



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier
community of choice to live, work and raise a family by enhancing our vibrant residential
character complemented by an attractive business community."*

Monday, March 2, 2009

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:31 p.m. Michigan Time.*

ROLL CALL

Present 7 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Derek Delacourt, Deputy Director of Planning
Susan Koliba Galeczka, Deputy City Clerk
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services
Kelly Winters, Deputy Director of Building/Ordinance Compliance*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

PUBLIC COMMENT

Alana Hart, 76 Roanoke Lane, expressed her appreciation for the Crooks Road work that had been completed to date, and questioned the status of the portion of Crooks up to Hamlin Road. She stated that Walton Boulevard was also in poor condition, and inquired if any repair work was being planned.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to Alana Hart, **President Hooper** stated that both Crooks Road and Walton Boulevard were owned by the Oakland County Road Commission and noted that there are two projects planned for 2009 which will address both roads.

Mr. Pixley expressed his appreciation to Mayor Barnett for his speech at the Community Outlook Luncheon, stating that while these were challenging economic times, the Mayor's address was upbeat. He also noted the following:

- He commented that Reverend Jeffery Regan, St. Paul's United Methodist Church, Rochester, had given a similar positive message this past Sunday and had encouraged his parishioners to go out and buy a home, car or make some other major purchase to contribute to the economy.
- He apologized that he would be unable to attend the State of the City address due to a previous commitment.
- He inquired whether the Mayor could address the upcoming implementation phase for the Single Trash Hauler program.
- He expressed his congratulations to the Adams High School Youth in Government group, stating that this group of 28 students will join over 1,600 high school students in Lansing for a Youth in Government Conference. He noted that Greg Clevenger, teacher at Adams High School, has participated in this program since 1977.

Mr. Rosen inquired whether a Budget Workshop would be scheduled for mid-March.

President Hooper responded that he had spoken with Keith Sawdon, Finance Director, and a response would be forthcoming.

Mr. Webber expressed his appreciation to the Mayor for his presentation at the Community Outlook Luncheon and commented that each community represented gave a good presentation. He also stated that the Rochester Hills Government Youth Council (RHGYC) would be attending the Michigan Municipal League's Capital Conference in Lansing on Wednesday, March 4, 2009, noting that over 75 students from across the state would be participating in a Mock Council session led by the RHGYC.

Mr. Yalamanchi questioned when the Walton Boulevard Rehabilitation Project would begin.

Mayor Barnett made the following announcements:

- Regarding the Crooks Road rehabilitation, there was a possibility of Federal Stimulus monies becoming available for M-59 work. He noted that the Administration has solicited letters from the Mayors of Troy and Rochester to

energize conversation on the possibility of incorporating a bridge portion to this project if Stimulus monies become available. He stated that at one time the bridge work was a portion of the Crooks Road widening project; however, this was cut when Governor Granholm cut funding for the project. He commented that if the City's lobbying efforts are successful, the bridge could be incorporated into the M-59 widening project. If not successful, the Road Commission plans to resurface portions of Crooks Road this summer.

- The Walton Boulevard resurfacing project from the eastern to the western City Limits would be undertaken this year.

- Residents and Council Members are invited to attend the State of the City address on Thursday, March 4, 2009 at 7:00 p.m. at Rochester College.

- Regarding the Single Waste Hauler Program, letters were mailed to residents in single family homes introducing the program, and a starter kit, a 95 gallon waste container and a 65 gallon recycle container, would be delivered to residents over the next three weeks. He displayed examples of the containers, noting that residents who wished to participate in the Recycle Bank program must use the new recycling container which contains an identification chip. He requested that residents not use these containers before the program begins on March 30, 2009.

Bob White, Supervisor of Ordinance Services, announced that a new phone number, 248-841-2455, would be dedicated to the Single Waste Hauler Program. He encouraged residents to visit the City's website to learn more about the Program.

ATTORNEY MATTERS

2009-0097 Litigation - Rochester Hills vs. Leslie

Attachments: [Resolution.pdf](#)

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

Aye 6 - Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0063-2009

Whereas, the City Council met in Closed Session to discuss the matter of Rochester Hills vs. Leslie, Oakland County Circuit Court No. 2008-092237-CC

Resolved, that the City of Rochester Hills City Council hereby accepts the City Attorney's recommendation concerning case evaluation and hereby authorizes him and the City Administration to proceed in accordance therewith.

PRESENTATIONS

- 2009-0093 Presentation on the Hamlin Road Construction Project; Roger Rousse, Director of DPS/Engineering and Paul Davis, City Engineer, presenters

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

Paul Davis, City Engineer, provided the following update and presentation on the Hamlin Road project:

- Bids for the Hamlin Road Project were opened on November 7, 2008.
- Stante Excavating was the low bidder at \$6.7 million.
- Bids ranged from the low bid of \$6.7 million to \$7.9 million.
- Incorporating design, right-of-way, inspection and documentation costs, the total cost for the project is approximately \$10.7 million. With the Federal funding, the City's share is twenty percent of the cost, or approximately \$2.14 to \$2.3 million.
- There are a couple of right-of-way issues remaining to be addressed.
- Utility relocation work has begun. The transformer tower on the south side of Hamlin Road near the Clinton River Trailway was relocated by International Transmission Company at no cost to the City; Consumer's Energy and AT&T have performed relocation work in the right-of-way as well at their costs. Detroit Edison is beginning their relocation work. Since the Detroit Edison work is in their own easement, Edison will be paid for their work. This Detroit Edison work is the force-account work discussed previously and approved by Council.

Proposed Hamlin Road Paving Cross Sections:

- 24-inch thick section including nine inches of non-reinforced concrete and 15 inches of aggregate.
- Approximately 400 feet of road will be milled and replaced with four inches of asphalt. This area is between Crooks and Streamwood.

President Hooper questioned whether this would be considered an "all-weather road".

Mr. Davis replied that it would. He stated that the existing road is currently only three-inches thick; and the new road will be much stronger and should hold up much longer. He noted that there will be no weight limits during winter months. He further explained that the roadway between Crooks and Streamwood is being milled and replaced with asphalt as this section eventually will be replaced as a continuation of the Crooks Road project. That plan, if it goes forward, will raise the grade of the roadway by as much as two- to three-feet. The roadway between Crooks and Streamwood will be an area of transition, and if done in concrete now, it would require being torn-up again as a part of that project.

Proposed Roundabout Geometry:

- The center island diameter will be 55-feet 8-inches in diameter and the island will be slightly mounded two to three feet above the inner curbing.
- A 19-foot wide truck apron of stamped and colored concrete will encircle the center island. This apron is intended for emergency vehicles.

Environmental Changes:

- Approximately 0.32 acres of wetland will be permanently destroyed by the

road project. An existing wetland west of Crooks and south of Hamlin is being expanded by 0.32 acres to offset the wetland loss.

- Two storm water manufactured treatment devices are incorporated into the project to treat storm water runoff prior to it being discharged to the Karas Drain.

Proposed Timeline and Staging:

- Stage 1: Mobilize equipment and install temporary pavement along the south side of existing Hamlin Road.
 - * Commence work on March 30, 2009 and complete Stage 1 items by April 17, 2009.
 - * Temporary pavement will be installed on the south side of Hamlin Road to divert traffic as the work begins on the westbound lanes of the new boulevard on the north side.
 - * Some work will commence around March 16, 2009, and will include fire hydrant removal and relocation, relocation of several business signs and installation of stormwater treatment chambers.
- Stage 2: Complete storm sewer installation and start building the westbound lanes for the widened Hamlin Road.
 - * Commence work on April 18, 2009 and finish the westbound paving work by July 18, 2009.
 - * Hamlin Road will be closed to westbound through-traffic during this phase. The one-way through-traffic condition will exist for about 12 weeks.
- Stage 3: Construct the eastbound road lanes of Hamlin and excavate and pave half of the roundabout.
 - * Commence work on July 19, 2009 and finish by October 11, 2009.
 - * A key decision will be made at this point as to whether the roundabout completion would be possible by the end of the construction season this year. If it does not appear that roundabout would be completed by mid-November, that portion of the project may be delayed until next Spring.
- Stage 4: Complete the excavation and paving of the second half the roundabout.
 - * Commence work October 12th and complete the intersection paving to open for traffic by November 6, 2009.
 - * Final landscaping, restoration and project cleanup to be completed between April 15, 2010 to May 28, 2010.

Upcoming Public Outreach:

- A public information meeting will be held on March 18, 2009 in the Rochester Hills City Hall Auditorium between 5:00 and 7:00 p.m. for business owners and residents. Representatives from Orchard, Hiltz & McCliment, the Project Design Engineer, and Stante Excavating, the prime contractor, will also attend this meeting to answer questions.

Additional Corridor Improvement Items for Consideration:

- Consideration of additional street lighting.
 - * The Administration has met with Detroit Edison regarding lighting, and would present two different lighting options, one standard and one decorative, to Council soon
- Incorporation of median irrigation.
- Tree and/or shrub plantings.
- Other corridor amenities such as banners on the streetlight poles or median

flower beds.

Mr. Davis commented that he hopes the roundabout will be positively viewed by the community. He stated that pedestrian accommodations throughout the roundabout will include an investigation into whether the Hawk Signal System for the visually impaired might be able to be incorporated into the project, as is being encouraged by Oakland County. He explained how the Hawk System functions to signal traffic to allow a visually-impaired person to cross safely and stated that incorporating the system into the design would extend and offset the median islands at the roundabout to provide for better traffic flow. He noted that the system is not required and, therefore, is not included in the current design.

Council Discussion:

In response to Council questions, **Mr. Davis** provided the following additional information:

- The roadway will be constructed as a narrow median four-lane boulevard system. The roadway will be constructed within the 120-foot right-of-way, with some wider lanes at acceleration and deceleration lanes, at subdivision entrances and at crossover turnarounds to accommodate buses and larger vehicles.
- The roundabout will include a truck apron that will accommodate fire engines and other emergency vehicles.
- The non-reinforced concrete construction is being favored more than reinforced concrete as the steel within reinforced concrete can rust and break up sooner.
- The mounded roundabout is designed so that drivers will look to their left and yield to traffic within the roundabout and not focus directly on the traffic on the other side of the roundabout.

Roger Rouse, Director of DPS/Engineering, stated that difficulties encountered with the Sheldon Road roundabout include drivers seeing the oncoming cars and not recognizing the roundabout causing them to drive across the median. He stated that a mounded design will prevent this from occurring and provide a visual break.

Mr. Davis stated that pavement striping and lighting will help in directing traffic to the roundabout. He explained that the lighting would be contained within the roundabout and carried a short distance into the "legs" of the roadway. He further noted that the project incorporates a light at the Clinton River Trail crossing and commented that additional lighting along the corridor of the roadway was not included in the scope of the project. He stated that the City will bear the costs of maintaining all lighting.

Mr. Yalamanchi questioned whether boulevard irrigation was included as a part of the project.

Mr. Rouse responded that it was not.

Mr. Yalamanchi questioned whether a roundabout crossing system would incorporate an audible alert.

Mr. Davis responded that this was something that would be investigated. He further noted that difficulties in general are being encountered with electric cars on the roadway, as engine noise is minimal.

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.

2008-0659 Approval of Minutes - City Council Regular Meeting - November 17, 2008

Attachments: [CC Min 111708.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0067-2009

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 17, 2008 be approved as presented.

2008-0660 Approval of Minutes - City Council Special Joint Meeting with Brownfield Redevelopment Authority - November 24, 2008

Attachments: [CC Min Special Meeting 112408.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0068-2009

Resolved, that the Minutes of a Rochester Hills City Council Special Joint Meeting with the Brownfield Redevelopment Authority held on November 24, 2008 be approved as presented.

Passed the Consent Agenda

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

The following Consent Agenda item was discussed and adopted by separate Motion:

2009-0080 Request for Purchase Authorization - BLDG/DPS: Blanket Purchase Orders for weed mowing services for private vacant lots and shoulder right-of-way, detention basin and pathway mowing in the total amount of \$93,750.00; Kleen Kut, Washington, MI

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

Mr. Yalamanchi questioned how the costs for weed mowing services would be apportioned to City Departments.

Roger Rousse, Director of DPS/Engineering, stated that the costs for this item were divided as follows:

- Pathways: \$30,000
- Detention Basins: \$ 5,700
- Major Road Shoulders: \$15,000
- Remainder to be apportioned to the Building Department as a pass-through

Mr. Ambrozaitis questioned whether more funding might be required later as a result of increased foreclosures.

Mr. Rousse responded that it was likely that this item might return again for an increase.

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0064-2009

Resolved, that the Rochester Hills City Council hereby authorizes Blanket Purchase Orders to Kleen Kut, Washington, Michigan for weed mowing services for private vacant lots in the amount not-to-exceed \$43,000.00 and for shoulder right-of-way, detention basin and pathway mowing in the amount not-to-exceed \$50,750.00 through December 31, 2009.

PUBLIC HEARINGS

2009-0008 Request to vacate the portion of Randolph Road rights of way bounded on the west by the parking lot of the Meadowbrook Christian Church and on the east by the intersection of Randolph and Rhineberry Roads

Attachments: [Agenda Summary.pdf](#)
[Area Drawing with Aerial.pdf](#)
[Location Map.pdf](#)
[Application and Request.pdf](#)
[Public Hearing Notice.pdf](#)
[020909 Resolution.pdf](#)
[Resolution.pdf](#)

Roger Rousse, Director of DPS/Engineering, stated that the City would not seek or receive compensation for the vacation of this parcel; however, he noted that by approving the vacation, this public property would be returned to private tax rolls.

President Hooper Opened the Public Hearing at 8:31 p.m. Seeing no Public Comment, President Hooper Closed the Public Hearing at 8:32 p.m.

Mr. Ambrozaitis inquired whether the Administration could address problems with potholes on the recently redone roadway on Avon Road just west of Dakota. He questioned whether the Administration could look into flood lights that were recently installed at Sanyo Electronics as he has received complaints from residents that this lighting is blinding motorists.

Mr. Rousse responded that he would contact Oakland County again regarding the condition of that portion of Avon Road and would also look into whether the Sanyo flood lights were creating a traffic problem.

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0065-2009

Whereas, Mr. Dennis L. Nystrom of 2752 Rhineberry Road has requested that the City approve the vacation of Randolph Road, west of Rhineberry Road between parcel 15-17-127-004, 2752, Rhineberry Road, and parcel 15-17-126-002; 45 Randolph Road, in the "Spring Hill Subdivision No. 1."

Whereas, the City Council of the City of Rochester Hills on February 9, 2009 did by resolution deem it advisable and declare its intention to vacate, discontinue or abolish the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

Description - The portion of Randolph Road rights of way bounded on the west by the parking lot of the Meadowbrook Christian Church and on the east by the intersection of Randolph and Rhineberry Roads. Section #17 - between parcels 15-17-127-004 and 15-17-126-002

Whereas, in accordance with the Code of Ordinances of the City of Rochester Hills, Chapter 4-10, the City Council has held a public hearing and has heard and considered any comments or objections pertaining to such vacation, discontinuance or abolition; and

Whereas, the City Council determines it is necessary for the health, welfare, comfort and safety of the People of Rochester Hills to vacate, discontinue or abolish the above-described street, alley, public ground or part thereof;

Now, Therefore, Be It Resolved:

1. That the above-described street, alley, public ground or part thereof shall be vacated, discontinued or abolished.
2. That there is hereby reserved an easement in the street, alley, public ground or part thereof for public utility purposes and other public purposes within the right-of-way of the

street, alley, public ground or part thereof vacated.

3. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.

4. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

NOMINATIONS/APPOINTMENTS

2009-0072 Appointment of Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2010

Attachments: [Agenda Summary.pdf](#)
[Minutes PC 021709.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0066-2009

Resolved, that the Rochester Hills City Council hereby concurs with the recommendation of the Planning Commission and appoints Deborah Brnabic to the Zoning Board of Appeals/Sign Board of Appeals for a one (1) year term to expire March 31, 2010.

2009-0094 Nomination/Appointment of six (6) Citizen Representatives to the Deer Management Advisory Committee each for a term to expire December 2009

Attachments:

[030209 Agenda Summary.pdf](#)
[030209 Resolution.pdf](#)
[Nomination Form.pdf](#)
[Monique Balaban CQ.pdf](#)
[Martha Black CQ.pdf](#)
[Don Booth CQ.pdf](#)
[William Carlson CQ.pdf](#)
[William Davidson CQ.pdf](#)
[Giuliana Deaconu CQ.pdf](#)
[Allen Decker CQ.pdf](#)
[Carol Donovan CQ.pdf](#)
[Dina Douthitt CQ.pdf](#)
[Jerome Gross CQ.pdf](#)
[Susan Jaracz CQ.pdf](#)
[Damian Kassab CQ.pdf](#)
[Jim Kubicina CQ.pdf](#)
[Thomas McDonald CQ.pdf](#)
[Erik Olson CQ.pdf](#)
[Joseph Podvin CQ.pdf](#)
[Linda Raschke CQ.pdf](#)
[Frank Seleno CQ.pdf](#)
[Siegrid Stern CQ.pdf](#)
[Kathryn Wojcik CQ.pdf](#)
[Suppl Info Deanna Hilbert CQ.pdf](#)
[Suppl Info Ruth Vince CQ.pdf](#)
[Notice of Vacancy.pdf](#)

President Hooper noted that he was pleased with the quality of people responding to the posting for the Deer Management Advisory Committee. He proposed that Council consider changing the Committee composition to include seven (7) Citizen Representatives and two (2) Council Members.

Public Comment:

Sean Donovan, 1394 Springwood Lane, thanked Council for stopping the deer culling and setting up this Committee to evaluate further methods for deer management. He requested Council encourage the spirit of cooperation in appointing individuals who have studied alternatives that exist, and commented that those appointed should come to the committee with an open mind.

Council Discussion:

Mr. Pixley stated that he appreciated President Hooper's leadership in this process and commented that the Deer Management Advisory Committee questionnaire was well done.

President Hooper Opened the Floor for Nominations.

Mr. Pixley nominated Monique Balaban, Allen Decker, Damian Kassab, Jim Kubicina and Sigrid Stern.

Mr. Yalamanchi nominated Martha Black, Joe Podvin and Bill Davidson.

Mr. Webber nominated Erik Olson and Linda Raschke.

Mr. Ambrozaitis nominated Deanna Hilbert and Susan Jaracz.

Mr. Rosen nominated Giuliana Deaconu, Kathryn Wojcik and Ruth Vince.

President Hooper nominated William Carlson, Jerome Gross and Thomas McDonald.

President Hooper Closed the Floor for Nominations. He stated that as there were more nominees than vacancies, this item would return in two weeks for a vote.

Discussed.

2009-0095 Appointments of three (3) City Council Members to the Deer Management Advisory Committee for terms to expire December 2009

Attachments: [030209 Appointment Form.pdf](#)
[030209 Resolution.pdf](#)

Mr. Ambrozaitis stated that he was open to changing the composition of the Deer Management Advisory Committee to increase the membership to seven (7) citizens; however, he believed that three (3) Council Members should be appointed. He suggested that the Council composition include one Council Member who voted in favor of the cull, one who was against the cull, and suggested himself as a neutral vote. He also commented that the Committee should not rush through its work because it has a six-month deadline.

Public Comment:

Lee Zendel, 1575 Dutton, commented that perception is more important than reality, and suggested that members of Council that might be running for re-election exclude themselves from being members of this Committee. He stated that any decisions made might be viewed as those Council Members making these decisions to sway voters.

Mr. Ambrozaitis responded to Mr. Zendel, stating that although his observation was good, he respectfully disagreed. He stated that his biggest regret was not

that he changed his vote, but that he had not taken more time to consider his first vote. He stated that this issue is an example of the law of unintended consequences. He likened it to the Outdoor Watering Ordinance enacted last year, stating that he has heard concerns from residents that sprinkler systems running at night are noisy.

President Hooper Opened the Floor for Nominations.

Mr. Rosen nominated himself, Mr. Pixley and Mr. Yalamanchi.
Mr. Ambrozaitis nominated himself, Mr. Hooper and Mr. Webber.
Mr. Pixley nominated Mr. Brennan.

President Hooper Closed the Floor for Nominations. He noted that as there were more nominations than vacancies, this Item would return in two weeks for a vote.

Discussed.

2009-0061 Discussion regarding the membership composition of the Deer Management Advisory Committee.

Attachments: [Agenda Summary.pdf](#)
[Deer Committee Composition.pdf](#)

Mr. Yalamanchi commented that every applicant to the Deer Management Advisory Committee provided wonderful ideas. He stated that this should be a continuous, long-term Committee, and reminded those being appointed to be open to all ideas. He agreed with President Hooper's earlier suggestion that the Committee composition should be changed to seven (7) Citizen Representatives and two (2) Council Members.

Mr. Brennan stated that he was very impressed with the quality of responses. He noted that approximately three weeks ago during a heated meeting, Council decided to change direction; and stated that hopefully everyone can work together to come up with some very good solutions.

Mr. Rosen commented on the quality of citizens responding. He agreed that this was a pivotal issue for the City and stated that the Committee needs to take a deliberate approach. He noted that anyone not nominated to the Committee could still attend the meetings and participate.

Mr. Webber stated that he would like to see the Committee composition be changed to seven (7) Citizen Members and two (2) Council Members.

President Hooper stated that the Committee membership should result in an odd number. He stated that he favored fewer Council Members on the Committee and would support a membership which included seven (7) citizens and two (2) Council Members.

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

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

Nay 2 - Ambrozaitis and Rosen

Enactment No: RES0071-2009

Resolved, that the Rochester Hills City Council hereby directs that the membership of the Deer Management Advisory Committee be changed to include Seven (7) Citizen Representatives and Two (2) Members of City Council.

NEW BUSINESS

2009-0091 Request to schedule a Public Hearing for the establishment of an Industrial Development District at 1935-1955 Enterprise Dr., Rochester Hills, MI 48309

Attachments:

[030209 Agenda Summary.pdf](#)

[030209 Resolution.pdf](#)

Dan Casey, Manager of Economic Development, stated that BluWav Systems, which was purchased by Magna International four months ago, has applied for an Industrial Development District and an Industrial Facilities Exemption Certificate. This Item would allow Public Hearings to be scheduled for both requests at the Regular City Council Meeting of March 16, 2009, allowing any approval to go before the Michigan Economic Growth Association (MEGA) Board on March 17, 2009.

He noted the following project details:

- A total of 148 jobs are impacted.
- Twenty of these jobs are located in Rochester Hills.
- Seventy-three new jobs would be created as a part of this project, primarily engineering and other technical positions.
- The remaining jobs impacted are existing Magna Electronics jobs.
- The company is requesting an eight-year abatement.
- The proposed investment is \$4.7 million over the first two years.
- The long-term investment would be \$18 million over five years. The company would only be eligible to count the first two years of their job creation. Under MEGA, however, they could go up to five years.
- The company is currently working toward a second phase of investment, which would occur later this year, consisting of a separate project and additional jobs.

See also Item 2009-0092.

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0069-2009

Whereas, First Industrial Realty Trust has requested that an Industrial Development District be established at 1935-1955 Enterprise Dr., further known as:

Lots 1, 2 and the West 96' of Lot 3 of "T.A.N. Industrial Park," a subdivision of part of the North 1/4 of the Southwest 1/4 of Section 28, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 184 of Plats, Pages 16 through 18 of the Oakland County Records; and

Whereas, Public Act 198, of 1974, as amended, requires that City Council hold a Public Hearing before considering the request and must render a decision within 60 days of receipt of the application.

Resolved, that the Rochester Hills City Council hereby schedules a Public Hearing for City Council's Regular Meeting of March 16, 2009; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the Public Hearing in the Rochester Eccentric on Thursday, March 5, 2009; and

Be It Further Resolved, to send a certified copy of the notice to BluWav Systems, attention Kevin Pavlov, located at 1613 Star Batt, Rochester Hills, MI 48309 no later than Friday, March 6, 2009; and

Be It Further Resolved, to send a certified copy of the notice to First Industrial Realty Trust, attention John Strabel, located at 2000 Town Center, Suite 2330, Southfield, MI 48075 no later than Friday, March 6, 2009; and

Be It Finally Resolved, to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Friday, March 6, 2009.

2009-0092 Request to schedule a Public Hearing regarding the request for an Industrial Facilities Exemption Certificate for Magna Electronics/BluWav Systems

Attachments: [030209 Agenda Summary.pdf](#)
[Development Agreement.pdf](#)
[Application.pdf](#)
[030209 Resolution.pdf](#)

See also Item 2009-0091.

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0070-2009

Whereas, First Industrial Realty Trust has submitted a request for the establishment of an Industrial Development District to be located at:

Lots 1, 2 and the West 96' of Lot 3 of "T.A.N. Industrial Park," a subdivision of part of the

North 1/4 of the Southwest 1/4 of Section 28, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 184 of Plats, Pages 16 through 18 of the Oakland County Records; and

Whereas, Magna Electronics/BluWav Systems filed an application for an Industrial Facilities Exemption Certificate on February 19, 2009 for the same property, which it proposes to sublease; and

Whereas, Public Act 198 of 1974, as amended, requires that City Council hold a Public Hearing before considering the request and must render a decision within 60 days of receipt of the application.

Resolved, that the Rochester Hills City Council hereby schedules the Public Hearing for City Council's Regular Meeting of March 16, 2009; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the Public Hearing in the Rochester Eccentric on Thursday, March 5, 2009; and

Be It Further Resolved, to send a certified copy of the notice to BluWav Systems, attention Kevin Pavlov, located at 1613 Star Batt, Rochester Hills, MI 48309 no later than Friday, March 6, 2009; and

Be It Further Resolved, to send a certified copy of the notice to First Industrial Realty Trust, attention John Strabel, located at 2000 Town Center, Suite 2330, Southfield, MI 48075 no later than Friday, March 6, 2009; and

Be It Finally Resolved, to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Friday, March 6, 2009.

2008-0581 Discussion regarding the Zoning Ordinance/Map Re-write

Attachments: [030209 Agenda Summary.pdf](#)
[Zoning Ordinance \(Revised\).pdf](#)
[Memo Breuckman 022009.pdf](#)
[Zoning Ordinance.pdf](#)
[Map Amendments.pdf](#)
[New Zoning Map.pdf](#)
[Proposed Zoning Chgs Map.pdf](#)
[Existing Zoning Map.pdf](#)
[Sample Letters.pdf](#)
[Minutes PC 111808.pdf](#)
[Minutes PC 121608.pdf](#)
[Minutes PC 012009.pdf](#)
[Minutes PC 012709.pdf](#)
[Minutes PC 021709.pdf](#)
[Suppl Presentation.pdf](#)

Derek Delacourt, Deputy Director of Planning, stated that the City's Master Land Use Plan is the basis for the changes proposed to the Zoning Ordinance. The goal of the Master Land Use Plan and the proposed Zoning Ordinance is to protect the City and the character of the City's residential neighborhoods and

subdivisions and to provide flexibility in redevelopment as the City goes forward. The Planning Commission is recommending that the proposed Zoning Ordinance be adopted. He introduced James Breuckman, from McKenna Associates, and indicated that Mr. Breuckman would review the proposed changes to the Zoning Ordinance.

James Breuckman, AICP, Principal Planner, McKenna Associates, summarized the changes of the proposed Zoning Ordinance:

Minor Changes:

- Formatting
- Structure
- Procedures
- Past Amendments incorporated

Major Changes:

- New Zoning Districts: Residential Estate Zoning (RE), Mixed Residential (MR) and Flexible Business (FB) overlays
- New Regulations (landscaping, alternative energy)
- New Zoning Map

Mr. Breuckman explained that the proposed Overlay Districts sit on top of the existing Zoning and do not change any rights that these properties have now.

Update Purpose:

- Implement Master Plan Recommendations
- Modernize
- Make User-Friendly
- Preserve What Works

Process:

- Two-year process to date.
- Twelve review meetings to date.
 - * Technical Committee
 - * Planning Commission
 - * Staff Review

Mr. Breuckman reviewed each Article of the Ordinance and discussed the proposed changes:

Article 1 - Administration and Enforcement:

- Mostly existing standards which were collected and organized differently
- Chapter 2 - Administration:
 - * Section 138-1.200: New amendment review procedures and criteria
 - * Section 138-1.201: Determination of similar uses
 - * Section 138-1.203: Public Hearing Procedures for Site Plan approval are now revised to match State Law

Article 2 - Administrative Organization and Procedures:

- Chapter 2 - Site Plan Review
 - * Section 138-2.200: Better description of type of review required

- * Section 138-2.202: Better defined site plan review process, including Staff Review, Preliminary Approval and Final Approval
- * Section 138-2.203: Standards for Site Plan Approval
- Chapter 3 - Conditional Use Review
 - * Section 138-2.301: Procedures are now spelled out

Article 3 - Nonconformities:

- Section 138-3.104
 - * Existing nonconforming one-family dwellings can be expanded without a variance
 - * Expansion limited to the extent of the existing nonconformity
 - * Encourage and facilitate reinvestment in older housing stock

Mr. Yalamanchi questioned how current owners will be informed of these changes.

Mr. Delacourt responded that when residents come in to apply for expansion of existing non-conforming one-family dwellings, they will be informed that they do not need to go to the Zoning Board of Appeals for a variance.

Mr. Breuckman continued:

Article 4 - Zoning Districts and Permitted Uses:

- New Zoning Districts created per recommendations of the new Master Plan. He noted that I-1 and I-2 Zoning Districts have been combined into one district; as well as RO and ORT Districts combined to a single ORT District. He explained the reasoning for these combinations stating that only a couple of parcels of I-1 and I-2 are affected and only one RO parcel exists and the regulations in these Districts essentially accomplish the same intent.
 - * RE - Residential Estates District
 - * MR - Mixed Residential Overlay District
 - * FB - Flexible Business Overlay District
- Chapter 2 - Purpose of Districts
 - * All of the purpose statements for Zoning Districts are now collected in one place
- Chapter 3 - Land Use Table
 - * All of the Zoning Districts and uses are now listed in this table, rather than being separated into Chapters by District
 - * Allow easy comparison between districts, and quick identification of where a use is or is not permitted
- Chapter 4 - Design Standards for Specific Uses
 - * Specific standards for uses that used to be listed under each use are now collected in one place
 - * Eliminate redundancy, streamline Ordinance
 - * Mostly existing design standards, with a few new ones
 - * New standards include:
 - Section 138-4.414 - State Licensed Residential Facilities
 - Section 138-4.418 - Pet Boarding Facilities
 - Section 138-4.420 - Heavy Industrial Uses
 - Section 138-4.423 - Nursing Homes, Convalescent Homes and Assisted Living Facilities

- Section 138-4.424 - Open Air Businesses
- Section 138-4.426 - Outdoor Dining

Article 5 - Schedule of Regulations:

- This article is mostly unchanged from the existing Ordinance to avoid creating nonconformities
- Chapter 1 - Schedule of Regulations
 - * Section 138-5.100: Industrial District standards relaxed somewhat to facilitate redevelopment and improvement. A higher maximum permitted height and a reduced front-yard setback is included
 - * New RE district standards consistent with Master Plan recommendations
- Chapter 2 - Supplemental Provisions and Exceptions
 - * Mostly unchanged
 - * Section 138-5.205: Standard methods of measurement now defined
 - * Section 138-5.206: Street frontage now explicitly required; the old Ordinance did not require every property to have street frontage
 - * Section 138-5.207: New building grade requirements

Mr. Yalamanchi questioned what the maximum permitted height in the Industrial Districts would be and asked if there would be a way to manage the increased height on a case-by-case basis.

Mr. Breuckman responded that the standard now would be up to three stories, and 42 feet. This is allowing more flexibility for an industrial user to have overhead equipment or a crane as a part of their development.

Mr. Delacourt stated that it would be difficult to manage the increased height on a case-by-case basis and commented that the Ordinance would either allow the height in a District or not. The Planning Commission has recommended that this new height be acceptable and reasonable.

President Hooper stated that businesses need this height flexibility.

Mr. Ambrozaitis questioned whether this proposed Zoning Ordinance could be considered more business-friendly. He questioned how zoning for certain properties on Rochester Road would be grandfathered, if the property owners' rights in that vicinity were protected.

Mr. Delacourt responded that the Ordinance could be considered more business-friendly. He further stated that the zoning for the vicinity of Rochester and Hamlin Roads was not changed; a mixed-residential overlay was placed on the parcels which ties it to the density of the current residential district and allows more options for redevelopment.

Ed Anzek, Director of Planning and Development, stated that the proposed Ordinance imposes very few setback changes and few changes to create nonconformities. He discussed the height restrictions and said that the current restriction may have hampered a few companies from locating in Rochester Hills. He explained the Residential Estate Zoning promotes stable residential areas, and affects properties primarily in the northeast part of the City along Livernois Road, Tienken, and also in the Avon Circle area near City Hall.

Mr. Yalamanchi questioned where the affected I-1 and I-2 Districts would be combined.

Mr. Casey noted that these affected districts contain the SmartZone and LDFA Districts.

Mr. Breuckman continued with his presentation:

Article 6 - Supplemental District Standards:

- Specific design standards applicable to overlay districts and zoning districts with complicated dimensional requirements
- Chapter 1 - Multiple Family Districts
 - * Mostly unchanged from existing Ordinance
 - * Section 138-6.104: New design standards for buildings require more pedestrian-scale development
- Chapter 2 - Residential Cluster Districts (RCD)
 - * Unchanged from existing Ordinance
- Chapter 3 - Commercial Improvement (CI) District
 - * Mostly Unchanged
 - * Section 138-6.303(A)(3): Clarified that no side yard setback is required
- Chapter 4 - RMH Manufactured Housing Park (RMH) District
 - * A few changes have been made consistent with current Mobile Home Commission rules
- Chapter 5 - Mixed Residential (MR) Option
 - * New chapter implements Master Plan
 - * Allows design flexibility without exceeding density permitted by underlying zoning district

Mr. Ambrozaitis questioned the side yard setback and questioned what districts that applied to.

Mr. Breuckman responded that this applied to the CI district, encompassing the area of Auburn Road. He also stated that the new MR option addressed changing demographic trends toward smaller housing while maintaining the fundamental character of the community.

Mr. Yalamanchi questioned the MR option and whether that included other uses in addition to residential. He inquired what locations in the City would allow mixed uses.

Mr. Breuckman responded that the MR District only includes residential, and includes cluster housing developments. He stated that this MR option does not allow apartment building units and is structured so that every dwelling must have an entry directly accessible from the outside. He stated that mixed uses are allowed in the Flex Business Overlay Districts, which are primarily located in existing commercial areas.

Article 7 - Planned Unit Development:

- Unchanged from existing Ordinance

Article 8 - Flex Business Overlay (FB) Districts:

- New Article that implements the Master Plan
- Located over lands that are zoned B-2 or B-3
- These regulations are optional
- Optional form-based overlay districts to encourage landowners to redevelop land
- Focus on character and physical design, less on use
- Allow by-right walkable development, facilitate future economic development
- Chapter 1 - Administration
 - * Sets forth review and approval process for FB developments
- Chapter 2 - Permitted Uses
 - * Broad use guidelines are based on recommendations of the Master Plan
- Chapter 3 - Street Design Standards
 - * Streets are very important in creating a walkable environment
 - * Chapter 3 establishes street and block design standards
- Chapter 4 - Dimensional and Design Standards
 - * Establishes requirements for where buildings are located on the lot
- Chapter 5 - Building Standards
 - * Describes how buildings should relate to the street, as well as how the area between the building and the street should look
 - * Building Height
 - * Building mass and element standards - not architectural standards
- Chapter 6 - General Provisions
 - * Establishes parking standards in FB districts
 - * Requires Amenity Space
 - * Includes parallel sign standards reflecting the different character intended in the FB districts
- Chapter 7 - Definitions
 - * Defines terms used in Article 8

Mr. Breuckman stated that the Village of Rochester Hills was a good example of a Flex Business Overlay District. He noted that Article 8 was designed to be a "zoning ordinance within the Ordinance". He explained that if a conflict exists in Article 8 with other areas of the Ordinance, Article 8 will prevail. He noted that different parking requirements are applied to this District and commented that broad-use guidelines are included prohibiting certain uses such as tanneries or electrical plants.

Mr. Yalamanchi inquired as to whether this FB District included architectural and building materials standards. He questioned why the City would not want to dictate architectural standards to make these buildings more attractive.

Mr. Breuckman responded that there were standards in this District to make buildings more inviting, such as the mass of the building, the location of windows and how the building relates to the street. He stated that these are considered design standards but do not dictate the kind of architecture. He further stated that some building materials standards are included, encouraging the use of natural materials. He commented that some design standards are imposed to influence architecture.

Article 9 - Natural Features:

- Existing Zoning Ordinance language almost completely unchanged
 - * Natural Features setback
 - * Steep Slope requirements

Article 10 - General Provisions:

- Chapter 1 - Accessory Structures
 - * Updated to address new issues such as moveable carports and swimming pools, bigfoot garages, etcetera.
 - * Section 138-10.103: Allow a 16 foot maximum height for detached buildings with higher roof pitches
- Chapter 2 - Exterior Lighting
 - * New chapter
 - * Section 138-10.201: Shielding, glare, and lamp type requirements
 - * Section 138-10.202: Standards for pole-mounted and decorative light fixtures
 - * Section 138-10.203: Exempt lighting that is not subject to regulation
 - * Section 138-10.204: Exception procedures for special cases
- Chapter 3 - General Provisions
 - * Mostly unchanged from existing ordinance
 - * Section 138-10.310: Performance standards have been modernized and updated
- Chapter 4 - Sustainable Energy Generation
 - * New chapter
 - * Addresses wind and solar energy
 - * Section 138-10.400 - Wind Energy, addresses small wind and utility wind
 - * Section 138-10.401 - Solar Energy

Article 11 - Parking and Loading:

- Article as a whole has been updated
- Flexible mechanisms
- Minimize unused impervious surface
- Modernize and simplify parking standards
- Eliminate parking requirements as a roadblock to the reuse of buildings
- Chapter 1 - Generally
 - * Section 138-11.102.E: Dedicated pedestrian circulation areas
 - * Section 138-11.102.F: Cross access required
- Chapter 2 - Minimum and Maximum Parking
 - * Section 138-11.200.B: Maximum parking requirement
 - * Section 138-11.200.C: Provision for uses not listed
 - * Section 138-11.201: Shared parking requirements and procedures
 - * Section 138-11.202: Modification of parking requirements by Planning Commission
 - * Section 138-11.203: Deferred parking
 - * Section 138-11.204: Parking requirements table greatly simplified

Article 12 - Landscaping and Screening:

- Existing landscape standards have been updated
- Reviewed by the City Landscape Architect
- Many administrative and enforcement changes
- Chapter 2 - Plant Material Standards
 - * Section 138-12.204: Permits existing vegetation that will be preserved to

satisfy landscaping requirements (with City Landscape Architect approval)

* Section 138-12.205: Requires a variety of plant species to be provided to prevent monoculture

- Chapter 3 - Landscape Requirements

* Section 138-12.300: New "green wall" option has been incorporated into Table 17

* Section 138-12.301: New parking lot landscaping requirements

* Section 138-12.303: New stormwater management pond landscaping requirements

* Section 138-12.304: New right-of-way landscaping requirements

Article 13 - Definitions:

- New terms that are used in the Ordinance have been defined

- Some existing definitions have been clarified or modernized

- Most existing definitions remain unchanged

Council Discussion:

Mr. Delacourt encouraged Council to review the proposed Ordinance in detail and welcomed comments. He stated that this Item would return for more discussion at a future meeting.

Mr. Rosen stated that he wanted some time to review the Ordinance in more detail and assemble any questions. He questioned how long site plans are valid, noting that many projects are going dormant in this economy. He inquired whether the Administration has changed the way it handles suspended projects.

Mr. Anzek responded that site plans are valid for one year and stated that developers are notified prior to the expiration date. He stated that the Administration has not changed the way it handles these project extensions.

Mr. Delacourt stated that Commercial and Industrial site plans can be extended administratively for an additional year; therefore, Council would not have to approve an extension for two years. He noted that subdivisions have a different extension process and are allowed two years if they are platted. He commented that Council must approve subdivision extensions.

Mr. Rosen questioned how suspended projects are re-reviewed if they are brought back for extensions and further questioned how changes to the Ordinance would be addressed with these site plans.

Mr. Delacourt explained the extension process and indicated that if it is found upon review that there have been no changes based on the Ordinance or Engineering Standards, a site plan is typically recommended for approval. If substantial changes are found, the developer is notified that they must demonstrate that they can, with reasonably small changes, conform to new Ordinances and Standards. He noted that to date there has not been any site plan that was not recommended for extension. He stated that this proposed Ordinance should not have a negative impact on existing projects.

Mr. Anzek stated that there are few changes that would affect the site plans;

and commented that these site plans are being scrutinized more closely as a result of the new Engineering Standards adopted last August.

President Hooper suggested incorporating more specific language regarding site plan extension timeframes and stated that the current proposed language was not clear.

Mr. Delacourt stated that he would review this section and make any appropriate changes.

Mr. Yalamanchi questioned how the Flex Based District would be applied to current owners.

Mr. Anzek stated that current owners and uses would not be affected as the actual zoning of these properties is not being changed.

Mr. Delacourt addressed questions regarding the proposed Residential Estate (RE) Zoning District and noted that over 90 percent of the lots in question exceed one acre. He stated that this new zoning district was put in place to protect these larger properties.

Mr. Anzek commented that every property owner affected in the proposed RE Districts were contacted by letters regarding this proposed change and the Administration received no objections. He stated that a public forum has held to provide information to property owners on this change and those attending overwhelmingly expressed their support for this change.

Mr. Delacourt noted that affected property owners in the current I-2 District that are proposed to change to I-1 were also notified. He stated that concerns from property owners were addressed.

Mr. Breuckman stated that any heavy industrial use, such as concrete crushing, permitted in the I-2 District is now a conditional use in the I-1 District. This condition is designed to prevent any of the heavy industrial uses now permitted in I-2 from going outside of these permitted locations in the future.

Mr. Anzek noted that one change proposed includes one multi-family parcel on Adams which will be rezoned from RM-1 to I-1; however, he stated that this parcel is surrounded by industrial zoning and is not conducive or appropriate to an apartment.

Mr. Delacourt noted that the Fanuc Robotics property is the only piece of Research Office District Zoning in the City and the proposed Ordinance recommends wrapping this parcel into the existing Office Research Technology District. He stated that Fanuc Robotics was contacted and expressed no objection to the change.

Mr. Anzek noted that two additional rezonings to Office were originally proposed:

- One parcel is on Crooks at Auburn, and no objections have been received for this proposed rezoning.
- The second proposed parcel is located on Rochester Road; and as a result of

objections received from neighboring Juengel Orchards Subdivision owners, this parcel will be pulled from consideration.

***Mr. Delacourt** concluded that the proposed Zoning Ordinance format is proposed to be a more user-friendly document. The document will be a searchable PDF file, which will allow more web-based use and result in the document being handed out as a CD rather than paper.*

***President Hooper** stated that this proposed Ordinance would return to Council in two weeks.*

Discussed.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

***Mr. Yalamanchi** requested that the Administration look into whether the City could request funding from the Federal Stimulus package to be used for Water and Sewer Infrastructure. He questioned whether Council could discuss changing the start of City Council meetings to an earlier time.*

***President Hooper** responded that a discussion on City Council meeting times would be held at the next Regular meeting.*

***Mr. Ambrozaitis** inquired whether the Administration could obtain a copy of the newly-enacted Ethics Ordinance from the City of Rochester.*

***Mayor Barnett** apologized to Lee Zendel for a comment he made at the last meeting during a discussion of gravel road speed limits.*

NEXT MEETING DATE

Regular Meeting - Monday, March 16, 2009 - 7:30 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:12 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*SUSAN KOLIBA GALECZKA, Deputy City Clerk
City of Rochester Hills*

MARY JO WHITBEY
Administrative Secretary
City Clerk's Office

Approved as presented at the May 4, 2009 Regular City Council Meeting.