities.

Mr. Richard Zanotti of Real Estate Interests Group, IC. (REI), 40900 Woodward Avenue in Bloomfield Hills, provided a brief history of the landfill property. He then noted "significant" aspects of the property:

- * *In some areas the clay liner has run out.*
- * *There is sand and gravel moving toward the Clinton River.*
- * *In some areas waste material is directly over sand and gravel with no clay liner.*
- * *Many wells beyond the boundaries of the landfill show high concentrations of methane.*

Mr. Zanotti indicated specific remediation methods REI plans to employ to address these concerns:

- * *Will need to excavate to the bottom to tie the new landfill cover into the clay.*

- * *The leachate collection system will be routed to a pumping station.*
- * *Permeable clay ten (10) to fifteen (15) feet wide will be placed next to the slope.*
- * *An eighteen (18) inch soluble, flexible double-sided composite membrane liner will be placed down the slope*
- * *Gas will be pulled off, vented or flared.*
- * *A vegetative growth layer will be established.*
- * *No future buildings will be built within the boundary of the landfill.*
- * *There will be a gas collection system at the top of the gravel trench.*
- * *A slurry wall will be placed at the boundary of the landfill.*

Mr. Zanotti reassured Council that REI plans to move quickly to place the cover system and move forward with back filling as they excavate material to minimize the amount of open area exposed to the atmosphere. He stressed that REI intended to conduct this process in two (2) phases and anticipates completing the process within nine (9) to twelve (12) months.

Mr. Jon Weaver of REI, 40900 Woodward Avenue in Bloomfield Hills, stressed the developer's commitment to communicate fully with the neighboring communities, indicating that an informational meeting was held in City Hall the previous week. He noted the current hazards of this contaminated area, explaining that until now, interested government authorities were not permitted access to the area for testing purposes. He stated that the City "should be applauded for their proactive stance" on this matter.

(RECESS 9:13 p.m. - 9:39 p.m.)

President Dalton OPENED the Public Hearing at 9:41 p.m.

PUBLIC COMMENT:

Mr. James Reid, 14496 Sheldon Road, Plymouth, of Conestoga-Rovers & Associates representing Grand/Sakwa, recommended that the Brownfield Plan be rejected based on the following:

- * *There has never been a landfill removal of this magnitude to accommodate a commercial development.*
- * *Landfill removal is not cost effective.*
- * *The risks associated with the landfill do not justify the extraordinary cost of remediation.*
- * *There are less expensive ways to address the site.*
- * *There is a ten percent (10%) chance of an accidental death during the remediation procedure.*

Mr. Mark Jacobs, 400 Renaissance Center, Detroit, of Dykema Gossett representing Grand/Sakwa, listed a number of reasons the Brownfield Plan should not be approved:

- 1) *Tax increment revenues can only be used to finance eligible activities, which excludes site preparation activities.*

2) *The Plan fails to contain an adequate explanation of how the costs of the Plan will be financed.*

3) *Eligible activities proposed must be reasonable and necessary.*

4) *The method of financing the costs of eligible activities must be feasible.*

Mr. Jacobs contended none of the above conditions had been met and, thus, the Brownfield Plan should be denied. (A printed copy of his comments was provided to Council members.)

Mr. Alan Greene, 35977 Woodward Avenue, Bloomfield Hills, of Silverman Companies, noted that he represents Lake Village apartments located next to the property in question. He expressed concern that the remediation of the site would result in thousands of trucks moving past the complex resulting in excessive noise, odors and dust particles.

Ms. Debbie Geen, 3128 Walton, Chairperson of the Residential Vision Committee, contended that the development would result in further road deterioration and the possible exposure to toxins during their removal.

Mr. Brad Kinker, 3274 Quail Ridge Circle, noted that Grand/Sakwa's environmental consultants refute the ASTI findings. He questioned the traffic congestion created not just by the REI development, but the other two developments planned for the area.

Ms. Cindy Kinker, 3274 Quail Ridge Circle, stated that not enough environmental study has been done for Council to make a decision. She asked that they postpone the vote on the Brownfield Plan until more information is available.

Mr. Tom Stevenson, 78 River Bend Drive, noting that he serves on the Brownfield Redevelopment Authority, stated he was speaking as a resident. He disputed rumors that tax dollars would pay for the remediation. He expressed his belief that development was the best way to increase the tax base for the City.

Ms. Lynn Loebs, 2845 Portage Trail, expressed her opposition to the planned redevelopment using City park land for a detention basin.

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, noting she is a thirteen (13) year resident, questioned why children were allowed to play in this area if it presents such a health hazard. She also questioned why schools and roads have not been improved, or why taxes have not been reduced as a result of "all the retail that's gone on" in the City.

Mr. James Sutton, 2927 Portage Trail, expressed his opposition to the development.

Mr. Brenton Kinker, 3274 Quail Ridge Circle, questioned whether the current zoning allows big box development in the area and whether the land "will really be cleaned up."

Ms. Melody Joy Hart, 3583 Sleepy Fox Drive, stated that it is "irresponsible to get more tax revenue by exposing people to toxins that does not need to be disrupted." She noted that Brownfield Redevelopment funds are intended to mitigate the cost of the clean up of "legitimate dangerous brownfields." She requested that the issue be tabled while further studies are conducted.

Ms. Charlene McGunn, 3073 Greenspring, expressed her concern that these decisions are being made without citizen input and asked that the Council consider the recent mayoral election in Troy wherein the incumbent candidate was defeated "primarily on the issue of land use."

Mr. Gordon Hotchkiss, 320 Lehigh, asked "what type of expertise does Council have in

evaluating the potential cost over-runs associated with environmental issues." He questioned why all available plans and information are not available for review.

Mr. Michael Wayne, 2817 Eagle Drive, stated that the residents do not want this development and questioned "why do you keep ramming this thing through?"

Mr. John Geen, 3090 Kenwood, contended that the Public Comment portion of the meeting was "a mere pretext" and that Council members had already made up their minds regarding approval of the Plan. He then asked several questions:

** Where can he find the accounting projection for the \$30 million remediation?*

** Was the environmental study conducted by Grand/Sakwa shared with the insurance underwriter?*

** Is the MDEQ representative aware of the negative public sentiment associated with this project?*

** Who will take ultimate responsibility for what happens as this development moves forward?*

Mr. Kyle Hauberg, 39577 Woodward, Bloomfield Hills, representing Lake Village Associates, indicated that there is not enough information to make a decision. He stressed that, as ASTI works for the City and for the Developer, there is no opportunity to hear "competing ideas." While he contended that the developer would likely take all appropriate precautions, he questioned who would be responsible for protecting the health and welfare of the residents of Lake Village apartments.

Mr. Larry Schloss, 2851 Current Drive, expressed his opposition to the development and encouraged a "hearty discussion."

Ms. Lois Golden, 645 Apple Hill Lane, questioned whether the City would be responsible if it were determined that preparation activities were not eligible for reimbursement. She then asked for clarification on the building height ordinance for ORT zoning, indicating that she was under the impression it was either three (3) stories or six (6) stories.

(RECESS 10:31 p.m. - 11:02 p.m.)

President Dalton CLOSED the Public Hearing at 11:02 p.m.

STAFF RESPONSE:

Mr. Delacourt responded to the following concerns:

** The Site Plan must be approved by City Council per the Consent Judgement.*

** The detention pond proposed for park property will provide additional filtering of contaminated run off that already moves through the park. This system will likely result in an enhancement of the park.*

Ms. Ferrari explained that the Brownfield Act allows for further environmental study, acknowledging that "anyone who funds assessment will be reimbursed." She noted that there is no public financing of this remediation in the Brownfield Plan and ASTI has determined that the costs described in the Plan are reasonable. She reiterated that the current property owner has made no effort to either cleanup or monitor the waste.

Mr. Woollatt explained that the MDEQ will not allow building over waste material. Thus, a portion of the waste will be removed to accommodate building construction, while

another portion will be encapsulated to provide parking, etc. He noted that the next step in the process is the submission of the Work Plan from the City's Brownfield Redevelopment Authority which is more detailed and will address specific issues of oversight.

Mr. Delacourt noted that the only taxes that can be paid to the developer are those that would be generated by the increased value of the property. Therefore, no school taxes will be reduced as a result of this plan. Also, while ASTI is the City's environmental consultant, they were hired and paid by REI for this research.

Mr. Staran addressed the following issues:

- * The City will not be responsible for funding the project under any circumstances.*
- * River Bend Park will not be sold.*
- * The zoning is lawful and, although the area was zoned residential, it is master planned for research and technology.*

COUNCIL DISCUSSION:

Addressing specific questions posed by Council Members, Mr. Delacourt, Ms. Ferrari and Mr. Woollatt responded as follows:

- * Pre-construction, construction and post-construction operations and maintenance of the landfill will be approved by the MDEQ and will be overseen by a landfill engineer who will supervise the cap installation. This compliance with due care is the obligation of the property owner.*
- * Only newly-generated taxes as a result of this development will be used. No existing taxes will be affected.*
- * The Brownfield Work Plan, which sets the parameters for the tax table and the proposed TIF and outlines all the details for which the TIF will be used, is submitted by the City's BRA, not the developer.*
- * The TIF plan is designed to notify taxing jurisdictions of the maximum amount of capture. Therefore, a lower amount of taxes can be taken without requiring an amendment to that plan.*
- * The MDEQ will note any unreimbursable activities after review of the Brownfield Work Plan. Payment for any activities deemed ineligible by the MDEQ will be the responsibility of the developer.*
- * City Staff's decisions were based upon the MDEQ's determination that the project outlined in the Consent Judgement is appropriate for this type of development.*
- * The current landfill cap is inadequate in many ways, for example having been punctured by light poles.*
- * No buildings will be erected in the area of the new landfill cap, thus there is no risk of re-penetration.*
- * There are still multiple steps left in this process that will require approval. The Brownfield Plan only sets the parameters for the process moving forward.*

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

Whereas the Brownfield Redevelopment Authority of the City of Rochester Hills held a meeting on March 4, 2004 and approved the Brownfield Redevelopment Plan for Madison Park, City File No. 03-023;

Resolved that the Rochester Hills City Council hereby approves the Brownfield Redevelopment Plan for Madison Park, City File No. 03-023, a proposed Planned Unit Development located on the southeast corner of Hamlin and Adam Roads, based on the plan dated received by the Planning Department on February 27, 2004 with the following findings and subject to the following conditions.

FINDINGS

1. That the submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.
2. The subject parcels are the site of a former landfill and a source of known contamination within the City.
3. If implemented, the Plan provides a reasonable course of action for the remediation of a known contaminated site.
4. If implemented, the amount, payback period, and use of tax increment financing is reasonable for the eligible activities proposed.

CONDITIONS

1. That the City requires a reimbursement agreement be negotiated between the City and the applicant prior to any Tax Increment Financing being paid out for approved eligible activities.
2. That if the extent of Due Care activities related to the subject site is altered or revised due to a change to the proposed development plans or proposed use of the site, the applicant shall submit for an amended Brownfield Plan for approval to the Brownfield Redevelopment Authority.
3. Strike the second sentence of Section 4 of the Brownfield Plan prior to final approval.

The motion carried by the following vote:

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

UNFINISHED BUSINESS

2004-0340

Adoption of Resolution supporting use of a Planned Unit Development process as a solution for Rochester College and its future development. Located east of Livernois and north of Avon, known as Parcel No. 15-15-451-002, Rochester College, applicant.

Attachments: Agenda Summary.pdf; Map aerial.pdf; Minutes CC 20031210.pdf; Resolution.pdf

Mr. Derek Delacourt, Planner, briefly explained that, due to development constraints, Rochester College had requested that a portion of their campus designated as historic be delisted. The City's Historic Districts Study Committee (HDSC) investigated the designation and requested that the property not be delisted. The issue was placed on hold and through meetings with some Council members, City Staff, the HDSC, the Mayor and representatives from Rochester College, it was determined that the PUD process be used as a remedy for

the difficulties specific to this situation. Mr. Delacourt noted that this would allow the college to expand to "the extent that they need to to continue their services." He explained that the PUD process would provide flexibility in setbacks, height, spacing between buildings, wetland and natural features setbacks, etc. He stressed that this solution not only protects the historic district, but provides the flexibility to increase the development opportunities of the College beyond what would have been possible had the historic district designation been removed.

Council members expressed their admiration for all parties involved in bringing this situation to a positive conclusion.

Mr. Rod Wilson, 403 Red Oak Lane, President of the Rochester Avon Historical Society, described this arrangement as a "win-win for the entire community."

Mr. Gary Carson, 8873 Kelly Lake Drive, Clarkston, spoke on behalf of Rochester College and asked that the motion before Council include a "target date" to maintain forward momentum with the project.

President Dalton assured Mr. Carson that all parties concerned "want to maintain the momentum." However, he declined to put a date on the project moving forward.

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

Resolved by the Rochester Hills City Council supports the identified solution and directs Staff, the Historic Districts Study Committee, the Planning Commission and Rochester College to move forward with a good faith effort to negotiate a Planned Unit Development Agreement to meet the goals and objectives of all the parties.

The motion carried by the following vote:

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

Enactment No: RES0112-2004

NEW BUSINESS

2004-0175 Revised Conditional Land Use - City File No. 98-014 - First Church of the Nazarene request to demolish the existing farmhouse, located on Walton Blvd., east of Old Perch, zoned R-1 One Family Residential, known as Parcel No. 15-16-102-002, Pastor Larry Crum, applicant.

Attachments: Agenday Summary.pdf; Report Staff 20030826.pdf; SitePlan First Church Naz.pdf; Minutes PC 19980428.pdf; Minutes CC 19980701.pdf; Minutes PC 20000229.pdf; Minutes CC 20030806.pdf; Minutes PC 20030902.pdf; Resolution.pdf

Mr. Derek Delacourt, Planner, after providing a brief history of the Church's request to demolish the farmhouse on its property, indicated that the Church had met most of its obligations as prescribed by the Planning Commission to improve the barn structure on its property, with the exception of painting the building. He explained that, due to poor weather conditions, the Church was unable to meet the original deadline. Mr. Delacourt assured Council that Staff was confident this remaining condition would be met in a timely manner.

Pastor Larry Crum, First Church of the Nazarene, 1705 Walton Boulevard, was present to answer Council's questions.

Ms. Hill, acknowledging that most of the necessary improvements had been completed,

asked that a deadline be mandated for the completion of the painting of the barn, as well as the addition of a door latch.

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

Whereas, 1705 Walton Boulevard was identified as a potential historic district and the Rochester Hills City Council granted review rights up to a year to the Historic Districts Commission on July 16, 2003, and;

Whereas, the property owner is requesting review and approval of a demolition permit for the subject site, and;

Whereas, the Rochester Hills Planning Commission met on September 2, 2003 and recommended approval of the Revised Conditional Land Use, with findings and conditions, necessary to remove the existing farmhouse and;

Whereas, the applicant has met two of the three conditions;

Resolved, that the Rochester Hills City Council hereby grants the request for a Revised Conditional Land Use to demolish the existing farmhouse for First Church of the Nazarene, City File No. 98-014, located east of Old Perch and south of Walton Blvd., zoned R-1, One Family Residential, known as Parcel No. 15-16-102-002, Pastor Larry Crum, applicant.

Findings

- 1. The existing development does promote the intent and purpose of this chapter.**
- 2. The subject site has been designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.**
- 3. The subject site is served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.**
- 4. The subject site is not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.**
- 5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.**
- 6. The Principal Use and Conditional Land Use recommendation is not impacted by the existing farmhouse or outbuilding.**

Conditions

- 1. That the site plan and Conditional Land Use show that the existing farmhouse is to be removed.**
- 2. That a good faith effort be made to complete the remaining maintenance identified by the Planning Commission on the barn structure (i.e. door latch and final coat of paint) by June 30, 2004.**

The motion carried by the following vote:

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

Enactment No: RES0113-2004

2004-0300

Request for Purchase Authorization - DPS/ENGINEERING: Yorktowne Realignment & Meadowfield Intersection Improvement Project, blanket purchase order not-to-exceed \$241,542.81; Six-S, Inc., Waterford, MI

Attachments: Agenda Summary.pdf; Bidtab.pdf; Yorktowne ltr.pdf; Resolution.pdf

Mr. Paul Davis, City Engineer, and Mr. Paul Shumejko, Transportation Engineer, explained that, although not all interested parties will be "happy" with the realignment of the Yorktowne and Meadowfield off-set intersection, now is the time to move forward with the project as the Michigan Department of Transportation (MDOT) will not approve the placement of a traffic signal at this intersection if it is not realigned. Mr. Davis also noted that the City has exceeded the hold on the construction bids for this project.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, expressed his concern that this and other projects may be over-budget and suggested that they be re-examined and any excess funds be moved to other under-funded areas of the budget.

COUNCIL DISCUSSION:

Mr. Davis responded as follows to questions from Council members:

** The project would be funded through the Major Roads Fund.*

** MDOT would only make a determination as to the addition of a traffic signal following the realignment of the intersection.*

** Other than the necessity to re-bid the construction project, there will be no "opportunities lost" if the project were delayed further.*

Ms. Hill expressed her support for moving forward with the project, noting current retail in the area as well as additional retail currently in development, and the need to accommodate current and future traffic congestion.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Six-S, Inc. of Waterford, Michigan as the lowest, responsive, responsible bidder for the Yorktowne Realignment & Meadowfield Intersection Improvement Project, in the amount not-to-exceed \$241,542.81.

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

The motion carried by the following vote:

Aye: Dalton, Barnett, Hill, Holder and Raschke

Nay: Duistermars and Robbins

Enactment No: RES0114-2004

2004-0185

Request for Purchase Authorization - DPS: Increase Blanket Purchase Order for Calcium Chloride in the amount of \$84,000.00 for new not-to-exceed total of \$247,312.92; South Huron Industrial, Inc., Flat Rock, Michigan.

Attachments: Agenda Summary.pdf; Informational Packet.pdf; Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, and Mr. Raymond Leafdale, General Superintendent, explained the two (2) options before Council for the calcium chloride program:

* *Option 1: \$84,000 for three (3) pass applications of calcium chloride*

* *Option 2: \$58,500 for two (2) pass applications of calcium chloride*

While Mr. Rousse and Mr. Leafdale contended that Option 1 would provide superior gravel stability and dust control, they acknowledged that Option 2 would provide a minimum level of service.

Ms. Hill and Ms. Holder expressed their support for Option 2 and the attendant financial savings to the City.

Mr. Robbins noted his concern that Option 2 would not provide a sufficient level of service to City residents.

Council voted on both options.

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to South Huron Industrial, Inc., of Flat Rock, Michigan, for the purchase of Calcium Chloride, by the increased amount of \$84,000.00 for the new total amount not-to-exceed \$247,312.92 through 12/31/2004.

The motion failed by the following vote:

Aye: Duistermars and Robbins

Nay: Dalton, Barnett, Hill, Holder and Raschke

Enactment No: RES0115-2004

Attachments: Agenda Summary.pdf; Informational Packet.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to South Huron Industrial, Inc., of Flat Rock, Michigan, for the purchase of Calcium Chloride, by the increased amount of \$58,500.00 for the new total amount not-to-exceed \$221,812.92 through 12/31/2004.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder and Raschke

Nay: Robbins

Enactment No: RES0115-2004

2004-0227

Traffic Control Order SS-131: Streets within Chichester Subdivision No. 4, Section 5.

Attachments: Agenda Summary.pdf; Sec5TrafficSigns.pdf; Traffic Control Order SS131.pdf; Minutes ATSB 030904.pdf; Crash Data Report.pdf; eport 1.pdf; report 3.pdf; report 2.pdf; report 4.pdf; report 5.pdf; report 6.pdf; report 7.pdf; 4503SpeedGrandvEdgem..pdf; 4504Spee

Mr. Paul Davis, City Engineer, briefly explained that the temporary Traffic Control Order (TCO) would expire in approximately two (2) days and, thus, a decision by Council was necessary as to whether the order should be extended.

PUBLIC COMMENT:

Mr. Richard Olson, 1237 Sandy Ridge Drive, speaking as President of the Chichester Subdivision #4 and as a homeowner, expressed his support for retaining the stop signs. He noted that, although some individuals run the stop signs, speeding has been reduced since the signs were installed.

Mr. Andrew Kraisinger, 2196 Chippenham Chase, requested that the stop signs remain, noting they have reduced speeding. He explained that the suggested alternative of installing speed bumps was not financially feasible for the Homeowners Association.

Mr. Thomas Lydick, 1115 Grandview Drive, expressed his opposition to the stop signs for the following reasons:

- * The accident history does not support the need for stop signs.
- * The City cannot place stop signs on every road where individuals speed.
- * Average speeds on Grandview have not declined since the signs were installed.
- * There is a "huge non-compliance rate."
- * Residents do not want speed bumps because they do not want to pay for them.

Mr. Thomas Davenport, 1194 Grandview Drive, expressed his support for maintaining the stop signs and installing more. He stressed that the road is poorly designed and residents should not have to pay for speed bumps to correct it.

Mr. Davis and Mr. Shumejko confirmed that the results of the traffic studies conducted did not warrant the need for stop signs, noting that unwarranted stop signs result in a very high non-compliance rate.

Mr. Robbins questioned the statistical accuracy of the traffic studies cited, noting they are conducted during a single day.

Several Council members, while expressing sympathy for the difficulties described by subdivision residents, stated their support for the staff findings that indicated stop signs are not warranted and may, in fact, exacerbate the speeding problem.

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

Whereas, Traffic Control Order No. SS-131 has been issued by the Mayor under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

Whereas, said Traffic Control Order covers:

SS-131.1 All approaching traffic to STOP from both Grandview Dr. and

Ridgefield Ct. at their intersection

SS-131.2 All approaching traffic to STOP from both Grandview Dr. and Sandy Ridge at their north intersection

SS-131.3 All approaching traffic to STOP from both Sandy Ridge and Fairmont Drive at their intersection

Resolved that the Rochester Hills City Council rescinds the issuance of Traffic Control Order No. SS-131 and, thus, orders the removal of the above noted traffic control devices forthwith.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder and Raschke

Nay: Robbins

Enactment No: RES0117-2004

2004-0352

Proposed change to meeting time for Wednesday, April 21, 2004 Regular City Council Meeting

Attachments: Agenda Summary.pdf; Resolution.pdf

Mr. Robbins expressed opposition to changing the time of the next meeting.

Ms. Hill noted that the Michigan Historical Preservation Network is a state-wide organization and it would be unfortunate if, as the host City, there were no representation of the City's leadership at the event.

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 change the meeting time of the Regular Meeting scheduled for Wednesday, April 21, 2004 from 7:30 pm to 8:00 PM.

Further Resolved that the City Clerk shall provide proper notice of the Meeting Time change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder and Raschke

Nay: Robbins

Enactment No: RES0116-2004

2004-0363

Participation in the St. Clair Shores/Warren Water System Feasibility Study

Attachments: Agenda Summary.pdf; OCDC study.pdf; Letter OCDC 042404.pdf

Ms. Julie Jenuwine, Interim Finance Director, explained that the Oakland County Drain Commission is seeking community participants in a water feasibility study to determine a cost effective alternative for water treatment. Ms. Jenuwine noted that other municipalities such as Troy, Pontiac and Bloomfield Township had shown no interest in participating. She conceded that it was unlikely Rochester Hills would benefit from any alternative processes if Troy did not participate, as any transmission lines or booster pumps would have to be brought to the City through Troy.

Mr. Barnett stated it did not seem "economically feasible" for Rochester Hills to participate in this study.

Adopted by Resolution.

Resolved, that the Rochester Hills City Council hereby refuses membership in the St. Clair Shores/Warren Water System Feasibility Study in the amount not-to-exceed \$35,000.

The motion carried by the following vote:

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

Enactment No: RES0118-2004

COUNCIL COMMITTEE REPORTS

NEXT MEETING DATE

Regular Meeting on Wednesday, April 21, 2004 at 8:00 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 1:55 a.m.

*JOHN L. DALTON, President
Rochester Hills City Council*

*BEVERLY A. JASINSKI, Clerk
City of Rochester Hills*

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