



Rochester Hills Minutes City Council Regular Meeting

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

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

Wednesday, April 11, 2007

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:33 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Barbara Holder, Linda Raschke and James Rosen

Absent: Jim Duistermars, Greg Hooper and Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Ron Crowell, Fire Chief
Derek Delacourt, Deputy Director of Planning
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

Council Members Hooper and Yalamanchi provided previous notice they would be unable to attend and asked to be excused.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of April 11, 2007 with the following amendments:

Add under Consent Agenda immediately following Legislative File 2007-0229 - Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for underground utility repairs and related work services in the amount not-to-exceed \$55,105.10; DiPonio & Morelli Construction Co., Milford, MI the following Legislative Files:

2007-0231 - Adoption of Resolution Placing Streets into City Local Street System - Acorn Glen and East Way

2007-0237 - Adoption of Resolution Placing Street into City Local Street System - Wellington Circle

2007-0238 - Adoption of Resolution Placing Street into City Local Street System - East Shore Drive

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

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke and Rosen

Absent: Duistermars, Hooper and Yalamanchi

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, questioned the feasibility of Mr. Ambrozaitis' suggestion of a Public Safety Millage that would fund both Police and Fire services, noting that it would pit one department against the other and any millage high enough to eliminate the current General Fund subsidy for Police services would be opposed by Rochester Hills' anti-new taxes citizens groups.

Mr. Steve McGarry, 2164 Clinton View, stated that he wanted to make the City leadership aware that he believed "some leaders" were engaged in a campaign to limit free speech in Rochester Hills.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Holder, responding to an anonymous caller who left a phone message in support of a single waste hauler for the City, noted that the matter had failed in Council many years before due to public opposition. She noted that, with a voted change to the City Charter, Council could place an advisory question on an election ballot to measure the interest of a single waste hauler, among other issues, more accurately. She requested that Council discuss the issue of bringing forward ballot language to allow residents to vote on the issue of permitting such advisory questions.

Mr. Ambrozaitis congratulated William Beaumont Hospital on their new partnership with Oakland University in establishing a medical school.

Mr. Richard Yoon, Representative of the Rochester Hills Government Youth Council, thanked City Council members for the opportunity to join them at the dais for this meeting.

Mayor Barnett announced that Spencer Park had officially opened for the season. He then noted that a survey would soon be disseminated throughout the City with the assistance of Oakland University and encouraged residents to participate. He informed Council that the administration was monitoring new legislation in the State that could negatively impact the City's purchasing processes and would keep them informed as the matter progressed.

ATTORNEY MATTERS

City Attorney John Staran noted that he was working with the Mayor and the Engineering Department to provide Council with a report regarding the Grand Sakwa project and the City's responsibility for infrastructure at that development. He also indicated that he was making progress along with the Building Department on the new Property Maintenance Ordinance.

PRESENTATIONS

(Mr. Duistermars Entered at 7:47 p.m.)

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

Absent: Greg Hooper and Ravi Yalamanchi

2007-0204

Proclamation - National Child Abuse Awareness and Prevention Month

Attachments: Agenda Summary.pdf; Proclamation.pdf

Mayor Barnett read the following proclamation:

Whereas, children deserve to grow and thrive in a nurturing safe environment; and

Whereas, the Child Abuse and Neglect Council of Oakland County is a prominent advocate for the safety and protection of all children; and

Whereas, the Child Abuse and Neglect Council of Oakland County is a leading resource in the prevention of abuse through intervention, treatment, research and education in collaboration with other community agencies; and

Whereas, effective prevention programs succeed due to partnerships with schools, social service agencies, religious and civic organizations, the business community and law enforcement agencies; and

Whereas, the devastating consequences of child abuse affect a community as a whole and finding solutions needs to be attended to by the community as a whole.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize the Month of April 2007 as National Child Abuse Awareness and Prevention Month, and call upon all citizens, community agencies, organizations and businesses to increase their participation in an effort to prevent the abuse of children, thereby strengthening and protecting the community in which we live.

Presented

2007-0205

Proclamation - National Public Safety Telecommunicators Week

Attachments: Agenda Summary.pdf; Proclamation.pdf

Mayor Barnett introduced Rochester Hills Fire Chief Ron Crowell and Oakland Township Fire Chief Bill Benoit, and then read the following proclamation:

Whereas, emergencies can occur at any time that require police, fire or emergency medical services; and

Whereas, when an emergency occurs, the prompt response of law enforcement, firefighters, and paramedics is critical to the protection of life and preservation of property; and

Whereas, the safety of our firefighters and deputy sheriffs is dependent upon the quality and accuracy of information obtained from citizens who telephone the Rochester Hills Communication Center; and

Whereas, emergency dispatchers are the first and most critical contact our citizens have with emergency services; and

Whereas, emergency dispatchers are the single vital link for our emergency services personnel by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas, emergency dispatchers of the Rochester Hills Communication Center contributed substantially, assisting in the treatment of patients, suppression of fires, and aiding law enforcement; and

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

Now, Therefore, Be It Resolved, that in honor of the men and women whose diligence and professionalism keep our city and citizens safe, the Mayor and City Council of the City of Rochester Hills declare the week of April 8 through April 14, 2007 to be National Public Safety Telecommunicators Week in Rochester Hills.

Chief Crowell introduced several members of the Communication Center Team and thanked the Mayor and City Council for this honor.

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.

2007-0202 Approval of Minutes - City Council Work Session Meeting - January 17, 2007

Attachments: Joint CC PC Min 011707.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 January 17, 2007 be approved as presented.

Enactment No: RES0105-2007

2007-0213 Approval of Minutes - Regular City Council Meeting - January 24, 2007

Attachments: CC Min 012407.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on January 24, 2007 be approved as presented.

Enactment No: RES0106-2007

2007-0223 Approval of Minutes - Special City Council Work Session Meeting - January 31, 2007

Attachments: CC Min 013107.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Work Session Meeting held on January 31, 2007 be approved as presented.

Enactment No: RES0107-2007

2007-0232 Approval of Minutes - Special Joint Community Development & Viability/Financial Services/Public Safety Committee Meeting - September 27, 2006

Attachments: Memo L. Scott.pdf; Joint Min 092706.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Joint Community Development & Viability/Financial Services/Public Safety Committee Meeting held on September 27, 2006 be approved as presented.

Enactment No: RES0108-2007

2007-0215

Adoption of Resolution - Authorizing permit application from the Road Commission for Oakland County (RCOC) for the Greater Rochester Memorial Day Parade to be held on Monday, May 28, 2007

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

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

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

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

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

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

Further Resolved that the parade routes be scheduled for Monday, May 28, 2007, starting at 10:00 a.m., on Harding and Livernois Roads; and

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

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

Enactment No: RES0109-2007

2007-0231

Adoption of Resolution Placing Streets into City Local Street System - Acorn Glen and East Way

Attachments: North Oaks No 3 City Council Summary Sheet (2).pdf; Act51 Map North Oaks 3 - Acorn Glen East Way.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the City of Rochester Hills has acquired the title to said streets; and

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved,

1. That the said streets described as:

Acorn Glen and East Way as depicted in the subdivision plat of "North Oaks - A Singh Development No. 3", as recorded in Liber 293, Pages 34 through 35 of Oakland County Records, being part of the northeast 1/4 of Section 4, T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets were open for traffic on May 19, 2005 and have been constructed according to City standards.

Enactment No: RES0110-2007

2007-0237

Adoption of Resolution Placing Street into City Local Street System - Wellington Circle

Attachments: Manchester Knolls No 2 City Council Summary Sheet.pdf; Act51 Map Manchester Knolls 2 - Wellington Circle.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the City of Rochester Hills has acquired the title to said street; and

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved,

1. That the said street described as:

Wellington Circle as depicted in the subdivision plat of "Manchester Knolls Subdivision No. 2", as recorded in Liber 295, Pages 24 through 26 of Oakland county Records, being part of the northeast 1/4 of Section 8, T. 3. N., R.11 E.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets were open for traffic on August 7, 2006 and have been constructed according to City standards.

Enactment No: RES0111-2007

2007-0238

Adoption of Resolution Placing Street into City Local Street System - East Shore Drive

Attachments: Avon Lakes Sub No 4 City Council Summary Sheet.pdf; Act51 Map Avon Lakes 4 - East Shore Drive.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the City of Rochester Hills has acquired the title to said street; and

Whereas, it is necessary to furnish information to the State of Michigan to place said street within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved,

1. That the said street described as:

East Shore Drive as depicted in the subdivision plat of "Avon Lakes Village Subdivision No. 4", as recorded in Liber 294, Pages 31 through 33 of Oakland county Records, being part of the northeast 1/4 of Section 25, T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan; and

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.

3. That said streets are certified as public streets and are for public street purposes.

4. That said streets are accepted into the City Local Street System.

5. That said streets were open for traffic on March 2, 2006 and have been constructed according to City standards.

Enactment No: RES0112-2007

Passed The Consent Agenda

A motion was made by Duistermars, seconded by Raschke, 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, Raschke and Rosen

Absent: Hooper and Yalamanchi

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

2007-0230

Request for Purchase Authorization - DPS/Facilities: Landscape and Lawn Mowing Services 2007 Season, Blanket Purchase Order in the not-to-exceed amount of \$51,160.00; Quality Landscape & Fertilizing, Inc., Rochester, MI

Attachments: Agenda Summary.pdf; Spreadsheet Totals.pdf; Resolution.pdf

Mr. Ambrozaitis questioned why this vendor was chosen for these lawn services.

Mr. Roger Rousse, Director of DPS/Engineering, explained that the decision was based on the best benefit to the City when considering such factors as past performance, other similar size contracts, etc.

PUBLIC COMMENT:

Mr. Paul Miller, 1021 Harding Avenue, questioned where these landscaping services would be performed.

Mr. Rousse indicated these services would include finish lawn mowing for boulevards, rough cutting of detention basins and mowing of vacant properties.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Quality Landscape & Fertilizing of Rochester, Michigan, as the lowest, responsive, responsible proposer for the purchase of landscape and lawn mowing services, in the amount not-to-exceed Fifty-One Thousand One Hundred Sixty (\$51,160.00) Dollars for a one-year period.

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0113-2007

2007-0229

Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for underground utility repairs and related work services in the amount not-to-exceed \$55,105.10; DiPonio & Morelli Construction Co., Milford, MI

Attachments: Agenda Summary.pdf; Resolution.pdf

In response to a question by Mr. Ambrozaitis, Mr. Roger Rousse, Director of DPS/Engineering, indicated that he was comfortable purchasing services from this company.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to DiPonio & Morelli Construction Co., Milford, Michigan, for the purchase of underground utility repairs and related work services in the amount not-to-exceed \$55,105.10 through May 1, 2008.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0114-2007

UNFINISHED BUSINESS

2006-0956

Request for Revised Conditional Land Use - City File No. 93-352.2 - Han-Bit

Korean Christian Reformed Church addition, a proposed 3,178 square foot addition to the existing 7,600 square foot church, located on Livernois, north of Hamlin, Zoned R-4, One Family Residential, Parcel No. 15-22-351-012

Attachments: Agenda Summary.pdf; Map.pdf; Staff Report 022007.pdf; Site Plans.pdf; Resolution.pdf

Mr. Ambrozaitis questioned whether any residents had contacted the Planning Department with issues regarding this project.

Mr. Derek Delacourt, Deputy Director of Planning, indicated that there had been no contact from concerned residents nor was there any new information to be presented regarding this project since it had been discussed at the previous week's Council meeting.

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

Resolved that the Rochester Hills City Council hereby approves the Revised Conditional Land Use for a 3,178 square-foot addition to the Han-Bit Korean Christian Reformed Church (City File No. 93-352.2), located on Livernois, north of Hamlin, Zoned R-4, One Family Residential, Parcel No. 15-22-351-012, based on plans dated received by the Planning Department on October 17, 2006 with the following seven (7) findings.

Findings:

1. **The property received Conditional Land Use Approval by City Council for the original church on January 26, 1994.**
2. **Places of Worship are permitted in any zoning district; the addition is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.**
3. **The proposed addition to the Han-Bit Korean Church is designed and will be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, the capacity of public services and existing facility affected by the use, and the community as a whole.**
4. **The site is currently developed and minimal grading will occur. A church addition should provide minimal visual and traffic aspects.**
5. **The proposed development will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.**
6. **The proposed church addition has been designed so as to not be detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare. There should be minimal adverse affects during construction because many site effects are already in place.**
7. **The proposed church addition will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.**

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0115-2007

2007-0166

Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals for a three-year term ending March 31, 2010

Attachments: Agenda Summary.pdf; Agenda Summary 032807.pdf; Nomination Form.pdf; Jones CQ.pdf; McCarthy CQ.pdf; Mitevaska CQ.pdf; Monaghan CQ.pdf; Ponzetti III CQ.pdf; Robbins CQ.pdf; Shane CQ.pdf; Wagg CQ.pdf; West CQ.pdf; Resolution.pdf

The three nominees for the Zoning Board of Appeals received the following votes:

Vote #1:

Keith Jones: Mr. Ambrozaitis, President Rosen

Bryan Monaghan: Mr. Duistermars, Ms. Raschke

Gerald Robbins: Ms. Holder

Mr. Robbins, having received the least number of votes, was eliminated from further consideration and a second vote was taken for the two remaining nominees as follows:

Vote #2:

Keith Jones: Mr. Ambrozaitis, President Rosen

Bryan Monaghan: Mr. Duistermars, Ms. Raschke, Ms. Holder

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

Resolved that the Rochester Hills City Council appoints Mr. Bryan Monaghan to serve as a Citizen Representative on the Zoning/Sign Board of Appeals for a three-year term to expire March 31, 2010.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0116-2007

2006-0746

Request to extend the Historic Districts Study Committee 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. Derek Delacourt, Deputy Director of Planning, reminded Council that the Historic District Study Committee (HDSC) was seeking a six-month extension of review rights for the property at 920 South Boulevard. He indicated that the demolition permit request, which had triggered the review, had not been withdrawn, thereby indicating that the building in question was still in jeopardy of being razed. He noted that, per Council's request as a result of the previous week's discussion, the Planning Department had contacted a representative of the trust which owns the property and that representative was present to address Council.

Mr. Joseph Karr, Jr., Trustee for the Germaine Agnes Hildebrandt Revocable Living Trust, 1446 Vistaview Drive, indicated that he had sent Council members and Mayor Barnett a letter regarding this matter that stated the Trust had been negotiating with a potential buyer to sell the property with the intent of using the proceeds to continue to fund the medical care of Ms. Hildebrandt who was currently residing in a local assisted living facility. He stated that the Trust opposed any extension of review rights or historic designation that could postpone or prevent the liquidation of this asset.

President Rosen noted that he was under the impression that the potential buyer was not concerned about historic designation.

Mr. Delacourt explained that the proposed buyer who was in contact with the Planning Department was interested in developing a daycare center and had expressed interest in either razing the existing structure or utilizing it as an accessory building to the daycare center, although they had not reached that point in their Site Plan process.

Mr. Karr noted that he was under the impression that the historic designation would have an impact on the proposed buyer's ability to receive a use variance from the Zoning Board of Appeals (ZBA).

Mr. Duistermars, noting that he is Council's representative to the ZBA, indicated that historic designation has no bearing on the use variance issue.

President Rosen questioned whether this property was a candidate for an adaptive reuse similar to the Avon Prairie House.

Mr. Delacourt explained that the proposed buyer's request for a use variance was rejected by the ZBA as it does not meet the standards for conditional use for a daycare center as it is not on a corner and does not abut non-residential zoning on either side. He noted that the ZBA denied the request for a use variance despite the petitioner's contention that the property to the west is a non-conforming use, as it is zoned residential but serves as parking for the Moose Lodge. He agreed with Mr. Duistermars that although the ZBA process and the Historic Districts process had run concurrently, they were separate and had no impact on each other.

Dr. Richard Stamps, a member of the HDSC, acknowledged that he understood the efforts of Mr. Karr on behalf of Ms. Hildebrandt, but noted that it is City Council's responsibility to determine whether the interests of one resident outweigh those of "the people of the City in the present and the future." He then cited a recent article in the Detroit Free Press that highlighted Pleasant Ridge's initiative to promote their historic preservation efforts.

Mr. Ambrozaitis noted that, while he supports historic preservation, he believes that property owners should be permitted to participate on a voluntary basis. He questioned whether it was typical for property owners to resist historic designation.

Mr. Delacourt explained that the HDSC has a list of approximately thirty properties for study. He noted that it was likely that some owners would be opposed, some would be in favor and many are likely unaware of what historic designation means. He indicated that property owners are not contacted until the study process is initiated. He then reminded Council that the only issue for Council to consider at this time was the extension of review rights. He stressed that actual historic designation had not been recommended. He further noted that the City's Historic Preservation Ordinance only permitted six more months of study.

Mr. Paul Miller, member of the Historic Districts Commission (HDC), described the Avon Prairie House as a "living piece of history and a tremendous improvement to the community." He acknowledged that Council must weigh many factors when considering

these types of issues, but reminded them that restrictions on historically designated properties should be viewed similarly to other restrictions imposed by City ordinance, particularly in terms of the Site Plan approval process.

Mr. Delacourt explained to Council that in the case of the Avon Prairie House the ZBA granted a use variance and the unique circumstances the ZBA used to justify that decision was the historic designation. He stressed that historic designation can often result in more flexibility as opposed to greater restrictions. Again, Mr. Delacourt noted that the HDSC had not made a decision about historic designation, but rather was requesting that Council protect the property for six more months while they complete their study.

Ms. Raschke indicated that of greatest concern should be the medical care of Ms. Hildebrandt.

Mr. Duistermars expressed his opposition to forcing citizens to participate in historic preservation, stressing that the community has a duty to protect American freedoms, including the personal property rights of individuals.

Mr. Ambrozaitis noted it would likely be quite costly to rehabilitate the property to make it profitable.

Mr. Delacourt explained that the proposed buyer would have to contend with other issues besides rehabilitation, as a daycare use was not permitted at the site.

Mr. Ambrozaitis questioned how much longer the review process would take.

Mr. Delacourt explained that the HDSC's preliminary report would be sent to the State, which then would have 60 days to review it. A Public Hearing would be held to gather more information and the HDSC would attempt to answer questions or address issues raised by the State. He estimated at least three months to complete the process.

Ms. Holder, noting that she would not oppose extending the review rights, questioned whether the issue could be brought back prior to the fall election, as at least two Council members will not be returning.

Mr. Delacourt noted that the HDSC would strive to meet that deadline, acknowledging the significant learning curve the existing Council members had already been through with this issue.

President Rosen indicated that the proposed buyer might be able to get a use variance from the ZBA if the property received a historic designation to allow a daycare center to be developed without having to rezone the property. He further noted that adaptive reuse of the existing structure could result in some interesting architecture of an additional building. He noted that the granting of use variances is extremely rare and that a historic designation may actually help sell this property.

Mr. Ambrozaitis questioned whether the Trust had considered selling the property as a single family home.

Mr. Karr stated that they had not, noting the poor condition of the home and the need for all new plumbing, electrical, etc., also the surrounding uses such as the Moose Lodge parking lot next door and the nursing home across the street.

Mr. Delacourt agreed with President Rosen that historic designation may assist the potential buyer in gaining a use variance from the ZBA. He asked Council members to take into consideration that historic designation protections are similar to those the City imposes for environmental purposes such as for wetland and tree conservation.

Ms. Holder, noting her belief that historic designation could increase development options on this property, made a motion to extend the HDSC's review rights for an additional six months.

There was no support for Ms. Holder's motion to grant an extension.

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 carried by the following vote:

Aye: Ambrozaitis, Duistermars and Raschke

Nay: Holder and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0141-2007

NEW BUSINESS

2007-0189

Request for Extension of the Preliminary Site Condominium Plan until March 15, 2008 - City File No. 05-005 - Pine Woods Condominiums, a 29-unit site condominium development on 9.5 acres, located south of Auburn, west of M-59, Zoned R-4, One Family Residential, Parcel Nos. 15-34-101-012 & -013; Lorenzo Randazzo, applicant

Attachments: Agenda Summary.pdf; Map.pdf; Site Plans.pdf; Staff Report 011206.pdf; Memo Delacourt 031607.pdf; Minutes PC 020706.pdf; Resolution.pdf

Mr. Ambrozaitis questioned whether more requests for these types of extensions would likely be coming forward in light of current economic conditions.

Mr. Derek Delacourt, Deputy Director of Planning, acknowledged that the City was receiving more requests for extensions than in the past five years. He noted that developers are being more cautious and indicated that he anticipates more of these requests would be coming forward.

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

Resolved that the Rochester Hills City Council hereby approves an Extension of the Preliminary Site Condominium Plan until March 15, 2008 for Pine Woods Site Condominiums, City File No. 05-005, a 29-unit development located east of Livernois, south of Auburn, Zoned R-4, One Family Residential, Parcel Nos. 15-34-101-012 & - 013.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0118-2007

2007-0190

Request for Extension of the Preliminary Site Condominium Plan until February 15, 2008 - City File No. 05-011 - The Commons South, a twelve-unit site condominium development on 3.98 acres, Zoned R-4, located off of Shortridge, east of Livernois, known as Parcel Nos. 15-34-301-005 and 15-34-326-001; D & F Development, L.L.C., applicant

Attachments: Agenda Summary.pdf; Map.pdf; Plans.pdf; Staff Report 010506.pdf; Memo Delacourt 031207.pdf; Minutes PC 011006.pdf; Resolution.pdf

Mr. Ambrozaitis expressed concern that delayed projects may result in development sites left uncompleted resulting in blight issues. He stressed that such circumstances should be addressed in the City's new Property Maintenance Ordinance.

City Attorney John Staran explained that granting an extension would not prevent the City from addressing any blight issue that may result from such extensions. He stated that the City's ordinance would still govern and prevail in such circumstances. He clarified that these extensions serve as a means of keeping the project in the approval process so that the developer does not have to "go back to square one" with their site plan approvals.

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

Resolved that the Rochester Hills City Council hereby approves an Extension of the Preliminary Site Condominium Plan until February 15, 2008 for The Commons South, a 12-unit development located north off of Shortridge, east of Livernois, Zoned R-4, Parcel Nos. 15-34-301-005 and 15-34-326-001.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0119-2007

2007-0239

Request from Take Sushi, Inc. to transfer all stock in 2006 Class C Licensed Business, located at 1366-1368 Walton Boulevard, Rochester Hills, MI

Attachments: Agenda Summary.pdf; Application.pdf; Local Approval Notice.pdf; Resolution.pdf

*Ms. Lisa Mamameh of Adkison, Need & Allen, PLLC, 39533 Woodward, Bloomfield Hills, Attorney for the applicants, was present to address Council's questions or concerns, as well as applicants **Yong Tingley** and **Chang Song**.*

Mr. Ambrozaitis thanked the applicants for doing business in Rochester Hills.

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

Resolved that the request from Take Sushi, Inc. to transfer all stock in 2006 Class C Licensed business, located at 1366-1368 Walton Boulevard, Rochester Hills, Michigan 48309, Oakland County, Michigan through transfer of 500 shares of stock each from existing stockholder, Soo Nam Lee to New Stockholders, Yong S. Tingley and Chang H. Song be considered for approval.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Raschke and Rosen

Absent: Hooper and Yalamanchi

Enactment No: RES0120-2007

COUNCIL COMMITTEE REPORTS

2007-0078

Discussion of City Council Mission Statement

Attachments: Agenda Summary.pdf; 041107 Agenda Summary.pdf; 040407 Agenda Summary.pdf; Excerpt Draft CC Minutes 013107.pdf; Current Mission Statement.pdf; Memo Scott 041107.pdf

President Rosen, noting that two Council members were absent, suggested that further discussion of the Council's Mission Statement be delayed until a full Council is present. He stressed the importance of addressing these matters in light of the impending election, which would result in at least two new members of Council and possibly a new Mayor.

Council Consensus was to delay further discussion of this item until a full Council was present.

Postponed

2007-0079

Discussion of City Council Goals and Objectives for 2008 Budget

Attachments: Agenda Summary.pdf; 041107 Agenda Summary.pdf; Chapter 2 Vision Goals.pdf

Council Consensus was to postpone discussion of this item until a full Council was present.

Postponed

ANY OTHER BUSINESS

Mr. Ambrozaitis made the following requests:

- An update on the current progress of the REI development.
- Verification from the City's auditors that they were aware of the \$850,000 budget expense for construction of the ring road at the Grand Sakwa development.
- That the City explore the possibility of consolidating fire and police services with a neighboring community similarly to the way Birmingham and Bloomfield Township are proposing.
- That Council examine all expenses in the City budget very carefully to eliminate as many unnecessary expenditures as possible.
- That Council attempt to address the deer population, especially in the more rural areas of the City.

He then praised the City staff for their efforts in updating and enhancing the blight ordinance.

President Rosen assured Mr. Ambrozaitis that the deer population issue was still on the list of issues Council was planning to address in the near future.

Ms. Raschke cautioned Council that the proposed merger of public safety services between Birmingham and Bloomfield Township had to do with economic concerns and needed to be evaluated in much greater detail. She then announced upcoming presentations and events at the City's museum and encouraged residents to become members.

Mayor Barnett noted that the deer population issue would be included in the upcoming City survey, the results of which would likely provide valuable feedback on the issue.

Ms. Holder stated that Birmingham and Bloomfield Township both have their own police departments and full-time fire departments, whereas Shelby Township is the only neighboring community to Rochester Hills with a full-time fire department. She reminded Council of a previous study that had determined that it was not feasible for Rochester Hills and Auburn Hills to combine services, in addition to other suggestions such as hiring dedicated dispatchers rather than using fire fighters for those duties. She also noted that Rochester Hills does not have a long-standing history of working with another community, as is apparently the case with Birmingham and Bloomfield Township.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, provided the following statistics:

- Rochester Hills
Population - 62,000
Police Officers - 59
Fire Fighters - 34
- Bloomfield Township
Population - 64,000
Police Officers - 101
Fire Fighters - 69
- Birmingham
Population - 19,000
Police Officers - 52
Fire Fighters - 38

He further noted that the plan for this merger of services will not result in a reduction in police or fire fighters through layoffs, but rather through attrition; thus, he estimated that it was unlikely that either Birmingham or Bloomfield Township would realize monetary savings for several years.

NEXT MEETING DATE

Work Session - Wednesday, April 18, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 9:12 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the (insert date, or dates) Regular City Council Meeting.