



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, April 25, 2007

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:02 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, Deputy Director of Planning/Development
Bryan Barnett, Mayor
Paul Davis, City Engineer
Derek Delacourt, Deputy Director of Planning
Jean Farris, Supervisor of Procurement
Susan Galeczka, Deputy Clerk
Mike Hartner, Director of Parks
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

To add Legislative File 2007-0296 to Attorney Matters and to remove Legislative File 2007-0255 from New Business.

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

The motion carried by the following vote:

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

PUBLIC COMMENT

Alice Benbow, 1582 Northumberland Dr., expressed concern that her constitutional rights may have been violated, as her comments were removed from the Rochester Hills Information Neighborhood Online website. She stated Council members should abstain from voting on matters that benefit them or members of their immediate family.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Holder commented that the Council members usually abstain from voting on any issues that directly relate to their families or personal income.

Mr. Duistermars stated he has previously recused himself when a vote involved his employer. He further stated, as a Council member, that he represents all residents of the City and that would include his family members.

Mr. Yalamanchi introduced David Bates who is representing foreign exchange students from China, Japan, Korea, Mexico and India. He stated the students are learning English as a second language.

Camille Smith-Winberry, Rochester Hills Youth Council Representative, stated the Youth Council is continuing the school supply drive for Pontiac Elementary Schools, and there are bins in all of the Rochester Hills High Schools and by the front door at City Hall. She advised the Youth Council is recruiting new members for the 2007/2008 school year, and any student interested in joining could pick up an application in the Clerk's office. She further stated the Youth Council held voter registrations this week at various High Schools; on Monday 59 students were registered at Rochester High School, on Tuesday 42 students were registered at Adams High School, and Wednesday 128 students were registered at Stoney Creek High School.

Mayor Barnett noted the following announcements and events in the City of Rochester Hills:

- 1) Spencer Park is now open and new docks have been installed.
- 2) The batting cages at Borden Park are now open from 5:00 to 8:00 p.m.
- 3) Saturday, April 28, 2007 the Christmas in Action group will be doing repair work on two homes in our community. The Older Persons Commission, (OPC) is sponsoring a Walk For Meals to support their Meals On Wheels Program. The City has been collecting money as well as the City employees, who have donated over \$1,000.00 for the Meals On Wheels Program.
- 4) April 26, 2007 at 4:00 p.m. at City Hall, Sheriff Bouchard and the Mayor will be handing out smoke detectors donated by two members of the Detroit Red Wings Hockey Team. He stated they are specifically looking for people in need.

Mayor Barnett reported to Council that the person responsible for multiple break-ins within the City in November 2006 has been apprehended and sentenced.

ATTORNEY MATTERS

2007-0296

Adoption of Resolution regarding Singarajin vs. City of Rochester Hills

Attachments: Resolution.pdf

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

RESOLVED: That the Rochester Hills City Council accepts and adopts the recommendation of the City's Attorney as set forth in his April 17, 2007 written attorney/client privileged communication to the City regarding Singarajan vs. City of Rochester Hills, and the City Council authorizes the City's Attorney to proceed in accordance with his recommendation

The motion carried by the following vote:

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

Nay: Yalamanchi

Enactment No: RES0122-2007

RECOGNITIONS

2007-0259

Proclamation in Recognition of the Rochester High School Competitive Cheerleading Team, Michigan High School Athletic Association 2007 State Champions.

Attachments: Agenda Summary.pdf; Proclamation.pdf

Susan Wood, Head Cheerleading Squad Coach, thanked the Council and Mayor for the sign at the edge of the City honoring the Cheerleading Squad.

Mayor Barnett congratulated the Rochester Hills Falcons 2007 Division One Competitive Cheerleading Squad and then read the following Resolution:

The City of Rochester Hills Rochester Falcons 2007 Division One Competitive Cheer State Champions

the Rochester Falcons captured the 2007 Michigan High School Athletic Association (MHSSA) Division 1 State Championship; and

the varsity team consists of 33 members and three coaches, including head coach Susan Wood who completed 26 years as the head coach.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Rochester Hills hereby express our community's admiration for the teamwork, commitment, cooperation and talent of the Rochester Falcons 2007 Division 1 Competitive Cheer State Champions, and express our thanks for the dedication of their coaching staff; and

BE IT FURTHER RESOLVED, that on behalf of the Citizens of Rochester Hills, we express our pride in the accomplishments of the following athletes and coaches:

*Khrystin Armor
Crystal Berry
Katherine Boyd
Madeleine Bradin
Bruna Camargo
Aislinn Candido
Stephanie Chun
Amanda Consolo
Katlynn Cowling
Tiara Dean
Kelsey Doucet
Carly Green
Erica Hamling
Elizabeth Handler
Allison Hawes
Katherine Hilbert
Erica Hubar
Emily Kmiec*

*Jessica Kuznia
Shannon Marconi
Holly Mihelic
Lauren Murri
Julia Musialowski
Paige O'Shea
Rita Eunic Razalan
Chelsea Stange
Carly Szurek
Breianne Thompson
Sarah Tilden
Christina Tipner
Elizabeth Vickers
Heidi Weber
Alyssa Yamarino*

*Varsity Coach
Susan Wood*

*Assistant Coach
Ginny Ames*

*Assistant Coach
Liz Gibson*

Presented

2007-0272

Proclamation Honoring Municipal Clerk's Week - April 29 to May 5, 2007

Attachments: Agenda Summary.pdf; Proclamation.pdf

President Rosen read the following Proclamation honoring Municipal Clerk's and recognizing their hard work:

Whereas, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, the Office of the Municipal Clerk is the oldest among public servants; and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize the week of April 29 through May 5, 2007 as Municipal Clerk's Week, and further extend appreciation to our Municipal Clerk, Jane Leslie and our Deputy Clerk, Susan Galeczka for the vital services they perform and their exemplary dedication to the community they represent.

Ms. Jane Leslie, City Clerk, was unable to be present at tonight's meeting. Therefore, President Rosen stated they would present the plaque to her at next weeks meeting.

Susan Galeczka, Deputy Clerk, accepted the plaque and thanked Council, Mayor, and President Rosen for acknowledging the hard work of the Municipal Clerk. She thanked them for the opportunity to serve as Deputy Clerk for the City of Rochester Hills.

Presented

CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2007-0241 Approval of Minutes - City Council Work Session Meeting - February 7, 2007

Attachments: CC Min 020707.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on February 7, 2007 be approved as presented.

Enactment No: RES0123-2007

2007-0280 Approval of Minutes - City Council Regular Meeting - February 14, 2007

Attachments: CC Min 021407.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Regular Meeting held on February 14, 2007 be approved as presented/amended.

Enactment No: RES0124-2007

2007-0281 Approval of Minutes - City Council Work Session Meeting - February 21, 2007

Attachments: CC Min 022107.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on February 21, 2007 be approved as presented.

Enactment No: RES0125-2007

2007-0173 Request for Approval of Traffic Control Order PK-95, Childress Avenue, Section #15, "No Parking" within the right-of-way on the north side of Childress Avenue from Rochester Road (M-150) westerly Three Hundred (300) feet.

Attachments: Agenda Summary.pdf; Map.pdf; TCO PK-95.pdf; Photos.pdf; Observation Study.pdf; Draft Minutes 031307.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No PK-95 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-95.1 "No Parking" within the right-of-way on the north side of Childress Avenue from Rochester Road (M-150) westerly Three Hundred (300) feet.

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

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

approved;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order PK-95 to be in effect until rescinded or superseded by subsequent order; and

Now Therefore Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0126-2007

2007-0177

Request for Approval of Traffic Control Orders for Streets within Country Club Village of Rochester Hills Phase 2B - Section #35: Hogan Circle Yield to Connors Drive at North and South Intersection

Attachments: Agenda Summary.pdf; CCVPhase2B.pdf; Traffic Control Map.pdf; Intersection Crash Data.pdf; TCO YS-99.pdf; Draft Minutes 031307.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. YS-99.1 and YS-99.2 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

YS-99.1 Hogan Circle Yield to Connors Drive (North Intersection)

YS-99.2 Hogan Circle Yield to Connors Drive (South Intersection)

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

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

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order YS-99.1 & YS-99.2 to be in effect until rescinded or superseded by subsequent order; and

Now Therefore Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Orders, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0127-2007

2007-0283

Request for Approval of Traffic Control Order SS-137, Streets within Country Club Village of Rochester Hills Phase 2B - Section #35: All approaching traffic to STOP from Connors Drive, Benelow Road, and Michelson Road at their intersection

Attachments: Agenda Summary.pdf; TCO SS-137.pdf; Traffic Controls Map.pdf; Draft Minutes 031307.pdf; Intersection Crash Data.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. SS-137.1 has been issued by the

Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et.seq.; and

Whereas, said Traffic Control Order covers:

SS-137.1 All approaching traffic to STOP from Connors Drive, Bendelow Road, and Michelson Road at their intersection.

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

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

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order SS-137.1 to be in effect until rescinded or superseded by subsequent order; and

Now Therefore Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0128-2007

2007-0251

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

Attachments: Agenda Summary.pdf; Reimbursement Procedures 2007.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

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

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

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

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

Enactment No: RES0129-2007

2007-0263

Request for Purchase Authorization - DPS/Engineering, Facilities Division: Citywide janitorial products blanket purchase increased amount of \$26,000;

Industrial Cleaning Supply (ICS), Waterford, Michigan.

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to Industrial Cleaning Supply (ICS), of Waterford, Michigan, for the purchase of janitorial supplies, paper products, green cleaning supplies and cleaning equipment, by the increased amount of \$26,000 for the new total amount not-to-exceed \$60,900 through December 31, 2007.

Enactment No: RES0130-2007

Passed The Consent Agenda

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

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

PUBLIC COMMENT

Dan Keifer, 719 Fieldstone Dr., thanked the City of Rochester Hills, the Mayor and his staff for their participation in the Clinton River Steelhead Outing on Saturday, March 31st, 2007. He stated there were over 115 people who participated in this event at Yates Park. He further stated this outing was the joint efforts of the Clinton River Watershed Council, the City of Rochester Hills, and the Metro Steelheaders Club. He noted the attendance of Councilmen Ambrozaitis and Yalamanchi at this event.

ORDINANCE FOR INTRODUCTION

2007-0024

Acceptance for First Reading - City File No. 04-037 (Oakville Estates PUD) - An Ordinance to Amend Chapter 138 of the Code of Ordinances to rezone approximately 25.7 acres, located north of School Road and east of John R, from R-3, One Family Residential, to PUD, Planned Unit Development, known as Parcel Nos. 15-24-100-019; 15-24-100-018; 15-24-100-029; 15-24-100-028; 15-24-100-040; 15-24-100-037; 15-24-100-038; 15-24-100-009 and 15-24-100-010, Oakville Estates, LLC, applicant

Attachments: Agenda Summary 2nd.pdf; Agenda Summary.pdf; Map.pdf; Staff Report.pdf; Site Plans.pdf; CC Minutes 071906.pdf; Ordinance.pdf; Resolution 040307.pdf; Resolution.pdf

A motion was made by Ambrozaitis, seconded by Duistermars, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to Amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone 25.7± acres, known as Parcel Nos. 15-24-100-019, -018, -029, -028, -040, -037, -038, -009 and -010 from R-3, One Family Residential to PUD, Planned Unit Development is hereby accepted for first reading.

The motion carried by the following vote:

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

2006-0791

Acceptance for First Reading - City File No. 02-028 A (Crooks and South Boulevard Conditional Rezoning Request) - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances to Conditionally Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, Parcel Nos. 15-33-351-008, -009, -018, and part of -019 from R-4, One Family Residential to O-1, Office Business, MJMS, LLC, applicant

Mr. John Gaber, Williams, Williams, Ruby & Plunkett, PC, 380 North Old Woodward Avenue, Birmingham, Attorney for applicant, stated his appreciation of Council's consideration on this rezoning issue. He further stated he would answer any questions that the Council may have regarding the project.

Mr. Yalamanchi stated that since this parcel was an entry point to the City, he is requesting that the building to be constructed look very nice.

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, advised Council that the Master Land Use Technical Committee discussed this intersection at great length. She stated the following concerns she had with this project:

- 1) Concerned with the lots to the north and feels it is inappropriate to try and join the two parcels together.*
- 2) Doesn't see where the City gains anything by rezoning 3.28 acres of R4 property to Special Purpose.*
- 3) The Master Land Use Technical Committee had extensive discussions regarding the Master Land Use Plan for these parcels, and it was determined they should be Residential not Special Purpose.*
- 4) If the conditional requirements are met and the City rezones the parcels to Special Purpose, and then later it is determined that we do not need Senior Housing there, the City could possibly be involved in litigation.*
- 5) The Master Land Use Technical Committee discovered the corner parcel was a priority #3 level as a natural feature for its wetland and woodlands, and this was not brought up either at the Planning Commission level nor the City Council workshops.*

COUNCIL DISCUSSION

President Rosen asked Mr. Staran, City Attorney, if this property would have to be under the Elderly Housing Conditional Use.

Mr. Staran stated the approval of a Conditional Rezone does not. He further stated it is different than a Planned Unit Development (PUD) in that by approving a Conditional Rezone, the City is not waiving or modifying any other provisions in the Zoning Ordinance.

Mr. Yalamanchi inquired if the Conditional Rezoning goes along with the sale of the property, or if something were to change, would the developer have to come back to Council for approval.

Mr. Gaber answered yes.

Mr. Ambrozaitis stated concerns regarding the binding agreement the City would make to Conditionally Rezone the parcels, and questioned if there could be potential problems in the future.

Mr. Staran stated the agreement is consistent with the Conditional Rezoning Statute, which states that once the Conditional Rezoning is approved, the municipality cannot unilaterally modify the conditions. He further stated that the agreement binds not only the current City Council, but future Councils as well.

Mr. Ambrozaitis asked if there would be any issues with wetlands on the parcels.

Mr. Derek Delacourt, Deputy Director of Planning, stated there is a natural features inventory in the City that identifies a wetland that exists on the corner parcel of the site. He advised Council it was not a regulated wetland, but remained a site plan issue regardless of what Zone District the property was requested to be placed in.

Mr. Ambrozaitis asked Mr. Gaber if the information regarding the wetlands on the site would affect his proposal.

Mr. Gaber replied that the wetland area on the site is very small and that is why it is unregulated by the City and State. He stated that until the rezoning process was completed, the site would not be engineered to address the site characteristics and features. He further stated that if conditions in the agreement could not be completed, they would come back to Council for an amendment to the conditions.

Ms. Raschke applauded the hard work of the Planning Commission and Zoning Board of Appeals (ZBA) regarding this issue. She further stated the proposed enhancement on the corner of Crooks and South Boulevard would be an asset to the City.

Mr. Hooper stated Conditional Rezoning for the corner of South Boulevard and Crooks Road was appropriate.

President Rosen stated two concerns he has with Conditional Rezoning:

- 1) It is not a normal site plan process. The Planning Commission and the developer go back and forth until they come up with a plan that is acceptable to both parties.
- 2) Does not want three story buildings for Elderly Housing; it is not a topic for discussion, the developer gets to choose if it is two or three stories.

Mr. Delacourt stated the City's Ordinance for Special Purpose in Senior Housing allows two or three stories under the Conditional Land Use standards. He further stated Council could discuss this issue with the applicant in regards to a site plan, the same way Council would if it was any other Special Purpose Zoned piece of property in the City. This Conditional Rezoning doesn't change the Planning Commission's, or the City Council's ability to negotiate site plan features.

President Rosen stated the City was not in a position to propose limiting the buildings to two stories.

Mr. Delacourt agreed with President Rosen as a restriction to two stories would be a lesser than allowed standard in the Ordinance.

Mr. Staran advised that after the site plan goes to the Planning Commission, it will then go to Council. At that time Council can deal with the site planning issues, dimensional and height issues. He stated that Council would be in a better position to make decisions once they had an actual proposal to look at.

Ms. Holder asked if this Conditional Rezoning was approved, and the developer does not develop the land and sells it, is the Conditional Rezoning null and void.

Mr. Staran answered no, it stays with the land.

Mr. Delacourt stated the conditions would apply to a new owner who wanted to put any development on the property.

Mr. Duistermars inquired if these conditions were granted and the developer was unable to develop the land, then the property was transitioned to a new owner, could the new owner request of Council to have all of the conditions removed.

Mr. Staran advised they could ask to have the conditions removed, but the decision would be at the discretion of the Council.

Mr. Ambrozaitis asked how this development would affect the City.

Mr. Joe Paluzzi, Principal, MJMS, LLC, 13400 Canal Rd., Sterling Heights, stated the community would be affected in a very positive way. He further stated that based on all of the statistics he had provided in regard to the aging community and the population, that this is a project that will be very much in demand over the next 20 years. He commented he has kept the residents in the area informed of all the plans for this project and has listened to any concerns they have had. He advised he would keep the apartments affordable.

Mr. Gaber reminded Council that in 1999 the Master Plan at that time, for this site, was to have a Senior Housing Facility.

Mr. Yalamanchi called the question to end debate on the matter.

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

Resolved by the Rochester Hills City Council to hereby Call the Question to Close Debate on a Request for Acceptance for First Reading of an Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, from R-4, One Family Residential to O-1, Office Business, and to prescribe penalties for the violation thereof

The motion carried by the following vote:

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

A motion was made by Hooper, seconded by Raschke, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to Amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone 1.62± acres, known as Parcel Nos. 15-33-351-008, -009, -018 and part of -019 from R-4, One Family Residential to O-1, Office Business and to prescribe penalties for the violation thereof, is hereby accepted for First Reading with the following conditions.

Conditions:

1. The size of the building on the Property shall not exceed 10,000 square feet, unless otherwise approved by City Council after recommendation from the Planning Commission.
2. The Property shall comply with the floor area ratio requirements of the Flexible Use 1 category of the City's Master Land Use Plan.
3. The orientation of the building on the Property shall be at approximately a 45 degree angle to the intersection of Crooks Road and South Boulevard, as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
4. The height of the building on the Property shall be a minimum of 16 feet and a maximum of 30 feet as provided in the building height requirements of the Flexible Use 1 category of the City's Master Land Use Plan, and as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
5. The elevations of the building on the Property shall substantially consist of brick, stone or similar materials approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
6. The architecture and surface materials of the buildings on the Property and the Adjacent Property shall be complimentary and compatible to each other as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
7. The perimeter street frontage type C requirements of the Flexible Use 1 category of the City's Master Land Use Plan will be used for both the Crooks Road and the South Boulevard frontages of the Property, as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
8. There shall be only a single access drive from South Boulevard to both the Property and the Adjacent Property, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless

otherwise approved by City Council after recommendation from the Planning Commission.

9. There shall be a cross access drive(s) between the Property and the Adjacent Property for vehicular access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by City Council after recommendation from the Planning Commission.

10. There shall be a sidewalk(s) or other pathway(s) between the Property and the Adjacent Property for pedestrian access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by the Planning Commission, unless otherwise approved by City Council after recommendation from the Planning Commission.

11. There shall be cross easements granted for vehicular and pedestrian access between the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

12. A Level 1 Gateway sign shall be constructed at owner's expense at a location on the Property to be determined on the site plan for the Property approved by the Planning Commission, in accordance with the City of Rochester Hills Comprehensive Gateways Plan.

13. Either (i) a single site plan for the Property and the Adjacent Property shall be submitted for approval; or (ii) separate site plans for the Property and the Adjacent Property shall be submitted simultaneously for approval, provided that elevations and floor plans for the Adjacent Property may be submitted and approved by the Planning Commission at a later time, prior to the issuance of any building permits for the Adjacent Property. In the event that a single site plan is submitted, and the owner of either the Property or Adjacent Property desires to amend the site plan as it applies to such owner's parcel in the future, then such owner may apply for a site plan amendment or modification without the consent of the owner of the other parcel being required, provided that such requested amendment does not affect the approved site plan for the other parcel.

14. The landscaping for the Property and the Adjacent Property shall be complimentary and compatible, and the landscape materials and screening used to comply with the landscape screening and buffer requirements of Section 138-1216 of the City's Zoning Ordinance for the Property and the Adjacent Property shall be either substantially identical, or complimentary and compatible, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property unless otherwise approved by City Council after recommendation from the Planning Commission.

15. The Property and the Adjacent Property shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels, as approved by the Planning Commission as part of site plan review for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

16. Owners shall work with the City Engineer to investigate and consider the implementation of best storm water management practices and alternative storm water distribution and infiltration systems and methods that differ from or exceed the requirements of City Ordinances, provided, however, that owners shall only be required to comply with the City Ordinance requirements and engineering

design standards in effect at the time of such submittal.

The motion carried by the following vote:

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

2006-0790

Acceptance for First Reading - City File No. 02-028 B (Crooks and South Boulevard Conditional Rezoning Request) - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally Rezone six parcels of land totaling approximately 3.28 acres, located north of South Boulevard, east of Crooks, known as Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and a portion of -019, from R-4, One Family Residential to SP, Special Purpose, MJMS, LLC, applicant

A motion was made by Hooper, seconded by Raschke, that this matter be Accepted for First Reading by Resolution.

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally Rezone six parcels of land totaling approximately 3.28 acres, located north of South Boulevard, east of Crooks, known as Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and a portion of -019 from R-4, One Family Residential to SP, Special Purpose, and to prescribe penalties for the violation thereof, is hereby accepted for first reading with the following conditions.

Conditions:

1. The elevations of the building on the Property shall substantially consist of brick, stone or similar materials approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
2. The architecture and surface materials of the buildings on the Property and the Adjacent Property shall be complimentary and compatible to each other as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
3. There shall be only a single access drive from South Boulevard to both the Property and the Adjacent Property, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
4. There shall be a cross access drive(s) between the Property and the Adjacent Property for vehicular access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by City Council after recommendation from the Planning Commission.
5. There shall be a sidewalk(s) or other pathway(s) between the Property and the

Adjacent Property for pedestrian access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by the Planning Commission, unless otherwise approved by City Council after recommendation from the Planning Commission.

6. There shall be cross easements granted for vehicular and pedestrian access between the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

7. Either (i) a single site plan for the Property and the Adjacent Property shall be submitted for approval; or (ii) separate site plans for the Property and the Adjacent Property shall be submitted simultaneously for approval, provided that elevations and floor plans for the Adjacent Property may be submitted and approved by the Planning Commission at a later time, prior to the issuance of any building permits for the Adjacent Property. In the event that a single site plan is submitted, and the owner of either the Property or Adjacent Property desires to amend the site plan as it applies to such owner's parcel in the future, then such owner may apply for a site plan amendment or modification without the consent of the owner of the other parcel being required, provided that such requested amendment does not affect the approved site plan for the other parcel.

8. The landscaping for the Property and the Adjacent Property shall be complimentary and compatible, and the landscape materials and screening used to comply with the landscape screening and buffer requirements of Section 138-1216 of the City's Zoning Ordinance for the Property and the Adjacent Property shall be either substantially identical, or complimentary and compatible, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property unless otherwise approved by City Council after recommendation from the Planning Commission.

9. The Property and the Adjacent Property shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels, as approved by the Planning Commission as part of site plan review for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

10. Owners shall work with the City Engineer to investigate and consider the implementation of best storm water management practices and alternative storm water distribution and infiltration systems and methods that differ from or exceed the requirements of City Ordinances, provided, however, that owners shall only be required to comply with the City Ordinance requirements and engineering design standards in effect at the time of such submittal.

11. The applicant and the City shall enter into the Conditional Zoning Agreement in the form presented, and the applicant shall record the Agreement at the Register of Deeds. This Conditional Rezoning Agreement shall be signed by the Mayor.

The motion carried by the following vote:

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

Nay: Rosen

2006-0791

Reconsider the vote taken on the Acceptance for First Reading of an Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, from R-4, One Family Residential to O-1, Office Business, and to prescribe penalties for the violation thereof

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

Resolved, to reconsider the vote taken on the Acceptance for First Reading of an Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, from R-4, One Family Residential to O-1, Office Business, and to prescribe penalties for the violation thereof

The motion carried by the following vote:

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

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

Resolved, to amend the Resolution for Acceptance of First Reading of an Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, from R-4, One Family Residential to O-1, Office Business, and to prescribe penalties for the violation thereof by adding the following condition:

17. The applicant and the City shall enter into the Conditional Zoning Agreement in the form presented, and the applicant shall record the Agreement at the Register of Deeds. This Conditional Rezoning Agreement shall be signed by the Mayor.

The motion carried by the following vote:

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

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

Resolved that an Ordinance to Amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Conditionally Rezone 1.62± acres, known as Parcel Nos. 15-33-351-008, -009, -018 and part of -019 from R-4, One Family Residential to O-1, Office Business and to prescribe penalties for the violation thereof, is hereby accepted for First Reading with the following conditions.

Conditions:

1. The size of the building on the Property shall not exceed 10,000 square feet, unless otherwise approved by City Council after recommendation from the Planning Commission.
2. The Property shall comply with the floor area ratio requirements of the Flexible Use 1 category of the City's Master Land Use Plan.
3. The orientation of the building on the Property shall be at approximately a 45 degree angle to the intersection of Crooks Road and South Boulevard, as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
4. The height of the building on the Property shall be a minimum of 16 feet and a maximum of 30 feet as provided in the building height requirements of the Flexible Use 1 category of the City's Master Land Use Plan, and as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
5. The elevations of the building on the Property shall substantially consist of brick, stone or similar materials approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
6. The architecture and surface materials of the buildings on the Property and the Adjacent Property shall be complimentary and compatible to each other as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
7. The perimeter street frontage type C requirements of the Flexible Use 1 category of the City's Master Land Use Plan will be used for both the Crooks Road and the South Boulevard frontages of the Property, as approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
8. There shall be only a single access drive from South Boulevard to both the Property and the Adjacent Property, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.
9. There shall be a cross access drive(s) between the Property and the Adjacent

Property for vehicular access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by City Council after recommendation from the Planning Commission.

10. There shall be a sidewalk(s) or other pathway(s) between the Property and the Adjacent Property for pedestrian access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by the Planning Commission, unless otherwise approved by City Council after recommendation from the Planning Commission.

11. There shall be cross easements granted for vehicular and pedestrian access between the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

12. A Level 1 Gateway sign shall be constructed at owner's expense at a location on the Property to be determined on the site plan for the Property approved by the Planning Commission, in accordance with the City of Rochester Hills Comprehensive Gateways Plan.

13. Either (i) a single site plan for the Property and the Adjacent Property shall be submitted for approval; or (ii) separate site plans for the Property and the Adjacent Property shall be submitted simultaneously for approval, provided that elevations and floor plans for the Adjacent Property may be submitted and approved by the Planning Commission at a later time, prior to the issuance of any building permits for the Adjacent Property. In the event that a single site plan is submitted, and the owner of either the Property or Adjacent Property desires to amend the site plan as it applies to such owner's parcel in the future, then such owner may apply for a site plan amendment or modification without the consent of the owner of the other parcel being required, provided that such requested amendment does not affect the approved site plan for the other parcel.

14. The landscaping for the Property and the Adjacent Property shall be complimentary and compatible, and the landscape materials and screening used to comply with the landscape screening and buffer requirements of Section 138-1216 of the City's Zoning Ordinance for the Property and the Adjacent Property shall be either substantially identical, or complimentary and compatible, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property unless otherwise approved by City Council after recommendation from the Planning Commission.

15. The Property and the Adjacent Property shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels, as approved by the Planning Commission as part of site plan review for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

16. Owners shall work with the City Engineer to investigate and consider the implementation of best storm water management practices and alternative storm water distribution and infiltration systems and methods that differ from or exceed the requirements of City Ordinances, provided, however, that owners shall only be required to comply with the City Ordinance requirements and engineering design standards in effect at the time of such submittal.

17. The applicant and the City shall enter into the Conditional Zoning Agreement in the form presented, and the applicant shall record the

Agreement at the Register of Deeds. This Conditional Rezoning shall be signed by the Mayor. Agreement

The motion carried by the following vote:

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

Enactment No: RES0151-2007

UNFINISHED BUSINESS

2006-0746

Reconsideration of the vote taken on the Request to Extend the Historic Districts Study Committee's review rights for 920 South Boulevard W. for an additional six (6) months

Attachments: Agenda Summary.pdf; 040407 Agenda Summary.pdf; CC Minutes 101806.pdf; HDSC Minutes 030807.pdf; 920 South Blvd Preliminary Report.pdf; Survey Sheets.pdf; 041107 Ltr Hildebrandt Trust.pdf; Architectural Review.pdf; Building Inspection.pdf; Letter Taubman 06

Mr. Ambrozaitis requested this Resolution be reconsidered as he received new information.

Mr. Rosen agreed to the reconsideration of the Resolution also.

Mr. Yalamanchi called the question to end the debate on the matter.

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

Resolved, by the Rochester Hills City Council to hereby Call the Question to Close Debate on the Reconsideration of the vote taken on Resolution RES0117-2007 regarding the Request to Extend the Historic Districts Study Committee's review rights for 920 South Boulevard W. for an additional six (6) months

The motion carried by the following vote:

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

Nay: Duistermars

President Rosen stated the original motion, which was to deny the six-month extension, is back on the floor.

Mr. Delacourt introduced **Ms. Peggy Schodowski**, Historic Districts Commission Member, and stated she was there to answer questions relating to the previous motion

that Council voted on.

Mr. Duistermars stated he would like to know what the new information was, as it had not been presented to him.

Ms. Sadowski stated she has received an abundance of information regarding people of significance that are related to the property. She further stated she is very close to completing the Historic Study Report and wants to protect the property so that it is not destroyed in the interim.

Mr. Richard Taubman, Taubman, Nadis, and Neuman, P.C., 32255 Northwestern Highway, Suite 200, Farmington Hills, Attorney for the family of Germaine A. Hildebrandt, stated he was not insensitive to historic preservation. He advised Council that the property owner, Germaine Agnes Hildebrandt, is a 93-year-old woman with Alzheimer's disease and she is in a care facility. He stated the only asset in her Trust is this house and property. He advised that Ms. Hildebrandt's children need the money from the sale of the property to keep her in the current facility she is in.

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, appreciated the reconsideration of this item and felt it was an appropriate thing to do as two members of Council were absent when this issue was voted on at a previous meeting. She noted the following items:

- 1) The request before Council is to extend the Review Rights to the Historic Districts Commission for another six months while the Study Committee completes their study.
- 2) The applicant before Council is the Historic Districts Study Committee asking you to allow the Historic Districts Commission to have Review Rights over the property while the study is being completed.
- 3) A demolition permit has been pulled on this property.
- 4) It takes more than six months to do a study on a property because there are specific steps that need to be followed.
- 5) Stated the extra time allotted for Review Rights is not stopping the sale of the property.

Mr. Paul Miller, 1021 Harding Avenue, encouraged Council to reconsider their previous decision regarding this matter, and to allow the Historic Districts Study Committee the additional six months to complete their investigation of the property.

COUNCIL DISCUSSION

Mr. Duistermars stated if the beneficiary of the Trust could not secure proper funding for Ms. Hildebrandt's care, then she would not receive the skilled nursing she requires, and her survival would be at risk.

Mr. Taubman stated that is essentially what would happen.

Ms. Schodowski stated it was her understanding that the potential buyers of the property were in need of it being designated as a Historic District for the purpose of having it rezoned.

Ms. Raschke questioned if this property issue was at the State level.

Mr. Delacourt replied that it was, and the State has up to 60 days to make a determination.

Ms. Holder inquired as to why the estate did not keep the home in good repair so as to get more money from the sale of the property, to use for the care of Ms. Hildebrandt. She questioned if the purchaser of the property could incorporate the home in what they propose to build on the property.

Mr. Taubman stated that because of the location of the home, next to the Moose Lodge Parking lot, and on a main highway, it would not be a place to build a proposed Child Daycare Center.

Ms. Rashcke stated she would recommend extending the time for further review by the Historical Districts Study Committee for 90 days.

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

Resolved, to reconsider Resolution RES0117-2007 which denied an extension of the review rights regarding 920 South Boulevard W. (Parcel Identification Number 15-34-352-012) for one additional period not to exceed six (6) months.

The motion carried by the following vote:

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

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

Whereas, 920 South Boulevard W. is an identified Potential Historic District in the City of Rochester Hills; and

Whereas, an Intensive Level Survey conducted in 2002 by Dr. Jane Busch at the request of the City of Rochester Hills identified this property as needing "extensive survey and additional research" in order to provide contextual information before the historical significance of the property could be evaluated; and

Whereas, the property owner has requested review and approval of a demolition permit for the structures on the subject site; and

Whereas, on October 18, 2006, City Council granted review rights regarding 920 South Boulevard W. (Parcel Identification Number 15-34-352-012) for a period not to exceed six (6) months; and

Whereas, since the review rights were granted, the Historic Districts Study Committee has been conducting extensive research regarding the architecture, family names and events associated with the property; and

Whereas, the Historic Districts Study Committee has prepared and accepted a Preliminary Report on the property and requested it be forwarded to the State Historic Preservation Office and the City's Planning Commission in accordance with the City's Historic Preservation Ordinance; and

Whereas, the procedure outlined in Chapter 118 of the City's Historic Preservation

Ordinance requires additional time for the proper completion of the study.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby denies an extension of the review rights regarding 920 South Boulevard W. (Parcel Identification Number 15-34-352-012) for one additional period not to exceed six (6) months.

The motion failed by the following vote:

Aye: Duistermars and Raschke

Nay: Ambrozaitis, Holder, Hooper, Rosen and Yalamanchi

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

Whereas, 920 South Boulevard W. is an identified Potential Historic District in the City of Rochester Hills; and

Whereas, an Intensive Level Survey conducted in 2002 by Dr. Jane Busch at the request of the City of Rochester Hills identified this property as needing "extensive survey and additional research" in order to provide contextual information before the historical significance of the property could be evaluated; and

Whereas, the property owner has requested review and approval of a demolition permit for the structures on the subject site.

Now, Therefore, Be It Resolved that the Rochester Hills City Council grants review rights regarding 920 South Boulevard W. (Parcel Identification Number 15-34-352-012) for a period not to exceed 90 days.

The motion carried by the following vote:

Aye: Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis and Duistermars

Enactment No: RES0141-2007

(Recess 9:23 p.m. to 9:53 p.m.)

2007-0260

Request for Purchase Authorization-DPS/Engineering: Accept Bid and Award Contract for the Shadow Woods Subdivision & the Clinton River Trailway Surfacing; Blanket Purchase Order in the amount of \$2,813,950.15; C & G Myers Construction, LLC; Milford, MI

Attachments: Agenda Summary.pdf; Map.pdf; Scope of Work.pdf; Shadow Wood South & Powderhorn.pdf; Shadow Wood North.pdf; Stockpile Site #1.pdf; Stockpile Site #2.pdf; Major Road Rehab Detail.pdf; Local Street Rehab Detail.pdf; Trail Surfacing 1of2.pdf; Trail surfacing

President Rosen stated as he does not have a financial fiduciary link to this item, he would not abstain from voting on this issue. He further stated he does live in this

subdivision, but will have no involvement in the wording of the contract.

Mr. Roger Rouse, Director of DPS/Engineering, advised Council of the method that was chosen to recycle the asphalt in the Shadow Woods Subdivision. He stated the pulverizing method was chosen as it provides more ease in grading, it is a smoother surface, and there may be some longevity associated with this method.

Mr. Ambrozaitis stated his approval of this project and noted he would like to see Cumberland Hills Subdivision as the next paving project.

Mr. Yalamanchi inquired how the pathway project would be funded.

Mr. Rouse stated payment for this project would come out of the Pathway Funds. He further stated the proposal for this project is approximately one third of what the cost projections were in the Clinton River Trail Master Plan, which estimated this project at a cost of \$455,000.

Mayor Barnett stated it was estimated that about one half of the material taken from Shadow Woods Subdivision will be placed on the Clinton River Trail, and the rest of the material will go to the DPS garage and other City projects that have been designated to use it.

Mr. Paul Davis, City Engineer, stated the railway project completion date would be June 29, 2007, and the subdivision project completion date would be October 15, 2007.

Mr. Rouse commented that after the Pre-Construction Meeting, he would send out notices to the residents and keep them informed.

PUBLIC COMMENT

Mr. Matthew Jones, General Manager of Proline Asphalt Paving, stated his company was the lowest bid and felt this company was more qualified to do the work on this project.

President Rosen stated the City would not get involved in re-bidding projects as it would jeopardize the City's bidding process and he trusts the City staff's judgment.

Mr. Dan Keifer, 719 Fieldstone Dr., representing Friends of The Clinton River Trail, just wanted to state his support and enthusiasm for this project. He stated that this project is saving a lot of money, and with the pulverizing and trenching this project will be completed with perfection.

Mr. Paul Miller, stated his concerns for the material being used for this project. He stated this trail goes through a natural area and along the river, and if this material doesn't work it will have to be removed. He further stated the hazards of using this product on the trails.

Mr. Rouse stated the pulverizing method that will be used on the railway project is a much finer gradation, thus it compacts tighter and makes a smoother surface. He further stated it makes a good base if at any time in the future it is decided to put an asphalt layer on top of it. Mr. Rouse advised Council that the trail material has been investigated in depth.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to C & G Myers Construction, LLC of Milford, Michigan as the lowest, responsive, responsible bidder for the Shadow Woods Subdivision Road Rehabilitation Project and Clinton River Trailway Surfacing Project, in the amount of \$2,813,950.15 with a 10% contingency as the lowest, responsive, responsible

bidder contingent upon submittal of acceptable bonds, insurance and any additional documents required by the City of Rochester Hills under the terms and conditions of the contract.

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

The motion carried by the following vote:

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

Enactment No: RES0132-2007

2007-0282

Request for Purchase Authorization-DPS/Engineering: Accept Agreement and Award Contract for Professional Construction Engineering Services for the Shadow Woods Subdivision Road Rehabilitation Project; Blanket Purchase Order in the not-to-exceed amount of \$27,900.00; Hubbell, Roth & Clark, Inc; Bloomfield Hills, MI

Attachments: Agenda Summary.pdf; HRC Proposal.pdf; Resolution.pdf

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

Resolve, that the Rochester Hills City Council approves the proposal between the City of Rochester Hills and Hubbell, Roth & Clark, Inc. of Bloomfield Hills, Michigan for Construction Engineering Services for the Shadow Woods Subdivision Road Rehabilitation Project in the not-to-exceed amount of \$27,900.00.

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

The motion carried by the following vote:

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

Enactment No: RES0133-2007

NEW BUSINESS

2007-0258

Acceptance of Resignation from George Karas from the OPC Governing Board.

Attachments: Agenda Summary.pdf; Karas LOR.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby accepts the resignation of George Karas as a member on the OPC Governing Board effective immediately and requests a letter of appreciation be sent thanking Mr. Karas for his service and dedication to the Community.

The motion carried by the following vote:

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

Enactment No: RES0134-2007

2007-0221

Request for Extension of Tentative Preliminary Plat Approval until April 20, 2008 - City File No. 04-011 - Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 and -057, Grace Street Development, applicant

Attachments: Agenda Summary.pdf; Map.pdf; Site Plans.pdf; Letter Mancini 031207.pdf; PC Minutes 020105.pdf; PC Minutes 021505.pdf; PC Minutes 031505.pdf; PC Minutes 071806.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby approves an Extension of the Tentative Preliminary Plat until April 20, 2008 for Grace Parc Subdivision, City File No. 04-011, a 16-unit development located east of Livernois, north of South Boulevard, Zoned R-4, One Family Residential, Parcel Nos. 15-34-402-035 and -057.

The motion carried by the following vote:

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

Enactment No: RES0135-2007

2007-0199

Request for Approval of Preliminary Site Condominium Plan - City File No. 99-031 - Saddlebrook Orchards, a ten-unit site condo development on five acres, located on Auburn east of Crooks, zoned R-4, One Family Residential, Parcel No. 15-28-300-029, Brookfield, LLC, applicant.

Attachments: Agenda Summary.pdf; Map.pdf; Staff Report.pdf; Site Plans.pdf; Backup Docs.pdf; PC Minutes 020403.pdf; Resolution.pdf

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

Proposed Resolution For Consideration at the April 25, 2007 Regular Meeting

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Saddlebrook Orchards, City File No. 99-031, a 10-unit site condo development on five acres located on Auburn, east of Crooks, zoned R-4, One Family Residential, Parcel No. 15-28-300-029, based on plans dated received by the Planning and Development Department on March 12, 2007 with the following findings:

Findings:

- 1. The Preliminary Plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.**
- 2. The Preliminary Plan represents a reasonable and acceptable plan for developing the property.**
- 3. Adequate utilities are currently available to properly service the proposed**

development.

4. The Preliminary Plan represents a reasonable street layout, with connections available for future development to the east and west, as well as a reasonable lot layout and orientation. In addition, all lots have access to the interior local streets.

5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

The motion carried by the following vote:

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

Enactment No: RES0136-2007

2006-0884

Request for Approval of Final Site Condominium Plan - City File No. 99-031 - Saddlebrook Orchards.

Attachments: Agenda Summary.pdf; Resolution.pdf

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

Proposed Resolution For Consideration at the April 25, 2007 Regular Meeting

Resolved, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Saddlebrook Orchards, a 10-unit site condo development on five acres on Auburn, east of Crooks, zoned R-4, One Family Residential, Parcel No. 15-28-300-029, based on plans dated received by the Planning and Development Department on March 12, 2007, with the following findings and conditions:

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the previously approved Preliminary Plan.

Conditions:

1. That the applicant deposit \$2000.00 into the City Tree Fund for one street tree per lot, prior to issuance of a Land Improvement Permit.
2. All outstanding fees and permits must be submitted to Engineering Services prior to the applicant obtaining a Land Improvement Permit.

The motion carried by the following vote:

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

Enactment No: RES0137-2007

2007-0248

Request for Approval of Site Plan - City File No. 05-030.6 - Chili's at Adams Marketplace/Grand Sakwa, a 5,938 square-foot restaurant at Marketplace Circle and Adams Road, Rochester Hills Corporate Center, L.L.C., applicant.

Attachments: Agenda Summary.pdf; Memo Anzek 041007.pdf; Site Plans.pdf; Resolution.pdf

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

Proposed Resolution For Consideration at the April 25, 2007 Regular Meeting

Resolved that the Rochester Hills City Council hereby approves the Site Plan for Chili's at Adams Marketplace, City File No. 05-030.6, an 5,938 square-foot building located off Marketplace Circle at Adams and M-59, part of Parcel No. 15-30-326-008, zoned by Consent Judgment, based on plans received by the Planning and Development Department on March 15, 2007, with the following conditions:

Conditions:

- 1. Correct Sheet SP 2.1 legal description to match boundary drawing on SP 2.1 and description submitted on land division application, prior to Final Approval by Staff.**
- 2. Submission of performance and maintenance bonds in the amount of \$86,040.00 for replacement trees and landscaping, prior to obtaining a Land Improvement Permit.**
- 3. Correct Parking Table on Sheet SP 1.2 and Site Layout and Paving Plan on sheet following SP 1.2, per E. Anzek memo of 4-9-07, prior to Final Approval by Staff.**

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Abstain: Hooper

Enactment No: RES0138-2007

(Mr. Hooper exited the meeting at 10:41 p.m.)

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

Absent: Greg Hooper

2007-0255

Request to authorize application for an Urban Land Assembly Loan through the Michigan Economic Development Corp. for the Devondale Property

Attachments: Agenda Summary.pdf; Map.pdf; CIP Project App.pdf; Resolution.pdf
Removed from Agenda at the request of Administration.

Removed from Agenda

2007-0256

Request for Purchase Authorization - CLERK: Postage Equipment, amendment to Blanket Purchase order in the amount of \$4,050.00 for a new not-to-exceed amount of \$26,746.00; Pitney Bowes, Inc., Louisville, KY

Attachments: Agenda Summary.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby authorizes an amendment to the Blanket Purchase Order to Pitney Bowes, Inc., of Louisville, KY for the lease/purchase of Postage Equipment, in the amount of \$4,050.00 for a new amount not-to-exceed \$26,680.00 through June 30, 2009.

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

The motion carried by the following vote:

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

Absent: Hooper

Enactment No: RES0140-2007

(Mr. Hooper returned to the meeting at 10:54 p.m.)

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

2006-0483

Consideration of Resolution concerning proposed DWSD Model Water Contract

Attachments: Agenda Summary.pdf; McCulloch E-Mail 040907.pdf; Water sewer contract ideas 041807.pdf; Agenda Summary 062806.pdf; Model Contract DWSD 040406.pdf; Resolution.pdf

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

WHEREAS, the City of Detroit owns and operates a public water supply system supplying water to numerous communities throughout southeastern Michigan; and

WHEREAS, the City of Rochester Hills contracts with the City of Detroit to supply potable water to its residents; and

WHEREAS, the City of Rochester Hills' current contract with the City of Detroit has or will expire on March 11, 2010; and

WHEREAS, in anticipation of the expiration of water service contracts with various governmental entities in southeastern Michigan, over the last three years, the City of Detroit has developed a proposed Model Water Contract and is seeking Rochester Hills' approval of the terms of this Model Water Contract; and

WHEREAS, the cooperative efforts to date between the City of Detroit and Technical Advisory Contract Group in the drafting of the Model Water Contract have been thoughtful and productive, but there remain outstanding issues and concerns to be addressed; and

WHEREAS, it is in the public interest that the proposed Model Water Contract provide all customers a long-term supply of potable water that meets or exceeds state and federal regulatory requirements for drinking water quality, without discrimination and at the lowest reasonable rates; and

WHEREAS, the City of Detroit and Technical Advisory Contract Group have requested municipal customers' input; and

THEREFORE IT IS RESOLVED by the Rochester Hills City Council that the City of Rochester Hills requests that the terms of the proposed Model Water Contract with the City of Detroit be revised and expanded to address the following:

1. The Contract should provide a process for meaningful municipal customer participation and a "greater voice" to provide input concerning major capital or maintenance projects or other factors impacting the rates developed by the Detroit Board of Water Commissioners.
2. The Contract should define and provide for full and timely disclosure of methodologies and information in a format that will allow the City of Rochester Hills to better understand and assist in the rate-making process and long-term planning.
3. The Contract should prescribe fair and reasonable terms for withdrawal or termination prior to the expiration of the contract term.
4. The Contract should provide assurances that water pressure will be provided within the agreed upon pressure range, and should further provide for an effective and expedient means for resolving water pressure and supply issues or problems.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to forward a copy of this Resolution to Victor Mercado, Director of the Detroit Water and Sewerage Department at 735 Randolph Street, Detroit, Michigan 48226 and to John P. McCulloch, Oakland County Drain Commissioner at One Public Works Drive, Building 95-W, Waterford, Michigan 48328.

The motion carried by the following vote:

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

Enactment No: RES0139-2007

ANY OTHER BUSINESS

Mr. Ambrozaitis stated he would like to see our City have a Hall of Fame. He commented there should be a formal City Beautiful Commission created. He stated that he would like to see the Administration give a Police Millage Proposal to Council. He further requested Mr. Staran to update Council on the Blight Ordinance.

Mr. Staran, City Attorney, stated he was looking at legal issues relating to it and he anticipates having it to Council in the very near future.

Ms. Raschke advised Council that in the past there was a Beautification Committee formed and that committee gave out awards to businesses and also to Home Owners Association for their entrances. She stated the qualifications and duties for Council Members should be placed on the City's website.

Ms. Holder inquired as to whether the Historic Commission can form a foundation to create funds to purchase old properties in the City.

Mr. Staran, stated there has been discussion regarding this issue with the Parks Department in the past.

NEXT MEETING DATE

Work Session - Wednesday, May 2, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:20 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*SUE SMITH
Administrative Secretary
City Clerk's Office*

Approved as presented at the June 13, 2007 Regular City Council Meeting.