



Rochester Hills Minutes City Council Work Session

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*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, March 7, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Rochester Hills City Council Work Session Meeting to order at 7:40 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning/Development
Joe Aprile, Ordinance Inspector
Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Enforcement
Bruce Halliday, Fleet Manager
Raymond "Bud" Leafdale, General Superintendent
Jane Leslie, City Clerk
Mark McLocklin, Ordinance Inspector
Roger Rousse, Director of DPS/Engineering
Jack Sage, Ordinance Inspector
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

REVIEW OF AGENDA

PUBLIC COMMENTS

Mr. Lee Zendel, 1575 Dutton Road, admonished Michigan residents in general for their negative attitude about the State and hypothesized that Comerica was moving out of the State due to the poor corporate tax structure.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Duistermars welcomed the group of visitors from Tuz, Montenegro.

Mr. Paras Patel, Representative of the Rochester Hills Government Youth Council, thanked Council for the opportunity to join them at the Council dais.

Mayor Barnett introduced the delegation of visitors from Tuz, Montenegro, including their Mayor and Council President, noting that they were spending a week in Rochester Hills as part of the new Sister City relationship between the two municipalities.

PRESENTATIONS

2007-0165 Property Maintenance Ordinance Presentation, Scott Cope, Director of Building, presenter.

Attachments: Agenda Summary.pdf; Property Maint Highlights.pdf; Proposed Property Maint Ordinance.pdf; Property Mtno Presentation.pdf

Mr. Scott Cope, Director of Building/Ordinance Enforcement, introduced the following members of the Ordinance Enforcement Division of the City:

- **Bob White**, Supervisor of Ordinance Services
- **Joe Aprile**, Ordinance Inspector
- **Mark McLocklin**, Ordinance Inspector
- **Jack Sage**, Ordinance Inspector

Mr. Cope assured Council that every effort was made to make homeowners aware of this presentation and to encourage their attendance and participation. He then drew Council's attention to copies of the new "Guide to Neighborhood Living" intended to be distributed to City homeowners, which would contain a copy of the ordinance and would encourage voluntary compliance.

Mr. Aprile provided a PowerPoint presentation entitled "**Property Maintenance Ordinance**" that addressed the following:

Property Maintenance and Code Enforcement

1. *Current Codes and Compliance Practice*

- Current Codes regulate
 - * *Blight*
 - * *Inoperable/Unlicensed Vehicles*
 - * *Recreational Vehicles*
 - * *Commercial Vehicles and Equipment*
 - * *Weeds*
 - * *Vacant and Dilapidated or Dangerous Buildings*
 - * *Fences*
- Causes of Blight
 - * *Building materials*
 - * *Fences*
 - *Height*
 - *Location*
 - *Maintenance*
 - * *Junk*
 - * *Partially completed structures*
 - * *Unlicensed/Inoperable vehicles*
 - *Vehicles must be currently licensed*
 - *Vehicle must be operable*
 - * *Uninhabitable structures*
 - * *Vacant buildings*
 - * *Weeds*

- Unlicensed/Inoperable Vehicles Proposal
 - * Unused vehicle storage in the front yard limited to 90 days.
 - * After 90 days, must be in side and rear yard, currently licensed and operable.
 - * Vehicles under tarps must be stored in side or rear yard but must be operable and currently licensed.

- Enforcement Statistics
 - * 2004 - 261 vehicles
 - * 2005 - 288 vehicles
 - * 2006 - 325 vehicles

- Blight Prevention: Enforcement Statistics
 - * 2004 - 281
 - * 2005 - 314
 - * 2006 - 381

- Blight Resolution 2005/2006
 - * 1 - 30 Days - 82.6%
 - * 31 - 60 Days - 7%
 - * 61 - 90 Days - 5.5%
 - * Over 90 Days - 4.4%

- Proposed Addition to the Blight Ordinance
 - * Handbills. Regulate the mass distribution of flyer and advertisements and unsubscribed newspapers.

 - * Fallen trees and hanging branches.

- Vacant Structures: Dilapidated Building Abatement Statistics
 - * 2006 - 7
 - * 2007 - 1

- Vacant Structures: Proposal
 - 1) Boards on the building must match the paint of the existing structure.

 - 2) Buildings boarded up have up to 180 days to make structure livable or be demolished.

- Recreational Vehicles: Existing Ordinance
 - * Prohibits RVs in the "front yard."

- Recreational Vehicles: Enforcement Statistics
 - * 2004 - 191
 - * 2005 - 211
 - * 2006 - 230

- Commercial Vehicles and Equipment: Proposal
 - * Include portable storage units and roll-off dumpsters.

- Commercial Vehicles: Enforcement Statistics

- * 2004 - 101
- * 2005 - 122
- * 2006 - 114

So What's the Plan?

- The First Step is to Consolidate Current Ordinances into one Property Management Ordinance (PMO)

- * Accessory Structure
- * Addressing
- * Animal housing
- * Blight

- Current Ordinances

- * Commercial Vehicle and Equipment
- * Fences
- * Junk Cars
- * Inoperable/Unlicensed Vehicles
- * Sidewalks and Driveways
- * Recreational Vehicles
- * Solid Waste
- * Vacant/Dilapidated/Uninhabitable Buildings
- * Weeds

- The Second Step is to Identify Issues that current ordinances do not address and add to the PMO

- * Brush piles and down trees
- * Landscape maintenance
- * Compost piles
- * Garage sales
- * Graffiti
- * Handbill and advertising papers
- * Rodent control
- * Swimming pools
- * Temporary storage units
- * Exterior building maintenance
- * Interior building maintenance

- This will result in a Proposed Property Maintenance Ordinance with Three Categories

I. External Property Maintenance

II. Building Exterior Maintenance

III. Building Interior Maintenance

- Building Exterior Maintenance

1. Protective treatment
2. Exterior wall
3. Stairs and porches
4. Roofing

- Building Interior Maintenance
 - * Sanitary
 - Plumbing
 - Insect or rodent extermination
 - * Safety
 - Mechanical
 - Electrical
 - Smoke detectors
 - Stairs, handrails, guards

Mr. Sage continued on with the presentation as follows:

- Financial Programs Available

1. Oakland County Development Block Grant

- The City participates in this grant program. Grant money does not need to be paid back.
- The grant limit is \$3,000.
- The homeowner must obtain three quotes from qualified contractors.
- Funds are dispersed directly to the contractor after successfully passing inspections.
- Total grant annually is about \$80,000.
- About \$30,000 is designated for Code Violation Abatement assistance.
- The balance goes to things like furnace repair/replacement, tree removal, water/sewer line repair/replacement and ramps.
- To qualify for assistance:
 1. Have a repair/improvement at the home that is needed:
 - * to correct a health or safety issue; or
 - * to correct an ordinance violation or other governmental mandate
 2. The household must earn less than the LOW INCOME (80%) limit with the corresponding number of persons living within the household (most recent tax return).
 3. The applicant must own the home.

2. Oakland County Home Improvement Loan Program

- * Fifty Oakland County communities participate.
- * Three types of loans: installment, deferred and combo
- * The loan limit goes up to \$18,000.
- * A loan may be obtained once every five years.
- * The loans are payable when the home is sold.
- * The priority is given to health and safety items, energy conservation and structural preservations, however, other repairs may qualify.

- * *Barrier-free access, bathrooms, doors, electrical systems, porches, kitchens, windows, heating, masonry, roofs, siding, plumbing, septic systems, wells, insulation, water and sewer lines.*

Mr. Cope displayed a number of photographs of examples of exterior maintenance issues and discussed some difficulties of enforcement and how they would be addressed in the proposed ordinance. He asked Council for feedback with regard to the level of enforcement. He noted that the issue would then move forward to the City Attorney for his evaluation of the proposed ordinance.

Mr. Cope and the ordinance inspectors, as well as **Mr. Staran** and **Mayor Barnett**, addressed Council's questions and concerns noting the following:

- *Neighborhood associations are primarily responsible for notifying new homeowners of the various rules and regulations of the specific neighborhoods, as well as those of the City.*
- *The City tries to maintain a list of all homeowners associations in the City and their contact information; this list is available on the City's website.*
- *The City will soon be launching an online forum for homeowners associations to communicate via the City's website.*
- *The City is looking for voluntary compliance with these regulations as opposed to using force.*
- *Ordinance inspectors seek compliance from homeowners in a timely, reasonable manner and all issues are evaluated on a case-by-case basis.*
- *Attendance has been good at recent homeowners association meetings wherein the City provided information about the proposed PMO.*
- *The intention of the Inoperable/Unlicensed Vehicle aspect of the new ordinance is not to address multiple vehicles at a single residence; there is no limit as long as they are operable and licensed.*
- *Restrictions on the display of vehicles for sale primarily address how the vehicles are displayed; they are permitted to be parked in a driveway, but not on a lawn.*
- *The use of the term "low income" is not required as part of the ordinance and another term can be substituted.*
- *Granting of financial assistance is based on need; if two people apply for assistance, the resident with the lower income by percentage will receive the grant dollars.*
- *The enforcement of Interior Maintenance can be difficult as access to homes is voluntary; it often arises in rental homes that are not maintained by the landlord and the tenant allows access to the interior of the property.*
- *This proposed ordinance is intended for residential structures, as commercial structures are addressed through fire prevention inspections, liquor license inspections, etc.*
- *This ordinance information can be included in packets distributed to local realtors.*
- *Regulation of unused building or maintenance project materials primarily applies to those materials left over from projects that remain for several months or years providing a harbor for rodents, etc.*

- Discretion is given to ordinance inspectors to allow for flexibility to address each circumstance in a reasonable manner.
- In rare cases where a matter is taken to court, typically a judge will ask a defendant to determine a timeframe within which to meet compliance and the case is then adjourned until that time has expired.
- Ninety percent of blight issues do not go to court and are handled with compassion within a reasonable timeframe.
- The proposed change in the ordinance to send violation notices via regular mail rather than by certified mail was an effort to save approximately \$1,200 annually in postage fees.
- The limit of 72 hours for roadside trash removal is intended to address long-term problems such as tenant evictions wherein a large amount of materials is abandoned at the roadside, not standard weekly trash pickups.
- It is hoped that the City can deal with those types of trash removal situations similarly to weed cutting, wherein a lien is placed on the property for reimbursement.
- The 72-hour timeframe for trash pickup was included so that the issue can be addressed in a timely manner, as it was not addressed simply as blight in the ordinance.
- Demolition of a property would only occur in extreme cases where the structure is partially collapsing.
- While there is new State legislation that has changed the requirements for smoke detectors, typically homes are held to the standards of the building code that was in effect when the house was originally constructed.

Council members praised Mr. Cope and his ordinance compliance team for their efforts noting this was "a step in the right direction."

Mr. Cope assured Council that these new processes are unlikely to create more bureaucracy as long as the approach remains reactive.

Mr. Yalamanchi urged the ordinance compliance team to remain "customer friendly." He encouraged lenient enforcement when it comes to cars for sale in neighborhoods.

Mr. Duistermars expressed his desire that the City not become intrusive with their ordinance enforcement to avoid violating the rights of homeowners.

Mayor Barnett expressed some concern with regard to the City's ability to collect garbage. He also cautioned Council members that the grant funds are distributed very quickly and there is not enough of these dollars to address all of the needs of the families who require financial assistance.

Mr. Ambrozaitis recommended that realtors' forums be held on a regular basis to keep them informed about regulations and changes. He also suggested the creation of a City Beautification Commission.

Mr. Hooper noted that the City does not have a blight problem, noting that less than 2% of homes had been cited for violations the previous year. He further noted that he would recommend against including the 72-hour timeframe for trash pickup. He also recommended removal of the "100-foot from right-of-way" restriction with regard to vehicles for sale.

President Rosen urged Mr. Cope and his team to continue their work with the various homeowners associations to disseminate this information as widely as possible to new and existing homeowners. He also expressed concern with the enforcement of "Inoperable/Unlicensed" vehicles, noting that he hopes there will be some leniency with regard to such circumstances as backyard mechanics engaged in the restoration of a vintage vehicle.

PUBLIC COMMENT:

Mr. Paul Miller, 1021 Harding Avenue, discussed the changing attitudes and "fashions" of home maintenance, as well as the difficulty of maintaining a home while being responsible to the environment.

Mr. Lee Zendel, 1575 Dutton Road, acknowledged that the current City staff conducts their duties with "reasonableness" but reminded Council that these employees will not be in these positions indefinitely. He urged all parties to fashion an ordinance that will protect the rights of citizens into the future regardless of the administration.

Mr. John Dapkis, 571 Plum Ridge Drive, thanked Mr. Cope and his team for addressing this matter so thoroughly. He discussed the difficulties he has within his subdivision with keeping new homeowners informed and dealing with maintenance issues. He noted that an improved Property Maintenance Ordinance will assist all homeowners associations in encouraging compliance with their neighborhood bylaws. He was also in favor of encouraging the participation of realtors in the education process for new homeowners.

Ms. Mary Pearsall, 900 Ravine Terrace Drive, echoed the sentiments of the previous speaker and thanked the ordinance compliance team for their efforts in creating the proposed new ordinance.

Presented

(Mr. Duistermars Departed at 8:58 p.m.)

Present: Erik Ambrozaitis, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Absent: Jim Duistermars

(Recess 9:38 p.m. - 9:53 p.m.)

ADMINISTRATION

2007-0101 DPS Facilities Update, Roger Rousse, Director of DPS/Engineering, presenter.

Attachments: Agenda Summary.pdf; 020107 Agenda Summary.pdf

Mr. Roger Rousse, Director of DPS/Engineering, discussed the new DPS Facility project, noting the following progress:

- Sand is being compacted into some areas of the site.
- Stone is being used for drainage purposes.
- Some of the 20,000 cubic yards of soils to be disposed of will be used in other parts of the site.
- A berm will be created using some of the soils to obscure the view of the building for neighboring homeowners.

- There is an outstanding issue with the Michigan Department of Transportation (MDOT) regarding a right-of-way permit matter.
- The original plan called for three driveways, but has been reduced to two.
- Of the two existing driveways on the site, one will be abandoned, with a new one constructed at the eastern end for the new building.
- Some lane improvements will be required for Auburn Road.
- The utility casings running beneath the road were reduced to twenty inches to eliminate the need for soil borings as required by MDOT.
- The project is still on budget, although it is a couple weeks behind schedule.
- Completion is estimated to be January of 2008.

Mr. Rousse noted that there is an opportunity to benefit from some economies of scale in terms of coordinating some aspects of this project with the Shadow Woods road improvement project. He explained that materials generated from the Shadow Woods project can be used for the DPS Facility, but the projects must be coordinated. He requested that the matter be brought before Council at their April 18th Work Session for discussion, as approval would be required by April 25th, so as not to further delay the DPS Facility project. He cautioned that this would be contingent on receiving appropriate bids for the Shadow Woods project within this timeframe and that weather conditions are accommodating.

President Rosen noted he would take the request into consideration for placement on the April 18th Work Session agenda.

Mr. Hooper confirmed that the coordination of these projects would result in a cost savings for the City.

Discussed

2005-0462

Request for Purchase Authorization: MIS: Blanket Purchase Order for Asset Management System project in the amount not-to-exceed \$300,000.00; GBA Master Series, Inc., Overland Park, Kansas and other GIS vendors

Attachments: Agenda Summary.pdf; City Councils Q A on AM.pdf; Cost Proposal.pdf; Realizing ROI.pdf; Presentation.pdf; Email - MI Asset Council re Certification.pdf; Tabulations.pdf; General Information GBA.pdf; MML.pdf; Asset Mgmt CIP Rating Info.pdf; 021607 Agenda S

President Rosen explained that the Asset Management System (AMS) itself had been discussed at Council's previous meeting and that this discussion would also encompass the cost of the program.

Mr. Roger Rousse, Director of DPS/Engineering, noted that questions generated from Council's previous discussion had been reviewed and answers were provided.

Mr. Hooper, noting that he was in support of the AMS, indicated that his only concern was the breakdown of the funding. He recommended that the percentage of the project used for water and sewer purposes be paid through the Water & Sewer Funds rather than entirely through the General Fund.

Mr. Rousse explained that transfers to the Interfund Charges for MIS are proportionate to each department's overall budget.

Ms. Julie Jenuwine, Director of Finance, indicated that once it is determined what proportion of the AMS would benefit Water & Sewer, the cost to the Capital Improvement Fund would be reduced appropriately; thus, Water & Sewer would bear the appropriate cost for this system. She stressed that the current Interfund Charges are for existing fixed assets. She noted that the Interfund Charges for MIS to Water & Sewer would increase the next year if this system were approved for future replacement of that technology.

Mr. Hooper stressed that he would prefer that the first-time Capital Expenditure be funded by Water & Sewer proportionately, rather than by the General Fund in total.

Ms. Jenuwine noted that could be changed once the amount is determined.

Mr. Ambrozaitis questioned why the cost of the AMS increased from \$243,000 in the Capital Improvement Plan (CIP) to \$314,000.

Mr. Rousse explained that the amount in the CIP was an estimate and the cost of the system had been more accurately determined following the RFP process.

Mr. Ambrozaitis noted that he does not support this system and questioned why these dollars could not be spent to improve local roads.

Mr. Rousse discussed the benefits of the proposed AMS, noting that it will support the approximately \$200 million in City assets. He stressed the assistance it will provide in prioritizing the needs of the City. He further indicated that there is legislation that requires that municipalities identify the cost for total replacement of all roads. He further noted the transferability of the information to other municipal entities if needed.

Mr. Ambrozaitis asked that the administration research whether this software application can be leased from SEMCOG.

Mr. Rousse noted that he was unaware of such a system being available but would check into the matter.

President Rosen expressed concern for the CIP rating system, noting that this project was rated very low and that the system tends to favor "bricks and mortar"-type projects that support the public health, safety and welfare of the community.

Mr. Ambrozaitis stressed that he does not oppose the methodology or theory of the AMS, but questions whether there are more worthy projects upon which to spend this money.

Ms. Raschke expressed her support for the system, noting the need to protect the City's infrastructure.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, cautioned Council to consider the size of the vendor chosen for the project, noting that the company reported earnings of only \$2.5 million in sales the previous year. He stated that the project was too important to entrust to such a small company.

Discussed

2007-0151

Request for Purchase Authorization - DPS/ENG/FLEET: Purchase Order for two single axle dump/salt trucks in the amount of \$267,716.00; Wolverine Truck Sales, Inc., Dearborn, MI

Attachments: Agenda Summary.pdf; Memo from Purchasing.pdf; Example of single axle dump trucks.pdf; Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, explained the Fleet Equipment Fund, noting the following:

- Each hour a vehicle is on the road it is charged at an hourly rate depending on its function such as water, sewer, drains, etc.
- These hourly rates are set by the Michigan Department of Transportation (MDOT) according to Act 51 and are intended for the maintenance, fuel and replacement costs of each vehicle.
- It is estimated that these funds will equal approximately \$1.974 million in the Fleet Equipment Fund.
- The total revenues for the City vehicles is estimated at \$2.361 million.
- That money is set aside for maintenance and replacement of the vehicles.
- The vehicles to be replaced were originally set for replacement in 2004.
- While it was assumed that the deferred purchases of these vehicles would save the City money, in fact, it cost the City more in increased maintenance.
- There is an effort to balance the service to the residents and the cost for rehabilitation and replacement of vehicles.
- One of the biggest contributors to the increased cost is new emissions controls on diesel engines adding approximately \$10,000 to the cost of each vehicle.
- There will be another round of emissions controls in 2010.
- There are sufficient funds in the Fleet Equipment Fund for replacement of the vehicles.

Mr. Rousse, Mr. Bruce Halliday, Fleet Manager and **Mr. Raymond "Bud" Leafdale**, General Superintendent, responded as follows to Council's comments and concerns:

- The old trucks will be sold at auction for approximately \$10,000.
- The sales revenue goes into the Sale of Fixed Assets line item in the budget.
- It can be investigated whether that money can be placed back into the Fleet Equipment Fund to be used to replace the new vehicles when the time comes.
- Leasing is best suited for non-specialty equipment that will be replaced in a short period of time.
- Leasing is more applicable to business as it can be written off; the City cannot write off the cost of leased vehicles.
- The City cars and pickup trucks are purchased at a very reduced rate through the Oakland County Cooperative Purchase Program and are resold for top dollar, as the City has a reputation for superior maintenance.
- Specialized equipment is installed in most City vehicles making leasing vehicles a difficult option.

- Large equipment is typically only leased through lease-to-own programs designed to help smaller communities without the necessary capital to acquire equipment.
- There are times when over the ten-year span of a vehicle it will be completely depreciated and monies collected in the Fleet Equipment Fund will exceed the vehicle's value.
- While it has not been the practice in the past, it may be beneficial to shift funds among the five Fleet line items to avoid going over budget.
- A vehicle failure in the field can be very time consuming to address, resulting in lost productivity and greater maintenance expense.
- With this purchase there will be eleven tandem vehicles and five single-axle trucks in the Fleet.
- Equipment purchases are typically spaced out over a period of years to avoid large purchases in any given year; however, some purchases were deferred resulting in the need for five new vehicles in 2007.
- It is anticipated there will be one vehicle purchase in 2009, two in 2010 and four in 2011.
- The purchase of these trucks should get the purchasing schedule back on track.
- It is anticipated that the new DPS Facility will increase replacement intervals from ten years to possibly twelve or fifteen years.

Mr. Ambrozaitis noted his appreciation for all of the detailed information included in the meeting packet materials, but asked that in the future the Administration avoid inflating the risk of not making such purchases.

Mr. Hooper spoke in support of the purchase request, noting that the need for these vehicles was included in previous budget discussions.

Mr. Yalamanchi requested that efforts be made to prevent vehicle purchases from exceeding the City's budget.

Ms. Holder spoke of the importance of these vehicles, stressing that one of the concerns when designing the new DPS Facility was to ensure the care and maintenance of these types of vehicles.

President Rosen noted that these types of vehicles have increased in durability and reliability over the past twenty to thirty years.

Discussed

2007-0152

Request for Purchase Authorization - DPS/ENG/FLEET: Purchase Order for three tandem axle dump/salt trucks in the amount of \$442,491.00; Wolverine Truck Sales, Inc., Dearborn, MI

Attachments: Agenda Summary.pdf; Memo from Purchasing.pdf; Example of tandem axle dump trucks.pdf; Resolution.pdf

Discussed in conjunction with the previous Agenda item.

Discussed

2007-0167

Discussion on the Grand Sakwa Development

Attachments: Agenda Summary.pdf; 021307 Report.pdf; 021807 email.pdf

Mr. Hooper recused himself from this discussion.

Mr. Yalamanchi acknowledged the information provided by the Administration regarding the Grand Sakwa project. He indicated his disappointment that the City appeared to be at the mercy of the Consent Judgment and acknowledged that many of the issues are beyond anyone's control. He noted that if he had been made aware of the cash outlay necessary to fund the Grand Sakwa ring road his budget discussions on several line items would have been impacted. He expressed his hope that interdepartmental communications would improve in light of this "costly mistake" and stressed that he did not care to continue dwelling on the issue and hoped the process could now move forward.

Mr. Ed Anzek, Director of Planning/Development, explained that the Mayor had called a meeting with various members of the Administration and it was determined that the uniqueness of the circumstances of this Consent Judgment contributed to a breakdown in communication. He stressed that new processes have been implemented to prevent this from happening again in the future. He stressed that it was never assumed the \$2.5 million for the ring road would be covered entirely by credits for review fees, as it would take two years to reach that point. He further noted that the dictates of the Consent Judgment limit the City's knowledge and control over many aspects of the development such as the progress of the construction of the ring road.

President Rosen acknowledged that Council is also responsible to a certain degree for not fully understanding the circumstances of the ring road, but noted that his impression had always been that it would be funded primarily through review credits.

Mr. Ambrozaitis expressed his disappointment that the previous Council had approved the Consent Judgment with Grand Sakwa and noted that it was an unacceptable oversight that the current Council was not better informed about the payments for the ring road. He noted that the Consent Judgment resulted in the land being developed into "everything that this City doesn't want or need." He requested an update on the REI project.

Ms. Holder urged Council members to not dwell further on this issue, but rather to move forward in a more positive and constructive manner.

PUBLIC COMMENT:

Ms. Lois Golden, 645 Apple Hill Lane, expressed her concern that more of the history of the Grand Sakwa development and the Consent Judgment was not included in the meeting materials. She urged Council and the Administration to take steps to avoid this type of situation in the future.

Mr. Paul Miller, 1021 Harding Avenue, noted his disappointment that the cash payments for the ring road were not addressed during previous budget discussions. He indicated that it would be easier for all parties to move beyond this matter if the Administration would explain in greater detail all aspects of this project and how the various problems are being addressed.

COUNCIL DISCUSSION:

Mayor Barnett also noted the uniqueness of this development and Consent Judgment, stressing such aspects as the new M-59 interchange, etc. He stated that it was always indicated that the ring road would be financed through credits or cash. He explained that while more cash is being expended than anticipated, it must be noted that the City is receiving revenues from the fees for the reviews that are being funded by the tenants

of the new development such as Wal-Mart and Chili's. He stressed that the liability was always there and nothing has changed financially for the City. He explained that after discussions with various department directors he has put in place a policy that will improve communication among departments. Mayor Barnett noted that as a Council member he did not support the Consent Judgment, but as Mayor he must now support it and the process must move forward.

Mr. Yalamanchi concurred that it was now time to move on from this matter.

Mr. Ambrozaitis, citing other Consent Judgments entered into by the City since the Grand Sakwa Consent Judgment, indicated that not enough has changed to address these matters.

Discussed

2007-0153

Request for Site Plan Approval Pursuant to the May 26, 2005 Amended Consent Judgment - City File No. 05-030.5 - Adams Marketplace Building A, a proposed 18,440 square-foot building with outdoor seating, located at the southwest corner of Adams and M-59, zoned by Consent Judgment, Parcel No. 15-30-326-008, Rochester Hills Corporate Center, L.L.C., applicant

Attachments: Agenda Summary.pdf; Site Plans.pdf; 022607 Memo.pdf; Resolution.pdf

Mr. Mark Drane of Rogvoy Architects, 32500 Telegraph Road, Bingham Farms, briefly described the building and some of its surroundings as follows:

- It will be an 18,800 square foot building intended to be a Panera Bread although no lease had been signed.
- There would be an outdoor seating area facing the ring road.
- The building would be 100% brick with decorative masonry at the base.
- There would be some fabric awnings and metal sun shades.

Mr. Ed Anzek, Director of Planning/Development, noted that the overall site will have a sedimentation basin and a retention basis. He further noted that following extensive analysis there is a five-acre area that was unable to be determined a wetland. He stressed that this area will be preserved as it was determined to be unbuildable space.

President Rosen questioned what discretion Council had with regard to this Site Plan Approval considering the constraints and dictates of the Consent Judgment.

Mr. Anzek explained that the Site Plan is only required to meet compliance with the Consent Judgment and any applicable City ordinances, which had been established by the Technical Compliance Review Committee. He did, however, indicate that the applicant had voluntarily complied with some changes requested during the review process.

City Attorney John Staran agreed noting that, based on previous arbitration in this case, the applicant cannot be compelled to comply with any requests beyond the requirements stipulated in the Consent Judgment and City Ordinances. He specifically noted that the developer had not objected to a restriction on irrigation practices.

Mr. Yalamanchi requested identification of some of the other buildings noted on the site plans.

Mr. Drane identified some but stressed that none of these uses other than the Wal-Mart and Chili's had been confirmed and were currently designated simply as a discount department store, such as Target or Kohl's, and some restaurants, preferably upscale.

Mr. Yalamanchi requested that the final architectural designs for the development be improved.

Mr. Drane noted that they had complied with previous suggestions for improved designs and would continue to do so.

President Rosen indicated that he did not feel the location for the outdoor seating was appropriate given its close proximity to the ring road, although he acknowledged that there was no better location. He questioned whether the Consent Judgment required that Council honor any request for outdoor seating.

Mr. Anzek and **Mr. Staran** explained that the Consent Judgment merely stipulated that if outdoor seating is approved that it be approved as part of the Site Plan approval process and not under a Conditional Land Use approval. **Mr. Staran** noted that this was intended to expedite the approval process. He stressed that Council has the discretion to approve or deny it.

Mr. Drane noted that the location of the outdoor seating is appropriate close to the ring road as it "adds a little activity" and provides "a really nice focus to the building." He also stressed it would promote pedestrian circulation through the site.

Discussed

CITY COUNCIL

2007-0185 Police Millage Discussion

Attachments: 030707 Agenda Summary.pdf; Ballot Language Memo.pdf

President Rosen explained that the Council would need to make a decision in the near future as to whether they would like to pursue a Police Millage renewal and, if so, for which fall election. He explained that the deadlines for certifying ballot language would create an overlap. Should Council decide to place a millage request on the Primary Election ballot with the intent of pursuing the issue again at the General Election should the first attempt fail, then the ballot language for the General Election would have to be certified prior to the Primary Election itself. **President Rosen** expressed concern that this approach could possibly confuse voters and, in effect, "doom" any millage request at the Primary Election.

Due to the lateness of the hour, **Council Consensus** was to examine the issue over the coming week and discuss it in greater detail at the next Council meeting.

Discussed

ANY OTHER BUSINESS

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, described to Council a lawsuit fought by the City of Novi, wherein that city refused to negotiate a disputed development through the use of a Consent Judgment. He noted that the courts sided with the developer and the City of Novi was forced to relinquish a portion of a city park as settlement. He cautioned Council members not to dismiss the use of Consent Judgments, as the alternative can at times be worse.

COUNCIL COMMENTS:

Mr. Ambrozaitis noted various retail vacancies in the City and suggested that retail development in the City should be reevaluated. He then stated that the City's emergency dispatch services should be contracted through the Oakland County Sheriff's Department.

Ms. Holder stressed that such a transfer of dispatch services is not a simple task, noting all of the very critical duties performed by the City's dispatch personnel. She urged her fellow Council members to read a "heartfelt" letter submitted by a member of the dispatch team describing all of the services provided.

2007-0187

Resolution to Waive City Council Rules of Procedure, Article III, Section .03(b), prohibiting the taking of votes at Work Session meetings except in the case to consider a resolution at the beginning of the Work Session to adjourn to Closed Session at the conclusion of the Work Session

City Attorney John Staran explained that, while the only vote Council can take at a Work Session is a vote to go into Closed Session, the vote must take place at the start of the meeting. He therefore advised Council that they must waive their Rules of Procedure in order to set a Closed Session at this point during the Work Session meeting.

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

Whereas City Council "Rules of Procedure," Article III: Meetings of Council; Section.03: Work Sessions; Subsection (b) states, "No vote will be taken at Work Sessions, except if there is a need to adjourn to Closed Session at which time Council may consider a resolution at the beginning of the Work Session to adjourn to Closed Session at the conclusion of the Work Session."; and

Whereas City Council deems it necessary to set a Closed Session meeting to be held prior to the next Regular City Council meeting.

Resolved that the Rochester Hills City Council hereby waives City Council "Rules of Procedure," Article III, Section.03(b)(ii), prohibiting the taking of votes at Work Session meetings except in the case to consider a resolution at the beginning of the Work Session to adjourn to Closed Session at the conclusion of the Work Session, to consider setting a Closed Session meeting for Monday, March 12, 2007 at 6:00 p.m.

The motion carried by the following vote:

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

Absent: Duistermars

Enactment No: RES0079-2007

2007-0160

Adoption of a Resolution to meet in Closed Session on Monday, March 12, 2007 at 6:00 P.M., Michigan Time, at the Rochester Hills Municipal Offices to consult with the City Attorney to continue discussions regarding consideration of the possible purchase or lease of real property

Attachments: Resolution.pdf

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

Whereas City Council deemed it necessary to continue discussions with the City Attorney regarding consideration of the possible purchase or lease of real property; and

Whereas City Council deemed it appropriate to waive their "Rules of Procedure" to permit a vote at a Work Session meeting to set a Closed Session meeting to continue the above noted discussion.

Be It Resolved that the City of Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Monday, March 12, 2007 at 6:00 P.M. Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan. The purpose of the Closed Session is to consult with the City Attorney to continue discussions regarding consideration of the possible purchase or lease of real property.

The motion carried by the following vote:

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

Absent: Duistermars

Enactment No: RES0080-2007

NEXT MEETING DATE

Regular Meeting - Wednesday, March 14, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 12:04 a.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the May 9, 2007 Regular City Council Meeting.