



# Rochester Hills

## Minutes

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

### City Council Regular Meeting

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

---

Monday, March 17, 2008

7:30 PM

1000 Rochester Hills Drive

---

#### CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:30 p.m. Michigan Time.*

#### ROLL CALL

**Present** 6 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, Michael Webber and Ravi Yalamanchi  
**Absent** 1 - James Rosen

#### Others Present:

*Ed Anzek, Director of Planning and Development  
Joe Aprile, Ordinance Inspector  
Bryan Barnett, Mayor  
Scott Cope, Director of Building/Ordinance Compliance  
Paul Davis, City Engineer  
Kurt Dawson, Director of Assessing/Treasury  
Lance DeVoe, Park Ranger II  
Don Harning, Grade Technician  
Mike Hartner, Director of Parks and Forestry  
Jerry Lee, Forestry Operations Manager  
Mark McLocklin, Ordinance Inspector  
Roger Moore, Professional Surveyor  
Roger Rousse, Director of DPS/Engineering  
Jack Sage, Ordinance Inspector  
Leanne Scott, City Council Coordinator  
John Staran, City Attorney  
Bob White, Supervisor of Ordinance Services  
Kelly Winters, Deputy Director of Building/Ordinance Compliance*

*Council Member James Rosen provided previous notice he would be unable to attend and asked to be excused.*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

**Aye** 6 - Ambrozaitis, Brennan, Hooper, Pixley, Webber and Yalamanchi

**Absent** 1 - Rosen

## PUBLIC COMMENT

*Lee Zendel, 1575 Dutton, speaking against the single trash hauler issue, stated he felt it could signify a monopoly and that residents could pay higher prices and receive fewer services as a result of the elimination of competition. He does not feel that the Charter provides for government to get involved in private services. He likened it to mandating what insurance company should be used by private citizens.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Mr. Brennan reported on Rochester High School's mock trial team. The team was one of ten teams in the State to qualify for the finals in Lansing.*

*Mr. Pixley complimented City employees and the Fire Department for their work on the Sound the Alarm Campaign.*

*Mr. Webber reported the great turnout on Saturday for the Sound the Alarm Campaign. He stated the Rochester Jaycees, along with the Older Persons' Commission, will be delivering Easter Baskets to approximately thirty homebound seniors this week. Money for the baskets was raised from projects the Jaycees have done throughout the year.*

*Dalina Ivezaj, Rochester Hills Government Youth Council Representative, announced the Youth Summit is scheduled for April 26 and stated the Youth Council is accepting donations through the Greater Rochester Community Foundation. When writing a check, please specify Youth Summit on the memo line.*

*Mayor Barnett reported on the Sound the Alarm Campaign, noting that President Hooper, Mr. Pixley and Mr. Webber participated. Smoke detectors were donated by residents and businesses. Approximately fifty firefighters and City staff went into the Rochester Estates manufactured community to install these detectors. The residents expressed their appreciation. These detectors cost \$10 each, take only about two minutes to install, and will protect these*

*residents for the next five to ten years. Rochester Estates has been completed and the City will target the other manufactured community in the City next, and then move on to homes built before 1974. The City is continuing to solicit donations, through the Greater Rochester Foundation, specify Sound the Alarm on the memo line of any check written.*

**Mayor Barnett** announced the 27th Annual Rochester Area Prayer Breakfast will be held on Tuesday, April 29 at Shotwell-Gustafson Pavilion on Oakland University grounds. Tickets are \$20. The speaker will be Ruth Graham, daughter of Billy Graham.

**President Hooper** related that many times Council does not get to interact with City staff. During the Sound the Alarm Campaign, he worked with Nancy Buddy, Public Education Specialist, installing smoke detectors, and was impressed with her professionalism, will and desire to help the community. He stated it is another example of how blessed we are as a community.

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## 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.

**2008-0076** Request for Purchase Authorization - MAYOR: Professional Legal Services, increase to blanket purchase order in the amount of \$20,000.00 for a new not-to-exceed amount of \$70,000.00; Seibert & Dloski, PC, Mt. Clemens, Michigan.

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

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

Enactment No: RES0056-2008

Resolved, that the Rochester Hills City Council waives the Purchasing Ordinance requirement, Section 2-281, requiring a formal Request for Proposals or Qualifications Based Selection for professional services exceeding \$50,000.00, in the best interests of the City;

Be it Further Resolved, that Council approves the increase to the blanket purchase in the amount of \$20,000.00 for a new not-to-exceed amount of \$70,000.00 for specialized legal professional services to Seibert & Dloski, PC, Mount Clemens, Michigan.

Resolved, that the Rochester Hills City Council hereby authorizes an extension of the contract for legal services to Siebert & Dloski, PC, Mt. Clemens, Michigan.

- 2008-0101** Request for Purchase Authorization - DPS/FACILITIES: Blanket Purchase Order for Landscape and Lawn Mowing Services for City-owned sites in the amount not-to-exceed \$52,850.00; Quality Landscape & Fertilizing, Inc., Rochester, Michigan.

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

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

Enactment No: RES0057-2008

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Quality Landscape & Fertilizing, Inc., Rochester, Michigan for landscape and lawn mowing services for City-owned sites in the amount not-to-exceed \$52,850.00 for a period of one (1) year.

- 2008-0115** Request from RHG Fish Market, Inc. to Transfer a Class C License from Cameron Mitchell Restaurants, LLC (Mitchell's Fish Market) located at 270 N. Adams Road, Rochester Hills, MI 48309.

**Attachments:** [Agenda Summary.pdf](#)  
[Application.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0058-2008

Resolved that the request from RHG Fish Market, Inc. to transfer ownership of Class C licensed business, located at 370 N. Adams, Rochester Hills, MI 48309, Oakland County, Michigan from Cameron Mitchell Restaurants, LLC be considered for approval.

- 2008-0116** Request from Whole Foods Market Group, Inc. to Transfer a Class C License from RT Michigan Franchise, LLC to be located at 2918 Walton Blvd., Rochester Hills, MI 48309.

**Attachments:** [Agenda Summary.pdf](#)  
[Application.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0059-2008

Resolved that the request from Whole Foods Market Group, Inc. to transfer ownership of Class C licensed business, to be located at 2918 Walton Blvd., Rochester Hills, MI 48309, Oakland County, Michigan from RT Michigan Franchise, LLC be considered for approval.

## Passed the Consent Agenda

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

**Aye** 6 - Ambrozaitis, Brennan, Hooper, Pixley, Webber and Yalamanchi

**Absent** 1 - Rosen

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

**2008-0090** Request to Approve the Michigan Department of Transportation (MDOT) Agreement for the Removal of the Existing Bridge that carries "Old" Adams Road over M-59 and the necessary related work.

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

*Mr. Yalamanchi requested that this item be removed from the Consent Agenda so that he could receive clarification on the removal of the bridge and the reconstruction of the westbound section of M-59 weave lanes.*

*Roger Rousse, Director of DPS/Engineering, stated that the weave lanes were the lanes to approach the exit off of M-59. The proposal includes removal of the bridge, construction activities in the surrounding area, the cul-de-sacs at both ends, and signage and other related activities associated with that bridge removal.*

*Paul Davis, City Engineer, explained that the reference to the weaving lanes goes back to the Squirrel Road interchange on M-59. They were not able to construct the weaving lanes to appropriate geometry per MDOT standards because the existing Adams Road bridge had some constraints. It was too close to the road and did not have sufficient lateral clearance. Removing this bridge will allow them to do wedging on the edge of M-59 to attain the proper tapers for the weaving lanes. This is something MDOT brought up to the City some time ago. They wanted to see this existing bridge removed so they could correct that condition.*

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

**Aye** 6 - Ambrozaitis, Brennan, Hooper, Pixley, Webber and Yalamanchi

**Absent** 1 - Rosen

Enactment No: RES0060-2008

Resolved, that the Rochester Hills City Council approves the contract between the Michigan Department of Transportation and the City of Rochester Hills for the removal of the Adams Road bridge carrying "Old" Adams Road over M-59, including 1) the reconstruction of the WB M-59 weave lanes; 2) construction of two (2) cul-de-sacs on Adams Road (north and south of M-59); and 3) the removal of the WB Hamlin Road median crossover and traffic signal at "Old" Adams in the estimated city share of \$24,950.00 and authorizes

the Mayor and City Clerk to execute the contract on behalf of the City.

- 2008-0114** Request for Approval to obtain Purchase Agreements to acquire the necessary rights-of-way for the Hamlin Road Construction Project (between Crooks Rd. and Livernois Rd.).

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

**Mr. Ambrozaitis** requested a roll call vote on this item.

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

**Aye** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Nay** 1 - Ambrozaitis

**Absent** 1 - Rosen

Enactment No: RES0061-2008

Whereas, the City of Rochester Hills is advancing the reconstruction and widening of Hamlin Road between Crooks and Livernois, and

Whereas, federal road funds up to approximately \$3.7 million have been made available to cover 80% of costs for easement document preparation, negotiation and right-of-way acquisition payments, and

Whereas, the City Council has previously authorized the Administration to enter into a consultant contract with Hubbell, Roth & Clark, Inc. for the preparation of negotiation services of the needed easement documents, and

Whereas, said rights-of-way acquisitions will require payments to the affected property owners,

Therefore, the City Council resolves and hereby authorizes the City's right-of-way agent to commence to make good faith written offers and negotiate purchase prices to acquire the necessary rights-of-way.

It is further resolved that the City Administration shall have discretion to determine whether to accept counter-offers beyond the appraised value in accordance with the closed session discussion of March 3, 2008 between the Council, Administration and City Attorney. For any counter-offers deemed unreasonable by the Administration or in excess of previously discussed limits, final discretion is reserved to the City Council.

And it is further resolved that the Administration has the authority to issue prompt payments for negotiated rights-of-way that fall within the acceptable counter-offer limit.

## **NOMINATIONS/APPOINTMENTS**

- 2008-0091** Nomination/Appointment of four (4) Citizen Representatives to the Police and Road Funding Technical Review Committee each for a term to expire

December 2008.

**Attachments:** [031708 Agenda Summary.pdf](#)  
[Police and Road Funding TRC Appt Form.pdf](#)  
[William Bidwell C.Q.pdf](#)  
[Don Cline C.Q.pdf](#)  
[John Dalton C.Q.pdf](#)  
[Paul Funk C.Q.pdf](#)  
[Dale Hetrick C.Q.pdf](#)  
[Tim Jacobson C.Q.pdf](#)  
[Walter Johnson C.Q.pdf](#)  
[Jennifer Stein C.Q.pdf](#)  
[David Kibby C.Q.pdf](#)  
[Gerald Robbins C.Q.pdf](#)  
[Beth Tilove C.Q.pdf](#)  
  
[031708 Nomination Form.pdf](#)  
[Thomas Blackstone C.Q.pdf](#)  
[Thomas Neveau C.Q.pdf](#)  
[031008 Agenda Summary.pdf](#)  
[031008 Resolution.pdf](#)  
[031708 Resolution.pdf](#)

*The following nominations were made:*

**Mr. Ambrozaitis** nominated William Bidwell, Paul Funk, Tim Jacobson and Jennifer Stein.

**Mr. Yalamanchi** nominated Walter Johnson and Don Cline Jr.

**Mr. Webber** nominated John Dalton, Dale Hetrick and Gerald Robbins.

**Mr. Pixley** nominated Beth Tilove.

**Mr. Brennan** nominated David Kibby.

**President Hooper** indicated that by Council Rules of Procedure, since there were more than four nominations, this item will be set off to the March 31, 2008 meeting for a vote.

**Discussed; Nominated William Bidwell, Don Cline Jr., John Dalton, Paul Funk, Dale Hetrick, Tim Jacobson, Walter Johnson, David Kibby, Gerald Robbins, Jennifer Stein, Beth Tilove**

**2008-0092** Nomination/Appointment of four (4) Citizen Representatives to the Charter Non-Structural Technical Review Committee each for a term to expire December 2008.

**Attachments:** [031708 Agenda Summary.pdf](#)  
[Charter NonStructural TRC Appt Form.pdf](#)  
[Paul Funk C.Q.pdf](#)  
[Melinda Hill C.Q.pdf](#)  
[Darlene Janulis C.Q.pdf](#)  
[Beverly Jasinski C.Q.pdf](#)  
[Thomas Neveau C.Q.pdf](#)  
[Jennifer Stein C.Q.pdf](#)  
[Eric Sturgis C.Q.pdf](#)  
[Lee Zendel C.Q.pdf](#)  
[031708 Nomination Form.pdf](#)  
[031008 Agenda Summary.pdf](#)  
[031008 Resolution.pdf](#)  
[031708 Resolution.pdf](#)

*The following nominations were made:*

**Mr. Yalamanchi** nominated Paul Funk, Melinda Hill, Darlene Janulis and Beverly Jasinski.

**Mr. Ambrozaitis** nominated Thomas Neveau and Jennifer Stein.

**Mr. Webber** nominated Lee Zendel.

**Mr. Brennan** nominated Eric Sturgis.

**President Hooper** indicated that by Council Rules of Procedure, since there were more than four nominations, this item will be set off to the March 31, 2008 meeting for a vote.

**Discussed; Nominated Paul Funk, Melinda Hill, Darlene Janulis, Beverly Jasinski, Thomas Neveau, Jennifer Stein, Eric Sturgis, Lee Zendel.**

**2008-0103** Request to Confirm the Mayor's re-appointments of Gerard Dettloff, C. Neall Schroeder and Emmet Yukon to the Planning Commission for three (3) years terms to expire March 31, 2011.

**Attachments:** [Agenda Summary.pdf](#)  
[Gerard Dettloff C.Q.pdf](#)  
[C Neall Schroeder C.Q.pdf](#)  
[Emmet Yukon C.Q.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** stated that the three Commission members up for reappointment have been doing a wonderful job, and he believes Council would be moving in the right direction to reappoint them.

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



**Aye** 6 - Ambrozaitis, Brennan, Hooper, Pixley, Webber and Yalamanchi

**Absent** 1 - Rosen

Enactment No: RES0062-2008

Resolved that the Rochester Hills City Council hereby confirms the Mayor's re-appointments of Gerard Dettloff, C. Neall Schroeder and Emmet Yukon to the Planning Commission for three (3) year terms to expire March 21, 2011.

## NEW BUSINESS

**2008-0113** Request for Purchase Authorization - DPS/ENG: Contract award for the East Ferry Drain, John R Road, Spencer Park, Pathway, Water Main and Michelson Pump Station in the amount of \$3,379,998.69 and if necessary an additional 10% contingency as allowed in the purchasing ordinance; DiPonio Contracting, LLC, Shelby Twp, MI

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

**President Hooper** declared that he knows Mr. DiPonio of DiPonio Contracting personally, but has no personal interest or involvement with Mr. DiPonio, and has nothing to do with this contract, its assembly, or financial interest in it. As such, he feels no reason to remove himself from the discussion or vote.

**Mr. Rousse** explained the project is multi-faceted, affecting a large portion of John R, including portions of the drain, road rehabilitation, sewer, water, pathway, and Spencer Park work. DiPonio is the lowest responsive, responsible bidder. The factors looked at in selecting DiPonio included timing, as this is a time-sensitive project, critical to operations of the Park and critical to the Park's revenue this year. Economic factors reviewed included the desire to use the pulverized grindings from the road project in the Park.

**Public Comment:**

**Melinda Hill**, 1481 Mill Race, discussed the consideration of a prior project regarding the Michelson Pump Station. She cited a Hubbell, Roth and Clark study summarizing rehabbing versus a new pump station, and stated that she felt full replacement might not be necessary. She stated that she did not feel the City should be undertaking the Spencer Park portion of the project at this time.

**Mr. Rousse** stated that the emphasis and survey of the Michelson Pump Station project began in 2002 when the City had a sanitary sewer overflow. The overflow had to be claimed to the Michigan Department of Environmental Quality, and the City had to provide a remediation plan. As part of that remediation plan, the City looked at the elevations and location of this sewer pump station. Unfortunately, the valve chamber and some of the electrical components were below the flood plain. The original proposal was to just raise these components. When the City looked at the logistics of that, not only was

*the pump station in the flood plain but in an area ideally used for storage of storm water. The City also reviewed the age of the pump station, age of parts, the life cycle, etc., and concluded that the station was over 60 percent into its life cycle, and if we wanted a long-term solution, it was determined that the station should be relocated. This is an ideal time to do it, while the City is in the area doing the drain work.*

*Responding to Ms. Hill's concerns regarding the Spencer Park portion of the project, **Mr. Rousse** explained that with economic issues, the park is a good location to use the grindings as a sub base, similar to the Shadow Woods project and the Clinton River Trailway. The plan is to use these materials in the exact location where they are grinding them down. The cleared area is a mile around the lake, and the grindings can be used around the parking lot and the entrance road.*

***Mike Hartner**, Director of Parks and Forestry, displayed photos taken today of the condition of the Spencer Park parking lot, the entrance road, and the handicapped parking areas.*

***Mr. Rousse** discussed the priorities of the park portion of the project: a) handicapped parking b) trail around perimeter of park c) park entrance and d) parking lot. He indicated that there are specific costs estimated with each portion of the project.*

#### **Council Discussion:**

***President Hooper** related that this project was discussed in 2007 relative to the 2008 Budget. He stated that he is pro parks, but parks are in direct competition with police and roads for General Fund dollars. He supports maintenance, but cannot support improving the park at this time when the City is looking for areas to save money for police and local roads.*

***Mr. Pixley** concurred, stating that he is also pro parks, and believes the job Mr. Hartner does with the park system is great. He agreed with President Hooper that it relates to competition with General Fund dollars. He asked if the grindings taken off can be utilized in another way. He does not believe the lot should be done at this time.*

***Mr. Rousse** indicated that grindings have been used on Sheldon and Grant roads, with additional aggregate mixed in. The use at Spencer Park would minimize the transportation of the grindings, and save time and money hauling it elsewhere. He offered alternatives to the entire project of prioritizing the portions including the first priority being the handicapped parking. The second priority would be the trailway, as it would be an inexpensive way to dispose of the material with minimal trucking. The third priority is the entrance road, and the fourth priority is paving the entire lot. The largest portion of the lot comprises two-thirds of the cost of the paving. In removing that portion of the project, approximately \$100,000 would be removed from the project.*

***President Hooper** indicated he supports resurfacing and maintenance of the jogging path, item 193 in the bid. He does not support line items 180 and 181,*

*the two new asphalt mixes.*

**Mr. Rousse** stated that he believes three of the four priorities would be accomplished with a \$100,000 reduction.

**Mr. Yalamanchi** questioned if the recycled material could be used on the trailway and he asked how much of the large lot was dedicated to handicapped parking.

**Mr. Hartner** responded that the handicapped parking spots followed the existing walkway. Eleven or twelve additional handicapped parking spaces, including a van-accessible space, needed to be added. This could be accomplished by paving across the first lane, and would meet ADA requirements.

**Mr. Davis** showed a drawing of the park, and what a partial loop of paving would entail. He stated the ten foot pathway around the lake would be similar to how the Clinton River Trail is constructed.

**Mr. Davis** indicated the first plan was to expand the lot and add additional spaces. Portion D, bid items 182 to 192, an infiltration trench, bio-swale, shrub planting, and trees, could be eliminated. The bid also had other items, including a bio-swale for stormwater runoff. Thinking green, it was mandatory that a bio-swale was incorporated into this plan, to keep the runoff from going into Spencer Lake.

**Mr. Yalamanchi** asked if these items were removed, would the City remove more than \$100,000 in cost.

**Mr. Rousse** answered if the City wanted to reduce the amount of the project cost, and reserve the right to delete portions of the project, they could eliminate \$100,000 and accomplish three out of the four items.

**Mayor Barnett** commented regarding the Administration's desire to be efficient with every dollar. He stated that the trail project around the back is estimated to be about \$15,000. He suggested that this amount is close to the cost of removing the material from the road and having it hauled elsewhere. He requested that Council make a decision on the portions of the project the City could move forward with.

**Mr. Brennan** questioned the breakdown items, noting some line items were over the budgeted amount. He cited as an example, the water portion of the bid and the sewer portion of the bid.

**Mr. Rousse** pointed out the geographics of the area and explained that this is a submersible pump station. Pumps are submerged in a deep well, there are adjacent pump chambers, electrical panel, and a stationary generator (which will be reused). The proximity of those structures interferes with construction of the drainage detention area and the treatment device that needs to be installed to treat storm waters. If the City does not move the station, the City would most likely have to mitigate that area. The City believes it would be more costly to do this rehabbing independent of this project.

**Mr. Davis** discussed the differences in the bidders' costs over the different items. The bottom line is for the project as a whole, DiPonio Contracting was lower, even though the water and sewer portions of the bid came in differently.

**Mr. Brennan** asked if the City felt the contingency amount was going to be used.

**Mr. Davis** stated he does not believe that it will go up to the ten percent contingency.

**Mr. Pixley** reviewed the circle pathway portion, and asked why the drawing did not indicate a complete circle.

**Mr. Hartner** indicated there was an existing concrete walkway that would connect.

**Mr. Davis** asked Council to consider awarding all the other parts of the project tonight, based on the need for this project to begin as soon as possible because of the construction season. The project proposed has a November 16 completion date.

**Mr. Yalamanchi** indicated his motion would exclude the parking lot in Spencer Park, but include the trailway, access and handicapped parking. Mr. Yalamanchi made a motion to award the project including all sections, minus the asphalt paving of the Spencer Park parking lot.

The motion failed, having no support.

**Mr. Davis** asked Council to reconsider. He indicated that if the asphalt paving portion of the lot were moved, the recommended amount for award would be \$3.28 million.

**John Staran**, City Attorney, suggested the motion could be reworded or Council procedural rules could be suspended to allow the motion, which failed due to lack of support, to be reintroduced and voted upon.

Enactment No: RES0064-2008

**2008-0113** Suspend City Council's *Rules of Procedure* in order to allow the prior motion which failed due to lack of support to be reintroduced and voted upon.

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

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

**Aye** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Nay** 1 - Ambrozaitis

**Absent** 1 - Rosen

Enactment No: RES0064-2008

Resolved that the Rochester Hills City Council, suspend their Rules pursuant to Article IX, Suspension and Amendment of these Rules, Section .01 Suspension of these Rules, to allow the prior motion which failed due to lack of support to be reintroduced and voted upon.

**2008-0113** Request for Purchase Authorization - DPS/ENG: Contract award for the East Ferry Drain, John R Road, Spencer Park (which specifically excludes paving of Spencer Park Parking Lot), Pathway, Water Main and Michelson Pump Station in the amount of \$3.28 Million and if necessary an additional 10% contingency as allowed in the purchasing ordinance; DiPonio Contracting, LLC, Shelby Twp, MI

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

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

**Aye** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Nay** 1 - Ambrozaitis

**Absent** 1 - Rosen

Enactment No: RES0064-2008

Resolved, the Rochester Hills City Council awards the contract for the East Ferry Drain, John R Road, Spencer Park (which specifically excludes paving of Spencer Park Parking Lot), Pathway, Water Main and Michelson Pump Station to DiPonio Contracting, LLC of Shelby Twp., Michigan as the lowest, responsible bidder in the amount of \$3.28 Million and if necessary authorizes the additional 10% contingency as allowed in the purchasing ordinance and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

**2008-0108** Discussion regarding Encroachments into Conservation Easements

**Attachments:** [Agenda Summary.pdf](#)  
[Conservation Easement Presentation](#)

**Scott Cope**, Director of Building and Ordinance, introduced the presentation on Conservation Easements. The purpose of these Easements is to protect the natural environment. Through the years, concerns have been raised regarding encroachments into these natural areas and the damage they can create to the natural environment. Most recently, the Community Development and Viability Committee had some discussion on this issue. It was questioned at that time who was watching over these easements. With the aid of GIS and aerial photos, Mr. Harning has prepared a presentation, identifying the location of these easements and encroachments, and suggesting possible courses of action.

**Don Harning**, Grade Technician, began the presentation with a discussion on the five types of Environmental Easements:

Five types of easements.

- Conservation Easement.
- Natural Features Easement.
- Tree Preservation Easement.
- Wetland Easement.
- Wetland buffer/easement.

**Mr. Harning** stated that some of the above are actual easements, and some are defined by ordinance stipulations. He showed a map of easements throughout the City, and a Natural Features Inventory Map. Many are scattered along rivers and natural wildlife corridors.

Ownership of Easements:

Legal instruments between the landowner and:

- MDEQ
- City of Rochester Hills
- Homeowner Associations
- Land Conservancy
- Or any combination of the above.

Purpose of these Easements:

- Conservation: To protect the functions and values of established or mitigated wetlands and its natural resources.
- Natural Features: To preserve woods, wetlands and other desirable natural features, vegetation, or wildlife.
- Tree Preservation: To protect trees and woodlands in the City.
- Wetland: To protect wetlands and watercourses, and to preserve their natural state
- Wetland Buffer/Natural Features Setback: To help prevent damage to the wetland or watercourse by providing a 25 foot setback from a natural feature. These areas are to be left in a natural state.

First Step - Identify Easement Encroachments:

Identify Easement Encroachments:

- Using aerial photography in ArcMap (GIS), we identified a total of 873 parcels or lots that are adjacent to one or more of the five types of environmental easements. Of these, it appears 345 (40 percent) have encroachments into the easements.
- Some lots require follow-up field verification. The aerial photo was not clear, but "appears" to include encroachments. Some lots have trails recently constructed, or encroachments that are not visible in aerial photos due to tree cover.

**Mr. Harning** showed slides from Section 19, Butler Ridge Subdivision, as examples of some encroachments.

Encroachments:

- The encroachments were then broken down into three (3) levels of severity:
  - Minor = encroach up to 10 feet
  - Moderate = encroach 10 feet to 20 feet
  - Major = encroachment exceeds 20 feet
- 345 total encroachments:
  - Total minor - 91 (27 percent)
  - Total moderate - 122 (35 percent)
  - Total major - 132 (38 percent)

**Mr. Harning's** aerial photo examples included encroachments into wetland limits, such as new sod, playscapes, yard clearing and new landscaping.

Encroachments:

Many properties have encroachments onto multiple easements. Encroachments by type:

- Conservation - 234
- Natural Feature - 11
- Tree Preservation - 22
- Wetland - 70
- Wetland Buffer - 63
- Total - 400

**Mr. Harning** then showed a sequence of aerial photos showing how changes in the property and encroachments could be identified.

How did this Happen?

1. Assumptions made that Homeowners would respect and honor easements.
2. Possible lack of education or understanding by Homeowners.
3. Homeowners are unaware of environmental easements.
4. Encroachments could have been done by prior owner, builder, or developer.
5. Encroachments done later by Homeowners.
6. Homeowner chooses to ignore easements.

What can we do?

Educate Homeowners

- Location of environmental easements.
- Value and purpose of environmental easements.
- Effect of encroachments
- How do we do it?
  1. Hills Herald Spring article.
  2. Develop a brochure/handout.
  3. Channel 55 Public Service Announcement.
  4. Articles in local papers.
  5. Attend Homeowner Association meetings.
  6. Education classes at the Environmental Education Center (EEC).
  7. Mail educational info to Homeowners adjacent to environmental easements.

Cost of Educational Programs

- 900 brochures approximately \$3,000
- 900 mailings approximately \$1,500
- The intent of the Educational Program is to encourage voluntary compliance.

- Further steps to gain compliance will require additional staff time and City Attorney involvement.

Possible Enforcement Steps:

- Initiate Enforcement Action

- Initial inspection survey to verify and document extent of violation.
- Advisory letter to owners identifying encroachment and requesting remediation plan. Advise of possible legal action.
- Assist Homeowner with remediation plan and schedule.
- Second letter requesting remediation plan and compliance. Legal action to take place if plan is not submitted.
- Third letter indicating legal action.
- Filing in Circuit Court if required.

- Costs for the enforcement steps are difficult to calculate and determine.

- Dependent on who owns the easement.
- Dependent on level of cooperation.
- Best Case: Compliance gained after advisory letter.
- Worst Case: Circuit Court.

- Possible Future Maintenance

- Continue to monitor with periodic review of most recent aerial photography available for any subsequent violations
- Continue Education Program

- Game Plan

- Educate Homeowners.
  1. Cost: 900 Brochures, Approximately \$3,000; 900 Mailings, approximately \$1,500.
  2. Report to City Council on how the Education Program is going
  3. Future Enforcement action would be determined by City Council.

**Public Comment:**

**Melinda Hill**, 1481 Mill Race, asked how many true Conservation Easements this City has. She feels that State laws address these. Those easements regulated by zoning issues can be addressed by Ordinance Enforcement. She stated that the City does not regulate or enforce deed restrictions for subdivisions. She discussed the possibility of placing Conservation Easements with a reputable conservancy stewardship. She mentioned that it was costly to get into the conservancy businesses, and we should not enter additional ordinances onto the books unless we have dealt with enforcement issues. She gave one example of a Conservation Easement at the northwest corner of Hamlin and Crooks, indicating this property is in the hands of the County.

**Paul Funk**, 2176 Rochelle Park, commented that as a member of the Green Space Advisory Board (GSAB), he wanted to thank Mr. Cope for looking into this important matter. He stated that it has been a source of recurring discussion for several years now. He noted that the GSAB would welcome the opportunity to review this matter and provide comments.



**Council Discussion:**

**Mr. Brennan** stated that he was disappointed to see these violations taking place because Rochester Hills is an ecologically-aware community. He felt that the City should take some type of action to prevent additional nearby landowners from following suit in the encroachments. He questioned if these violations would need to go through Circuit Court.

**Mr. Staran** responded that some of these types of violations can be handled through District Court and others cannot. Those encroachments in natural features or setbacks, addressed by ordinance, would be enforceable in District Court. Others easements that are more contractual in nature, Tree Preservation Easements, Conservation Easements need to go to Circuit Court with request for injunctive relief. He discussed the cost differences between Circuit Court and District Court matters, and the fact that some violations would require substantial monies to correct. For some people, it was cheaper to pay the court fines than to restore the property.

**Mr. Brennan** stated he does not want to see the City sue its residents, and questioned if the City could recover attorney fees and court costs.

**Mr. Staran** stated that tangible costs could be recovered, but not attorney fees. Nothing provides for the recovery of attorney fees by the prevailing party.

**Mr. Brennan** likened this to the condemnation process, stating that the City loses money to do this.

**Mr. Staran** stated that his expectation is there will be a cost of enforcement that the City will not recover.

**Mr. Brennan** would like to start with voluntary compliance.

**Mr. Hooper** asked about the existing staffing for this.

**Mr. Cope** stated there was sufficient existing staff for the education program, yes.

**Mr. Hooper** echoed Mr. Brennan in that he did not want to see the City getting into the business of suing neighbors. He supports the educational campaign component of it.

**Mayor Barnett** complimented the Building Department for providing Council a true snapshot of the problems. It appears that 40 percent of the people living around these easements are in violation in some way. If the City does not address this, it gives the message that everything is acceptable. He stated that this is a difficult program to implement successfully, and wants to stress the educational component first.

**Mr. Webber** stated that a significant number of the residents probably do not know they are doing something incorrect.

**Mr. Cope** stated the education program would be started first. The Department would come back to Council to provide a report on the success of this program. He also stated that other departments have had a hand in the issue, Planning, Engineering, Parks and Forestry as well.

**Bob White**, Supervisor of Ordinance Services, stated that the majority of the issues they will be dealing with are people who are going off the boundaries of their property. He felt that oftentimes there is a need to educate property owners as to where their property lines are.

**Mr. Pixley** complimented the Building Department on the presentation, and stated that this should be a proactive educational program as developers go forward.

**Mr. Staran** said that it may be part of the educational process to have a refresher course. When plats are approved up front, all the lines and easements are identified very clearly on the plats that get recorded. The City also requires, pursuant to ordinance, specific notices be recorded for each lot subject to these setbacks and easements. However, once the property is bought and closing takes place, memories fade, or there was never a clear understanding to begin with. The City will be able to see as time goes on what the educational process does for the future.

**Mr. Cope** thanked Mr. Harning for his research and work, and stated that this scratches the surface on a very large project.

**This matter was Discussed**

**(Recess: 9:35 p.m. to 9:48 p.m.)**

**2008-0109** Discussion regarding proposed Sign Ordinance revisions.

**Attachments:** [Agenda Summary.pdf](#)  
[022908 Memo.pdf](#)  
[Proposed Changes.pdf](#)  
[Sign Ordinance Presentation](#)

**Scott Cope**, Director of Building and Ordinance Compliance, outlined the items proposed to be revised in the Sign Ordinance, to address concerns encountered and expressed by businesses over the years, and to make this ordinance more user-friendly. After Council feedback, the Department will be going to business owners and sign contractors and will use these comments to develop a proposal for a revised ordinance in the future.

Sign Ordinance Review to Address:

- Simplify Allowable Sign Area Calculation
- Midline Concept
- Directional Signs
- Gas Station Canopy Signs
- Electronic Message Boards
- Temporary Signs

- *Mixed Use Properties*

**Mark McLocklin**, Ordinance Inspector, stated the following:

- *To help businesses and developers, it is proposed to simplify the allowable sign area calculations. The Building Department will meet with the Mayor's Business Council and sign contractors.*

- *Over the years, the evolving design of commercial developments has changed the street appearance of buildings. The 20-foot height limitation is proposed to be replaced with a midline concept.*

- *Gas station canopy signs are currently not allowed. There are recent requests for signs and LED lighting on station canopies.*

- *The current ordinance prohibits multiple color display message boards.*

- *Current restrictions on temporary signs, allow only 14 days for a \$100 fee. The Building Department is proposing to change the minimum days to 30 to make it more cost-effective for businesses.*

- *Staff has had struggles applying the sign ordinance to multiple use commercial sites and PUDs. It is difficult to assign allocation due to different rules for different site uses. The Building Department is proposing to change this area of the sign ordinance to assist for these multiple-use sites.*

**President Hooper** stated the City definitely needs to get more progressive on its sign ordinance. He felt the midline concept is an absolute must to incorporate. He also felt it was a reasonable request to raise signs to the roof of industrial buildings.

**Mr. Cope** stated that they are proposing to limit the size of message boards to 32 feet. He cited the example of a larger sign at Papa Joe's. An example of a 32 square foot message board is at Lutheran High Northwest at Livernois and Bagley.

**President Hooper** stated he did not have any problems with increasing temporary sign permits to 30 days.

**Jack Sage**, Ordinance Inspector, stated that the Ordinance is somewhat silent on neon. It does not specifically eliminate neon, although the City has allowed it if it is done as part of a logo, or as a single band, etc. A single band of light in a canopy was not considered a sign, but once logos were incorporated, it was considered part of a sign.

**President Hooper** cited the neon in Andiamo's sign in downtown Rochester.

**Mr. Sage** stated the City needed to come up with wording to put a limit to the use of neon.

**Mr. Staran** stated that there was a time in the past where neon was prohibited;

*flashing and blinking signs were not considered tasteful. Styles and times change. Some of these examples shown tonight reinforce the fact that if the City does not have comprehensive regulations, someone will come up with a new idea.*

**Mr. McLocklin** pointed out that the ordinance prohibits new canopies going up in the City with any signs on them.

**Joe Aprile**, Ordinance Inspector, pointed out that many of the signs shown in the presentation were examples of signs allowed elsewhere in other communities, not in Rochester Hills.

**Mr. Yalamanchi** asked about multiple colors in message boards.

**Mr. McLocklin** stated we currently prohibit multiple colors.

**Mr. Yalamanchi** asked if it would be an objection to businesses if we stayed the same.

**Mr. Cope** stated that there have been questions from the businesses. With the technology out there for these signs, there has been a desire of the business owners to have these kinds of signs.

**Mr. Brennan** stated that as a member of the Zoning and Sign Board of Appeals for over 10 years, he has heard many of the same concerns and complaints as tonight. He stated the most important part of the ordinance changes would be to keep signs in good taste.

**Mr. Webber** concurred with Mr. Brennan and stated that any community has to adapt to certain things and the challenge here is to help businesses to connect with their customers.

**Mayor Barnett** stated that he feels the City's forefathers have done a great job in laying groundwork. Some other communities have atrocious signage. He stated that many of these issues did not just come from the Business Council, they are from existing permitting that occurred. He would like to see this brought back before Council with some recommendations for change.

**Mr. Hooper** stated that when this issue is brought back to Council, he would like to see more examples of the message board square footage differences - 32 square feet versus 100 square feet.

**This matter was Discussed**

**2008-0110** Discussion regarding the proposed Temporary Event Ordinance.

**Attachments:** [Agenda Summary.pdf](#)  
[022008 Memo.pdf](#)  
[Special Event Ordinance Outline.pdf](#)  
[Special Event Ordinance draft.pdf](#)  
[Carnival Ordinance.pdf](#)  
[Special Event Permit Application.pdf](#)  
[Special Event Plan Review Checklist.pdf](#)  
[Special Event Permit Appl Procedure.pdf](#)  
[Roadside Stands Appl Checklist.pdf](#)  
[Roadside Permit Appl Procedure.pdf](#)  
[Roadside Ordinance Adopted 102986.pdf](#)  
[Roadside Ordinance Adopted 072501.pdf](#)

**Jack Sage**, Ordinance Inspector, indicated that the current ordinance used to cover temporary events is the Carnival Circus Show and Event Ordinance. This Ordinance is used to cover events such as the Lion's Club Carnival, the Art Show at the Village of Rochester Hills retail development, Rochester College, and events throughout the City that business owners might want to have in parking lots, sidewalk sales, and so forth.

**Historical Overview:**

This Ordinance was originally constructed for circuses, and was adopted in 1966 by Avon Township. The Clerk's Office processed requests for these permits, and the Building Department conducted inspections for these events. In 2005, responsibility to process these permits was transferred to the Building Department. Displays in front of hardware stores, etc., were prohibited in B-2 Zoning. Cooperation with the departments eventually found a way to have limited displays. In order to continue concept of special events, a checklist and application procedure for special events was developed, and included permitting for roadside stands and Christmas tree sales. The Building Department is proposing to consolidate all of these into a Temporary Event Ordinance.

The proposed changes are the fee structure for roadside stands and Christmas tree sales, and the elimination of operation of roadside stands within residential areas. Presently the temporary stands pay reduced fees over brick and mortar permits.

**Mr. Sage** estimated there are one or two roadside stands in the community. He stated that there are three to five Christmas tree sales lots per year.

**Mr. Cope** stated that the Department has been approached by business owners in past concerned about the sale of their products when they see someone coming in with a roadside stand taking business away from them.

**Council Discussion:**

**Mr. Brennan** asked if it was time to consider abolishing Christmas tree and roadside stands, given the size of the City and how urbanized it is.

**Mr. Cope** stated that if Council was looking for the Department's opinion, it was yes. But there was a need to be sensitive to residents looking for Christmas trees as well. He stated that these stands take away from businesses in the community that carry Christmas trees, etc.

**Mr. Webber** questioned if the City would also be named as an additional entity insured in terms of a special event on City property.

**Mr. Cope** stated yes, these are addressed in the insurance requirements.

**Mr. Yalamanchi** stated he was not in favor of eliminating the small vendors. This is a marketplace economy. If there is a market for them, let them come in. If nobody buys from them, their business will wind down.

**Mr. Cope** stated that by raising the fees, there would bring some equality to these businesses.

**Mr. McLocklin** stated the stand at Winchester operates May through October.

**Mr. Yalamanchi** asked about short duration stands, such as for Christmas trees.

**Mr. Sage** stated the stands usually run November 15 through December. The permit fee is only \$200.

**Mr. White** stated that this brings up another issue. They have had requests come in for flower stands during Easter, and his concern is this will extend to products, Elvis rugs, etc. The City needs to make a decision where to draw the line. Two car dealers have asked to have a used car sale in one of the malls. A smaller situation is a windshield repair company that set up in Winchester last summer. There were no complaints on their operations.

**Mr. Yalamanchi** inquired if the malls have sidewalk sales during the summer. If so, he believes that is acceptable for businesses. He does not want to drive these businesses away if they are employing people from the community.

**Mr. Cope** wished to expand on the sidewalk sales. He discussed the challenges that come with that, including issues with building and fire codes. Whenever there is a canopy on a building, they are not allowed to have combustibles under the canopy unless it has sprinklers.

**Mr. Brennan** stated that the Building Department is the connection to the business community. He is willing to defer to their wisdom.

**Mayor Barnett** shared Councilman Yalamanchi's concerns and general sentiment on the smaller mom and pop operations. He discussed the possibilities of two levels of permits for time frames, for instance under three weeks versus over three weeks, etc.

**Mr. Pixley** requested that the ordinance should identify insurance liability on tent operations.

**This matter was Discussed**

**2008-0111** Discussion regarding Article II of the Property Maintenance Ordinance.

**Attachments:** [Agenda Summary.pdf](#)  
[Property Maintenance Ordinance.pdf](#)  
[Property Maintenance Ordinance Presentation](#)

**Mr. Cope** discussed that Article I was brought before City Council in August of 2007, and was approved in November. Article II has two divisions, Division I concerns Building Exterior Maintenance and Division II concerns Interior Maintenance. Both are reactive ordinances. The Interior Maintenance aspect is a completely new ordinance.

Property Maintenance Ordinance:

- What was the Plan?
- The first step was to consolidate the Current Ordinances into one Property Maintenance Ordinance, addressing:
  - Accessory Structures
  - Addressing
  - Animal housing
  - Blight

Current Ordinances:

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

The Second Step was 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 pages

Identify Issues that current ordinances do not address and add to the PMO

- 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. Exterior Building Maintenance and Interior Building Maintenance

Building Exterior Maintenance

- Protective Treatment
- Exterior Wall
- Stairs and Porches
- Roofing
- Incomplete work on structures

**Mr. Cope** included photos in his presentation of examples of exterior maintenance issues.

Building Interior Maintenance

- Sanitary: Plumbing - Insect or Rodent Extermination
- Safety: Mechanical - Electrical - Smoke Detectors - Stairs, Handrails, Guards

**Mr. Cope** stated that these interior ordinance issues would be addressed when the City would be invited to enter the building, as in tenant complaints. He realizes that there is some concern that the City would be knocking on doors to enter buildings and require owners to make changes, install smoke detectors, etc., but this is not the case. The City is not permitted to enter the home unless invited, unless there is a Court order, which seldom happens and is only in an extreme case when the City has evidence of gross neglect or a safety concern or a life-safety issue.

He cited a survey done back in 2002, based on information from 1999 through 2001, and during that time there were approximately 1,630 property maintenance complaints. The City was not able to address 76 of those complaints, or five percent at that time, based on the limits of the ordinance.

The current challenge, new from last year, is the amount of foreclosures that the City is running into. Assessing provided the information that in 2007 there were 237 Sheriff Deeds in the City and so far in 2008, there are 41 Sheriff Deeds already. Mr. Cope explained that Sheriff Deed is a home in foreclosure and the owner has six months to reclaim it before it goes to the lender. He mentioned that the Mayor is forming a Foreclosure Committee. As part of that, Mr. Cope has sent out an e-mail request for information from approximately sixty other communities, all members of the Oakland County Building Officials. By Monday, he had ten responses. Every community responding is working on this issue. The common theme throughout is that they refer to their Property Maintenance Ordinances to help them deal with it.

Financial Programs Available

- Oakland County Community Block Grant
- Oakland County Home Improvement Loan program

Oakland County Grant Program

- The City participates in this grant program. Grant money does not need to be paid back.
- The grant limit is \$3,000.00
- The homeowner must obtain three quotes from qualified contractors
- Funds are disbursed directly to the contractor after successfully passing inspections



- Total grant annually is about \$80,000.00
- These funds are distributed on a first-come, first serve basis.
- 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
  - 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 returns).
3. The applicant must own their own home.

Oakland County Community Development Block Grant Program

Household size	Maximum income
1 person	\$39,150
2 persons	\$44,750
3 persons	\$50,350
4 persons	\$55,900
5 persons	\$60,400
6 persons	\$64,850
7 persons	\$69,350

- Fifty Oakland County communities participate
- Three types of loans: Installment, Deferred, and Combo
- The loan limit goes up to \$18,000.00
- 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.

--The question is what level of Enforcement do we want?

**Public Comments:**

**Paul Miller**, 1021 Harding, commented on the ordinance issues presented tonight. He felt that a lot of issues needed to be dealt with, including unsafe structures, competition between roadside vendors and established businesses. He cautioned Council to be careful on how they deal with these issues, to not solve one problem and then create another.

**Council Discussion:**

**Mr. Hooper** asked if the fact that these are reactive programs could be put into the ordinance.

**Mr. Staran** indicated that would have to be looked into, in particular how complaints trigger enforcement.

**Mr. Yalamanchi** stated that he would like to see wording come forward regarding rental units, citing safety and hazard issues. There must be recourse in that instance as well as foreclosure. The City cannot, however, get involved in the foreclosure process. The enforcement should be with the legal owner.

**Mr. Cope** stated that the challenge becomes locating who the owner is.

**Mr. Yalamanchi** asked if the costs for maintaining their property can be placed as a lien.

**Mr. Cope** responded yes. Some communities have actually done this for the maintenance work. He would like to discuss this further with Mr. Staran.

**President Hooper** indicated that the Building Department should return to Council with a draft ordinance.

**This matter was Discussed**

**2008-0112** Discussion regarding the Building Department's Commercial Site Maintenance Program.

**Attachments:** [Agenda Summary.pdf](#)  
[Commercial Site Maintenance Program Overview.pdf](#)  
[Commercial Site Maintenance Ltr.pdf](#)  
[Commercial Site Maintenance Checklist.pdf](#)  
[Commercial Site Maintenance Presentation](#)

**Joe Aprile**, Ordinance Inspector, detailed the Building Department's proposed new program as a friendlier way to get site maintenance compliance. He stated that inspectors will have the ability to work with businesses to get compliance, in setting a gameplan to work for mutual benefit. He showed several photos indicating parking lot issues, dumpster items, improper storage around commercial buildings, and signage.

**Mr. Aprile** indicated that the Department will not be doing anything different other than changing the way contact is made with the businesses. They plan to work with timeframes for compliance in potentially costly maintenance issues that will be beneficial to both the City and the businesses.

**Mr. Brennan** asked if businesses are provided with a checklist noting potential violations.

**Mr. Aprile** indicated a cover letter is sent, inviting owners to look at their properties and go through the checklist. This gives them a chance to look at things before inspectors come out.

**Mr. Brennan** questioned if the letter sent was generic and asked about the timeframe, indicating he believes it should be shorter.

**Mr. Aprile** responded that it was a generic letter.

**Mr. Cope** indicated a specific schedule has not been set yet. The plan is to go into different areas, possibly one industrial development at a time.

**Mr. White** detailed that one part of this program is to coordinate with the Fire Department. The Fire Department does interior inspections every year. The idea is to coordinate so the businesses have one interior visit every year. This is a growing program.

**Mr. Webber** stated he enjoyed the presentation, as it gives a better idea of where challenges are with the properties. He feels the follow up should identify where those challenges are.

**Mr. Pixley** commended the Department on the draft letter in the packet. He stated it was encouraging, but clearly identifies the ordinances that address the issues on the checklists.

**Mr. Cope** thanked Council for their patience tonight. He stated this was a substantial amount of information on all subjects, and the Department looks forward to coming back.

**This matter was Discussed**

## CITY COUNCIL

**2008-0118** Discussion of City Council's Vision and Mission Statement

**Attachments:** [031708 Agenda Summary.pdf](#)  
[Vision and Mission Statement.pdf](#)  
[2008 Council Mission Statement..pdf](#)

**Mr. Yalamanchi** discussed the Strategic Planning Committee's efforts. The Committee presented two statements for the Vision and Mission statement. He stated that in addition to the committee members, consisting of himself, Mr. Webber, and Mr. Rosen, staff members, Ms. Jenuwine and Ms. Leslie, were both very helpful.

**Mr. Webber** stated he appreciated the process as a new Council member and he appreciated Mr. Yalamanchi's leadership. He stated that what was being presented tonight is a lot of what was discussed at the Team Building Session at Oakland University (OU). The Committee felt it was ambitious to have that many objectives, as it lays a framework. He mentioned that the goals are broad enough where Council can continue to shape the debate going forward.

**President Hooper** stated that he preferred the statement that was decided at the OU session.

**This matter was Discussed**

2008-0119 Discussion of City Council's Goals and Objectives for Fiscal Year 2009

**Attachments:** [031708 Agenda Summary.pdf](#)  
[2009 Goals and Objectives.pdf](#)  
[2008 Council Goals & Objectives.pdf](#)

*President Hooper indicated that he didn't have any issues with what was being presented as Goals and Objectives. He felt that Council was ready to set a public hearing for input, and they could be refined after that point for further adoption.*

*Mr. Yalamanchi stated that they were very good suggestions.*

**This matter was Discussed**

## **ANY OTHER BUSINESS**

### **Committee Reports:**

#### **Brownfield Redevelopment Authority:**

*Mr. Webber reported on the Brownfield Authority's meeting last week stating the Authority passed a motion to approve the 381 Work Plan for the Adams/Hamlin project with some conditions attached. Mr. Staran was at the meeting. One of the conditions was a question about the EPA jurisdiction. The Committee wants to see if that matter can be resolved. There is an understanding that the EPA may weigh in within the next couple of weeks. If the EPA does assert jurisdiction, it could mean may be a higher level of cleanup and a higher level of cost associated with that cleanup. Another condition is that the developer must present their proposed remediation plan to Council.*

*Mr. Staran stated that Council is aware that land use for that property is governed by a Consent Judgment; it arose out of a rezoning case. That Consent Judgment does provide certain procedures and parameters governing the environmental remediation of the property. One of the requirements in there is that before site plan approval, Council must approve the proposed work plan. Although not yet at site plan approval, the City is now at a stage where the Brownfield Redevelopment Authority thought that before it is sent off to MDEQ for review, it should be presented to City Council for input, and so there is a full understanding of what is going on there. This will be in early April.*

#### **Zoning Board of Appeals:**

*Mr. Brennan reported on the Zoning Board of Appeals meeting last week regarding the Dunn Farm House on Crooks Road. Mr. Dunn applied for variance, and this was unanimously approved. A representative from the homeowner's association attended as well, advocating approval of this. Hopefully the City will soon see improvement with that piece of land, which has been in a state of disrepair for years.*

## **NEXT MEETING DATE**

*Monday, March 31, 2008, 7:30 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 11:11 p.m.*

---

*GREG HOOPER, President  
Rochester Hills City Council*

---

*JANE LESLIE, Clerk  
City of Rochester Hills*

---

*MARY JO WHITBEY  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the June 9, 2008 Regular City Council Meeting.*