



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Wednesday, September 12, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Chief, Fire Department
Kurt Dawson, Director of Assessing/Treasury
Susan Galeczka, Deputy Clerk
Bob Grace, Director of MIS
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
Pam Lee, Director of Human Resources
Robert Smith, Captain, O.C.S.O.
Roger Rousse, Director of DPS/Engineering.*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Raschke, seconded by Ambrozaitis, to Approve Agenda as Amended to Add under Consent Agenda Legislative File 2007-0619 - Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Adams Parents for Instrumental Music, applicant. The motion carried by the following vote:

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

Dr. Andre' Ruedi, 2955 Heidelberg Drive, submitted to Council a Petition containing 65 signatures opposing the widening of Adams Road. Dr. Ruedi indicated his opposition for the following reasons:

- Historic area
- Destruction of large number of homes
- Increased pollution and noise
- Safety issues - increased traffic and accident
- Expensive and unnecessary
- Bad use of city and state tax dollars
- Traffic flow by better management of Adams and Walton intersection.

He presented the Petition to Council and requested that it be included in Technical Committee Master Thoroughfare Plan.

Mr. Don Ruff, 3587 Heron Ridge, stated he is opposed to large political signs because he feels they downgrade the appearance of the City. He spoke with a member of the Ordinance Department who informed him that previously there had been an ordinance against large signs but the ACLU overturned this decision. He made a plea to political candidates to use restraint and to use the 'normal' size signs.

Ms. Melinda Hill, 1481 Mill Race, commented that she worked as an Election Worker this past election and wanted to thank the Clerk's Department and the City Staff for the pleasant, helpful, nice job performed during yesterday's process. She reminded people that the Rochester Hills Museum at Van Hoosen Farm is a public entity that has a support group called Museum Members. She explained that it is easy to become a member and all the monies go to help the Museum and Members receive various benefits. She made the following announcements:

1. This Saturday, September 15, 2007, is a Museum sponsored Homes Tour from 10:00 - 4:00 p.m.;
2. On Saturday, September 22, 2007, Driven For Victory - a salute to Veterans which is going to be held at the Van Hoosen Farm. There is a whole day of special events and in the evening, The Rhythm Society Orchestra, 16-piece dance band will perform. They will have "Swing" lessons beforehand; and
3. Saturday, October 6, 2007, Stonewall Pumpkin Festival for the whole family.

Dr. Linda Schweitzer, 1880 N. Livernois Road, a Professor of Environmental Science at Oakland University, stated she opposes the widening of Adams Road due to aesthetics, the noise, the increased traffic and of course protecting the water quality of the region. She informed City Council that increased impervious pavement increases storm water runoff, pollutant transport and potential flooding in Michigan's lakes and streams.

Paul Miller, 1021 Harding Avenue, expressed his concern over the low voting turnout. He gave a historical overview of what our ancestors went through for independence and the freedom to vote, and encourage people to get involved. He requested that the Planning Commission meetings be televised.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Rosen read a note from Mayor Barnett explaining his absence at tonight's meeting and thanking the Clerk's Office and everyone who took time to vote. Mayor Barnett congratulated both the candidates who moved on and those that did not.

Mr. Ambrozaitis echoed the sentiments of the two professors regarding the issue of widening Adams Road.

Mr. Duistermars thanked everyone involved with the election. He complimented the Clerk's staff for an outstanding job and thanked those who had the courage to run and the strength they showed in enduring the process.

Mr. Hooper thanked Jane Leslie, City Clerk, for the speediness of returns and the information posted on the Web. He noted that approximately 18 percent voted which left 82 percent that still needed to choose to vote and participate in the process. He expressed congratulations to all of the winners of the Primary and stated that he looks forward to an issues oriented campaign for the General Election.

Ms. Raschke also thanked Jane Leslie, her staff and the DPS workers for their work during the election. She congratulated all those who made it through the election. Ms. Raschke encouraged everyone to become a Member of the Museum. She referenced a Time Magazine article regarding how the Lifeline Program through Crittenton Hospital - can take the fear and worry out of living alone. She clarified that this is a mechanism, worn as a bracelet or necklace, that can be activated to get help immediately.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

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

Attachments: [091207 Agenda Summary.pdf](#)

Mr. Rouse gave a status update on the DPS Garage Construction Project stating that it is on schedule for January 2008 completion and is within budget. He showed photos of the berm on the north side that provides screening between the residential homes and the building. The parking consists of a base course of asphalt applied onto grindings that were taken off the Shadowoods

Project. Mr. Rousse noted that another aspect of this project will be to offer the City alternatives to CIP Projects, pointing out that more storage will be available.

Ms. Raschke asked Mr. Rousse how their ventilation system is progressing.

Mr. Rousse responded that the HVAC system is about 60 percent complete and appears to be progressing on schedule; the electrical is 80 percent complete; the crane, hoist, and the vehicle lifts still have to be done, and approximately 19 percent of the doors and frames; most of the exterior work on the building is near completion and then they will move to the interior for completion next. For security purposes they secured a grant from the Michigan Municipal League for enhancing the security portion of this project and will add some cameras on the scale, entranceways and things of that nature. The facility will service the City well into the future.

Ms. Raschke commented that being on the review committee, she has a greater appreciation for safety of the employees and security of the City's DPS Building.

This matter was 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.

2007-0492 Approval of Minutes - City Council Work Session Meeting - July 18, 2007

Attachments: [CC Min 071807.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0288-2007

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on July 18, 2007 be approved as presented/amended.

2007-0475 Request for Acceptance of a Watermain Easement granted by P.E.M. LLC, a Michigan Limited Liability Company, for Lowes

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Watermain Easement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0289-2007

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a water main easement granted by P.E.M. LLC, a Michigan municipal corporation, 300 Park Street, Suite 470, Birmingham, Michigan 48009, for the construction, operation, maintenance, repair and/or replacement of a watermain easement, over, on, under, through and across land more particularly described as Parcel Nos. #15-35-100-042, #15-35-100-035, #15-35-100-038 & Part of #15-35-100-041.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2007-0506** Request for Approval of the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and P.E.M. LLC, a Michigan Limited Liability Company.

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0290-2007

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water Detention System, relative to the details of the development and use, repair and maintenance of the storm water system, for P.E.M. LLC, for City File #05-037, between the City of Rochester Hills and P.E.M. LLC, 300 Park Street, Suite 470, Birmingham, Michigan 48009.

Further Resolved that the City Clerk is authorized to execute and deliver the agreement on behalf of the City.

- 2007-0511** Request for Acceptance of the Warranty Deed for Rochester Road right-of-way granted by P.E.M. LLC, a Michigan Limited Liability Company, for Lowes.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Warranty Deed.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0291-2007

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed easement granted by P.E.M. LLC, a Michigan limited liability company, 300 Park Street, Suite 470, Birmingham, Michigan 48009-3422, for Lowes, to the City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, MI 48309, for Part of Parcels No. #15-35-100-038 & #15-35-100-042.

Further Resolved that the City Clerk is directed to record the Warranty Deed with the Oakland County Register of Deeds

2007-0514 Request for Approval to Add Delinquent Charges to 2007 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0292-2007

Resolved that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2007 winter tax roll; and

Further Resolved the City Assessor be and is hereby authorized to spread said amount on the 2007 winter tax roll

Roll/Fund	Total	Ordinance
Delinquent W/S Charges Water/Sewer Fund	\$949,576.43	Ch. 102-92.(b)
Delinquent Weed Control General Fund	\$9,763.41	Ch. 106.125.(e)
Delinquent SAD Local Road Fund	\$14,860.58	Ch. 90-114.(b)
Delinquent SAD Water/Sewer Fund	\$110.26	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$2,957.56	Ch. 90-30.(d)
Delinquent Sidewalk Rep. Local Road Fund	\$2,464.11	Ch. 94-143.(b)(2)
Delinquent False Alarms Special Police Fund	\$342.50	Ch. 42-65.(f)(2)

2007-0499 Request for Approval of the Sanitary Sewer Service Agreement between the City of Rochester, the City of Rochester Hills and Diversion Street & Associates, LLC (formerly known as Grandview Office Center)

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Agreement.pdf](#)
[Rousse Memo 062607.pdf](#)
[Rochester Ltr 060407.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0293-2007

Resolved, that the Rochester Hills City approves the Sanitary Sewer Agreement between the City of Rochester, the City of Rochester Hills and Diversion Street & Associates, LLC and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

- 2007-0619** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Adams Parents for Instrumental Music, applicant

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[0619 Suppl Info Backup Docs.pdf](#)
[0619 Suppl Info Bylaws.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0287-2007

Resolved that the request from Adams Parents for Instrumental Music located at 3200 W Tienken Road, Rochester Hills, Michigan 48306, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

Passed The Consent Agenda

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

UNFINISHED BUSINESS

- 2007-0494** Request to establish an Industrial Development District at 2956 Waterview Dr. for Ovonix Technologies.

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

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0294-2007

Whereas, Joel Nosanchuk has filed a request for the establishment of an Industrial Development District for property he owns, identified as 2956 Waterview Dr., Parcel Number 15-30-376-022, further identified as:

T3N, R11E, SEC 30 ROCHESTER HILLS CORPORATE CENTER SUB LOT 4 EXC SLY 27 FT, ALSO ALL OF LOT 5 5-18-95 FR 012 & 013, and

Whereas, the Rochester Hills City Council held a public hearing regarding his request at the Workshop Meeting of September 5, 2007 at 7:30 p.m. in the Council at 7:30 p.m. in the Council Chambers, at 1000 Rochester Hills Drive, Rochester Hills, Michigan, during which the owner of the property, taxing authorities, and all interested parties were given the opportunity to be heard, and

Whereas, the establishment of an Industrial Development District is consistent with the objectives of the City for industrial development and the creation of new employment opportunities.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council determines that the levies of ad valorem taxes are at a rate, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Rochester Hills, equals or exceeds \$30.00 for each \$1,000.00 of taxable value, and therefore is eligible for designation as an Industrial Development District pursuant to said Act, and

Be It Further Resolved, that the above listed legal description is hereby designated an Industrial Development District.

2007-0493 Request for Approval of an Industrial Facilities Exemption Certificate (IFT) for Ovonyx Technologies at 2956 Waterview Drive.

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

Mr. Hooper expressed his concern over the length of the term stating he would prefer a six-year term rather than eight years.

President Rosen mentioned that in three years, the lease will expire and come up for renewal again.

Mr. Yalamanchi stated he is open to a six-year term.

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

Aye 6 - Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Nay 1 - Raschke

Enactment No: RES0295-2007

Whereas, Ovonyx Technologies, Inc., as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, are located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended, and

Whereas, the Industrial Development District is that property located at 2956 Waterview Dr., also known as Parcel Number 15-30-376-022, Rochester Hills, Michigan, more particularly described as follows:

T3N, R11E, SEC 30 ROCHESTER HILLS CORPORATE CENTER SUB LOT 4 EXC SLY 27 FT, ALSO ALL OF LOT 5 5-18-95 FR 012 & 013, and

Whereas, Ovonyx Technologies, Inc. has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation, and

Whereas, A Public Hearing regarding this request was held at City Council's Workshop Meeting of September 5, 2007 in which the taxing authorities, applicant and public were given an opportunity to be heard, and

Whereas, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Now, Therefore, Be It Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Ovonyx Technologies, Inc. for an Industrial Facilities Exemption Certificate for a period of six years for personal property only, and

Be It Further Resolved, that the accompanying agreement between Ovonyx Technologies, Inc. and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution, and

Be It Finally Resolved, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

2007-0495 Request to transfer the Industrial Facilities Exemption Certificate #2005-388 for 3098 Research Dr. from BMD Group/E-Motive to Skybird Products.

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

Mr. Yalamanchi noting that this resolution states six years, inquired if they were transferring the exact time period left over from the prior group.

Mr. Dan Casey responded that this will be the second year of the original six years, with four years remaining after this year.

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0296-2007

Whereas, Skybird Products, Inc., as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan are located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended, which was established by the Rochester Hills city Council on July 27, 2007 and

Whereas, the Industrial Development District is that property located at 3098 Research Dr., Rochester Hills, Michigan, more particularly described as follows:

A PARCEL OF LAND PART OF LOT 32 OF THE "ROCHESTER HILLS EXECUTIVE PARK" PART OF THE SOUTHEAST ¼ OF SECTION 29 AND THE SOUTHEAST ¼ OF SOUTHEAST ¼ OF SECTION 30, T.3 N., R.11 E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 199 OF PLATES, PAGES 26,27,28,29 AND 30, OAKLAND COUNTY RECORDS, BEING MORE PARTICULAR DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 32; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RESEARCH DRIVE (70 FEET WIDE) THE FOLLOWING TWO (2) COURSES: (1) N 85°57'25" E., 50.00 FEET; AND (2) 105.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS 358.23 FEET, CENTRAL ANGLE 16°51'17" LONG CHORD BEARS N 77°31'46" E., 105.00 FEET); THENCE 51.16 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 212.50 FEET, CENTRAL ANGLE 13°47'41", LONG CHORD BEARS S 10°56'25" E., 51.04 FEET); THENCE S 04°02'35" E., THENCE S 85°57'25" W., 160.00 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 32 TO A POINT ON THE EASTERLY LINE OF TECHNOLOGY DRIVE (70 FEET WIDE) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 32; THENCE N 04°02'35" W., 292.85 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID TECHNOLOGY DRIVE TO THE POINT OF BEGINNING. CONTAINING 47,376 SQUARE FEET OR 1.087 ACRES AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Whereas, Industrial Facilities Exemption Certificate #2005-388 for BMD Group/E-Motive was originally approved by the Rochester Hills City Council on July 27, 2005 and went into effect on December 31, 2005, and

Whereas, Skybird Products, Inc. has acquired the property at 3098 Research Dr. and applied to the City of Rochester Hills for a transfer of Certificate #2005-388 on August 7, 2007, and

Whereas, the Rochester Hills City Council held a Public Hearing regarding this request at its Workshop Meeting of September 5, 2007 in which the applicant, taxing authorities and all interested parties were given the opportunity to be heard, and

Whereas, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. The project is the transfer of existing Industrial Facilities Exemption Certificate #2005-388, originally approved as a speculative building, which also has never been occupied and has existed for less than nine (9) years.
- c. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- d. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new speculative facility on industrial property.
- e. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Now, Therefore, Be It Resolved, that pursuant to Section 21, (1) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the transfer of Industrial Facilities Exemption Certificate #2005-388 for the remaining period of four (4) years for real property only, and

Be It Further Resolved, that the accompanying agreement between Skybird Products, Inc. and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution, and

Be It Finally Resolved, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

- 2007-0317** Request for Approval for the Green Space Acquisition of East Childress property, known as Parcel No. 15-15-426-023.

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

PUBLIC COMMENT:

Ms. Lynn Rizzo, 1360 New Life Lane, personally thanked the Save Open Spaces Committee for their persistence in getting the millage passed and the Green Space Advisory Board for all of their time and talent in putting this together. She also thanked City Council and requested they approve these items this evening.

COUNCIL DISCUSSION:

Mr. Duistermars stated he echoes Ms. Rizzo's comments and thanked the Green Space Advisory Board for their hard and diligent work on this. He stated he is pleased to see something presented to City Council so quickly.

Mr. Ambrozaitis stated his support and questioned Mr. Staran, City Attorney, if he was satisfied with the process that was followed.

Mr. Staran replied that Mr. Hartner, Director of Parks and Forestry, received a letter today from the Department of Natural Resources confirming that the process currently being followed is appropriate and that the City remains eligible for grant money.

Ms. Raschke, quoting Paul Funk, stated that this is a chance for us in our lifetime to make a legacy statement and commitment for residents to come.

A motion was made by Duistermars, seconded by Raschke, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0297-2007

Whereas, the Green Space Advisory Board has been diligently working to acquire open space per the Green Space and Natural Features Millage approved in 2005; and

Whereas, the Green Space Advisory Board has developed criteria for open space acquisition and evaluated the nominated properties based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Spoke & Hub Strategy; and

Whereas, the Green Space Advisory Board recommendations in their report dated May 16, 2007, included Parcel #15-15-426-023 as meeting their acquisition criteria; and

Whereas, the Rochester Hills City Council authorized the Mayor and Administration to create an acquisition team to begin the acquisition process with the property owners; and

Whereas, the Mayor's acquisition team has negotiated an Agreement to Purchase based on appraised value for this property; and

Whereas, the landowners Carl R. and Kristina M. Smitha have agreed to accept the city's conclusion for market value as full payment for said property.

Resolved that the Rochester Hills City Council approves the Agreement to Purchase of property parcel #15-15-426-023 with Carl R. Smitha and Kristina M. Smitha for \$75,000.00 and authorizes the Mayor to proceed with this purchase, execute necessary documents, and pay all appropriate costs and fees associated with the purchase of this property for open space preservation by the City of Rochester Hills.

2007-0504 Request for Approval for the Green Space Acquisition of West Childress property, known as Parcel No. 15-15-426-022.

Sponsors: Green Space Advisory Board

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

A motion was made by Duistermars, seconded by Holder, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke and Yalamanchi

Nay 1 - Rosen

Enactment No: RES0298-2007

Whereas, the Green Space Advisory Board has been diligently working to acquire open space per the Green Space and Natural Features Millage approved in 2005; and

Whereas, the Green Space Advisory Board has developed criteria for open space acquisition and evaluated the nominated properties based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Spoke & Hub Strategy; and

Whereas, the Green Space Advisory Board recommendations in their report dated May 16, 2007, included Parcel #15-15-426-022 as meeting their acquisition criteria; and

Whereas, the Rochester Hills City Council authorized the Mayor and Administration to create an acquisition team to begin the acquisition process with the property owners; and

Whereas, the Mayor's acquisition team has negotiated an Agreement to Purchase based on appraised value for this property; and

Whereas, the landowners Michael R. Smitha and Vickie L. Smitha have agreed to accept

the city's conclusion for market value as full payment for said property.

Resolved that the Rochester Hills City Council approves the Agreement to Purchase of property parcel #15-15-426-022 with Michael R. Smitha and Vickie L. Smitha for \$510,000.00 and authorizes the Mayor to proceed with this purchase, execute necessary documents, and pay all appropriate costs and fees associated with the purchase of this property for open space preservation by the City of Rochester Hills.

2007-0505 Request for Approval for the Green Space Acquisition of 1460 Mead Rd. property, known as Parcel No. 15-01-100-009.

Sponsors: Green Space Advisory Board

Attachments: [Agenda Summary.pdf](#)
[Revised Purchase Agreement.pdf](#)
[Purchase Agreement.pdf](#)
[Resolution.pdf](#)

Ms. Holder stated that the Green Space Advisory Board (GSAB) has done a wonderful job and are doing exactly what the Residents have asked them to do.

A motion was made by Duistermars, seconded by Raschke, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0299-2007

Whereas, the Green Space Advisory Board has been diligently working to acquire open space per the Green Space and Natural Features Millage approved in 2005; and

Whereas, the Green Space Advisory Board has developed criteria for open space acquisition and evaluated the nominated properties based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Spoke & Hub Strategy; and

Whereas, the Green Space Advisory Board recommendations in their report dated May 16, 2007, included Parcel #15-01-100-009 as meeting their acquisition criteria; and

Whereas, the Rochester Hills City Council authorized the Mayor and Administration to create an acquisition team to begin the acquisition process with the property owners; and

Whereas, the Mayor's acquisition team has negotiated an Agreement to Purchase based on appraised value for this property; and

Whereas, the landowner Stoney Brook Meadows, LLC, has agreed to accept the city's conclusion for market value as full payment for said property.

Resolved that the Rochester Hills City Council approves the Agreement to Purchase of property parcel #15-01-100-009 with Stoney Brook Meadows, LLC, for \$2,770,000.00 and authorizes the Mayor to proceed with this purchase, execute necessary documents, and pay all appropriate costs and fees associated with the purchase of this property for open space preservation by the City of Rochester Hills.

2007-0537 Request for Approval of the 2007 3rd Quarter Budget Amendments

Attachments: [Agenda Summary.pdf](#)
[2007 - 3rd Qtr Budget Amendments.pdf](#)
[Resolution.pdf](#)

Ms. Jenuwine stated that last week City Council reviewed the proposed Third Quarter Budget Amendment and President Rosen expressed some concern about the Facilities' lookback, the change and how we were going to use the depreciation. She mentioned that she provided Council, via e-mail a revised copy removing that change from the Budget Amendment.

Mr. Yalamanchi questioned what the net amount difference is by proceeding in this manner.

Ms. Jenuwine responded that total combined funds in the original budget amendment was reducing funds by approximately \$2.4 million; the revised budget amendment received yesterday is approximately \$1.8 million; reducing the fund by \$1.8 million dollars.

Mr. Yalamanchi questioned if \$600,000 was the net difference between what was initially prepared in the first budget amendment and the second revision that was e-mailed to Council.

Ms. Jenuwine responded that previously it was reduced by \$2.4 million, now its only \$1.8 million.

A motion was made by Raschke, seconded by Duistermars, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0300-2007

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III, Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, the proposed 2007 3rd Quarter Budget Amendment was available for public viewing starting August 28, 2007; and

Whereas, at its September 5, 2007 meeting City Council held a Public Hearing on the proposed 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2007 fund totals as amended:

101 - General Fund \$28,251,020

202 - Major Road Fund	\$8,053,140
203 - Local Street Fund	\$6,644,720
206 - Fire Operating Fund	\$7,683,260
207 - Special Police Fund	\$8,116,620
214 - Pathway Maintenance Fund *	\$870,200 *
232 - Tree Fund	\$110,000
244 - Drain Maintenance Fund	\$1,963,930
299 - Green Space Fund *	\$1,093,380 *
402 - Fire Capital Fund	\$1,048,200
403 - Pathway Construction Fund	\$1,168,660
420 - Capital Improvement Fund *	\$1,040,850 *
592 - W&S Operating Fund	\$26,250,770
593 - W&S Capital Fund	\$18,792,260
631 - Facilities Fund	\$4,972,770
636 - MIS Fund	\$2,441,700
661 - Fleet Equipment Fund	\$3,373,390
848 - L.D.F.A. Fund	\$1,297,660

* = Signifies that Total Fund Budget does not change relative to the current adopted budget

2007-0260

Request for Purchase Authorization-DPS/Engineering: Accept the amended Contract for the Shadow Woods Subdivision & the Clinton River Trailway Surfacing Project and Award additional work to C & G Myers Construction, LLC; Milford, MI for Van Hoosen Jones Stoney Creek Cemetery Road Extension; the Fire Station #5 Parking Lot Rehabilitation; the Clinton River Trailway Parking Lot and Pathway; and the Waltonshire Court Paving increasing the Blanket Purchase Order in the amount of \$138,716.68 for a new not-to-exceed amount of \$2,952,666.83.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Leach Rd Parking Lot.pdf](#)
[C&G Myers Quote - Waltonshire.pdf](#)
[C&G Myers Quote Cem FS & Trail.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Ambrozaitis, Duisternars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0307-2007

Resolved that the Request for Purchase Authorization-DPS/Engineering: Accept the amended Contract for the Shadow Woods Subdivision & the Clinton River Trailway Surfacing Project and Award additional work to C & G Myers Construction, LLC; Milford, MI for Van Hoosen Jones Stoney Creek Cemetery Road Extension; the Fire Station #5 Parking Lot Rehabilitation; the Clinton River Trailway Parking Lot and Pathway; and the Waltonshire Court Paving increasing the Blanket Purchase Order in the amount of \$138,716.68 for a new not-to-exceed amount of \$2,952,666.83.

2007-0282 Request for Purchase Authorization - DPS/Engineering: Professional Construction Engineering Services for the additional work on the Shadow Woods Subdivision Road Rehabilitation Project, increase blanket purchase order in the amount of \$8,950.00 for a new not-to-exceed amount of \$100,650.00 to Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Amended Proposal #2.pdf](#)
[Resolution.pdf](#)

Mr. Hooper stated that this request is for the inspection for Van Hoosen Cemetery, Fire Station No. 5 and Waltonshire Court, according to what he reviewed in the packet.

Mr. Yalamanchi said he would like to see some other companies bid on some of these projects to ensure cost efficiencies.

Mr. Rousse explained that every three years, his department seeks proposals from engineering firms, of which three firms are selected. He stated that generally some of them have one area or another of technical expertise, and projects are assigned to these firms in order to be most cost effective.

Mr. Yalamanchi questioned if the rate is fixed or if there is an annual escalation.

Mr. Rousse responded that any cost increases, or a demonstration of a willingness to look at cost increases are set forth in the agreements. He stated that the City has had very good service from these firms and HRC in particular has an inspection division and a design division. He noted that while the City has been happy with the firms currently being used, to keep integrity, fairness and everyone above board, the department has been rotating firms on a three year basis and still soliciting competitive proposals from other firms.

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0302-2007

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order for Professional Construction Engineering Services to Hubbel, Roth & Clark, Inc. for the additional work on the Shadow Woods Subdivision Road Rehabilitation Project, by the increased amount of \$8,950.00 for the new total amount not-to-exceed \$100,650.00 and authorize the Mayor to execute the amended proposal on behalf of the City.

2007-0260 Reconsideration of the Request for Purchase Authorization-DPS/Engineering: Accept the amended Contract for the Shadow Woods Subdivision & the Clinton River Trailway Surfacing Project and Award additional work to C & G Myers Construction, LLC; Milford, MI for Van Hoosen Jones Stoney Creek Cemetery Road Extension; the Fire Station #5 Parking Lot Rehabilitation; the Clinton River Trailway Parking Lot and Pathway; and the Waltonshire Court Paving increasing the Blanket Purchase Order in the amount of \$138,716.68 for a new not-to-exceed amount of \$2,952,666,83.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Leach Rd Parking Lot.pdf](#)
[C&G Myers Quote - Waltonshire.pdf](#)
[C&G Myers Quote Cem FS & Trail.pdf](#)
[Resolution.pdf](#)

***President Rosen** mentioned that he did not read the actual Resolution and wanted to go back and reconsider this item. He had read the Resolution from the Agenda not the one from the packet.*

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0307-2007

Resolved that the Rochester Hills City Council agrees to Reconsider their vote to authorize an amendment to the Blanket Purchase Order with C & G Myers Construction of Milford, Michigan for additional work in the amount of \$43,149.00 for the Van Hoosen Jones

Stoney Creek Cemetery Road Extension; in the amount of \$41,413.30 for the Fire Station #5 Parking Lot Rehabilitation; in the amount of \$32,873.50 for the Clinton River Trailway Parking Lot and Pathway; and in the amount of \$21,280.88 for the Court Paving for a total increase including a 10% contingency in the amount of \$138,716.68 amending the current blanket to the new not-to-exceed amount of \$2,952,666.83.

2007-0260 Resolved that the Rochester Hills City Council hereby authorizes an amendment to the Blanket Purchase Order with C & G Myers Construction of Milford, Michigan for additional work in the amount of \$43,149.00 for the Van Hoosen Jones Stoney Creek Cemetery Road Extension; in the amount of \$41,413.30 for the Fire Station #5 Parking Lot Rehabilitation; in the amount of \$32,873.50 for the Clinton River Trailway Parking Lot and Pathway; and in the amount of \$21,280.88 for the Waltonshire Court Paving for a total increase including a 10% contingency in the amount of \$138,716.68 amending the current blanket to the new not-to-exceed amount of \$2,952,666.83.

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

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[C&G Myers Quote Cem FS & Trail.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0307-2007

NEW BUSINESS

2006-0695 Request for Extension of Preliminary Site Condominium Plan (Second Extension Request) - Northbrooke East Site Condominiums, a 12-unit

development on approximately 3.7 acres, located south of Auburn and east of Crooks, Zoned R-4, One Family Residential. PSCP approved by City Council on July 20, 2005. Northbrooke East Development, LLC, applicant.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Staff Report 060205.pdf](#)
[Orr Ltr 071807.pdf](#)
[PC Minutes.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0303-2007

Resolved that the Rochester Hills City Council hereby approves an Extension of the Preliminary Site Condominium Plan until July 20, 2008 for Northbrooke East Site Condominiums, City File No. 00-037, a 12-unit development located south of Auburn, east of Crooks, Zoned R-4, One Family Residential, Parcel No. 15-33-128-009.

2007-0507 Request for Approval of Agreement between the City of Rochester Hills, and AFSCME Local 1917, Chapter 28.

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

A motion was made by Raschke, seconded by Holder, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0304-2007

Whereas, negotiations between the City of Rochester Hills and the American Federation of State, County and Municipal Employees Local 1917, Chapter 28 have resulted in a ratified four (4) year agreement for the period of December 25, 2006 through December 19, 2010.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the agreement between the City of Rochester Hills and the American Federation of State, County and Municipal Employees (AFSCME) Local 1917, Chapter 28 as presented on August 22, 2007.

2007-0571 Request for Approval of the Amendments to the Retiree Health Savings (RHS) Plan for AFSCME Local 1917 Employees

Attachments: [Agenda Summary.pdf](#)
[1917 Plan Adoption Agreement.pdf](#)
[2007 Revised SPD.pdf](#)
[Resolution.pdf](#)

Ms. Pamela Lee, Director of Human Resources, stated that during negotiations an agreement was reached regarding amendments to the ICMA-RC Defined Contribution Retiree Health Savings Plan for the bargaining unit. She explained that this plan will be outlined in a letter of agreement that will be attached to the contract.

Mr. Yalamanchi questioned if this Plan started in 2001, and if prior to that, did the City have any other program like this in existence.

Ms. Lee responded that there was no retiree health program for City Employees prior to 2001.

Mr. Yalamanchi expressed concern regarding the manner of his questions, stating that it might appear that he is opposed to the well being of the staff. He noted that he is not opposed to giving good incentives. He questioned, however, in light of the current economic conditions, if there has been any thought given to controlling or reducing this benefit.

Ms. Lee responded that this is a Defined Contribution Plan, it is not the type of plan where the City will be obligated to pay for actual health insurance premiums as they rise, which of course, they will over the years. This is the type of Defined Contribution Plan where contributions are made while an individual is employed; once they terminate or retire from the City, there is no more liability or financial responsibility on the part of the City. Regarding the amount contributed, it does not represent an increase over what has been budgeted for these contributions, the change in the plan design is a redesign of contribution levels that were already in place. The City has already been contributing a base contribution and a matching contribution. Based on some IRS determinations that occurred earlier this year, the plan is to roll all those contributions into one contribution for the City and one mandatory contribution for employees.

Mr. Yalamanchi questioned the number of staff members that are affected by this.

Ms. Lee responded that eleven staff members are affected.

Responding to Mr. Yalamanchi's question, **Ms. Lee** stated that each full time employee group has a separate plan document. She explained that it is the same program, with the same basic parameters; however, the contribution level for each group may be slightly different.

Mr. Yalamanchi questioned if this is in addition to the health care benefit that employees are receiving.

Ms. Lee stated that it is in addition to the health care benefit they are receiving

as an active employee, but it is only accessible once they have retired. **Ms. Lee** stressed that there are a lot of organizations that wish they had gone in this direction; to have this type of retiree health program in place that does not encumber the organization with long term, unpredictable liability for the future. She stated that the City knows what the costs are and once the individual is no longer associated with the City, there are no costs associated with this Plan. She pointed out that many organizations have legacy costs that they are dealing with that are affecting them in terms of their retiree population and stated Rochester Hills will not have those issues with this type of program.

Mr. Yalamanchi stated that he wants the City to look into the future and keep reign on some of these costs.

Mr. Duistermars commented that General Motors and other big car companies are actually paying for retiree health benefits. He stated that he likes this plan because he does not want the City to be in the position of paying for the employees' health care after they are no longer with the City. He noted that although Council is trying to do the prudent thing and maintain the morale of the employees with this type of program, he does not want the City to get a reputation for caring more about saving money than taking care of its employees.

Ms. Holder stated that the health care plans currently being offered are a result of contract negotiations, with the exception being the non-union group.

President Rosen stated that this is a sustainable health care plan. He further stated that once an employee retires, the fund is under his or her control and they are responsible for it. He commented that it is good for the City and good for the employees.

Mr. Duistermars commented that this Plan provides a good balance and the employees have the security of the health care nest egg to rely upon.

A motion was made by Raschke, seconded by Duistermars, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 5 - Duistermars, Holder, Hooper, Raschke and Rosen

Nay 2 - Ambrozaitis and Yalamanchi

Enactment No: RES0305-2007

Whereas, amendment of the existing Retiree Health Savings (RHS) Plan is necessary in order to remove previously adopted elective features of the plan, which are no longer allowed, and

Whereas, the City of Rochester Hills and AFSCME Local 1917 have reached agreement on a four-year contract, including the terms of a modified RHS plan:

Whereas, the amendment of the existing plan serves the interests of the City of Rochester Hills and of the affected employees,

Resolved that the proposed adoption agreement modifying the current RHS Plan for AFSCME Local 1917, Chapter 28 employees is hereby approved.

2007-0569 Request for Approval of the Amendments to the Retiree Health Savings (RHS) Plan for Non-Union Employees

Attachments: [Agenda Summary.pdf](#)
[Non-Union Adoption Agreement.pdf](#)
[2007 Revised SPD.pdf](#)
[Resolution.pdf](#)

Mr. Hooper questioned the theory behind the four percent for the non-union vs. the five percent for the union personnel.

Ms. Pamela Lee, Director of Human Resources, responded that the union contribution levels were discussed for non-union employees as well, however, there was an issue raised by certain non-union employees regarding the one percent mandatory employee contribution. The employees who expressed their opinion did not wish to have any mandatory employee contribution. Therefore, the non-union plan design was adopted with a lower City contribution level which in turn had a lower employee contribution level. Non-union personnel have a four percent City contribution - one percent employee contribution; whereas the union personnel have a five percent City contribution and a two percent employee contribution.

Mr. Hooper questioned how many non-union employees are covered by this.

Ms. Lee responded approximately sixty-five non-union employees.

A motion was made by Holder, seconded by Raschke, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 5 - Duistermars, Holder, Hooper, Raschke and Rosen

Nay 2 - Ambrozaitis and Yalamanchi

Enactment No: RES0306-2007

Whereas, amendment of the existing Retiree Health Savings Plan is necessary in order to remove elective features of the plan, which are no longer allowed; and

Whereas, the amendment of the existing plan serves the interests of the City of Rochester Hills and of the affected employees.

Resolved that the proposed adoption agreement modifying the current RHS Plan for non-union employees, including department directors, is hereby approved.

COUNCIL COMMITTEE REPORTS

ENVIRONMENTAL OVERSIGHT COMMITTEE

President Rosen reported that this Committee met last week and they have received some of the preliminary contamination data regarding the property at Adams/Hamlin. He stated the next step is for the environmental engineers and the developer to come up with a revised 381 Plan.

ANY OTHER BUSINESS

Mr. Yalamanchi asked for suggestions as to the structure of the quarterly reports being requested from some of the other Boards. He pointed out that request for reports came up during the Budget discussions.

President Rosen suggested Council Members put together a reporting schedule for the committees they sit on, identifying whether they should be done quarterly or every six months. He further stated they should e-mail this list to the Clerk's Office and they will try to put together a schedule of timing that seems to make sense.

Mr. Ambrozaitis stated he felt the Planning Commission meetings should be televised.

Ms. Raschke requested a letter be sent to the high schools regarding the manner in which students are leaving school at the end of the day. She stated the students are driving much too fast and she fears someone will get hurt.

President Rosen offered to speak to Captain Smith about her concerns.

NEXT MEETING

Regular Work Session - Wednesday, September 19, 2007 - 7:30 PM

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 8:58 p.m.

JAMES ROSEN, President
Rochester Hills City Council

JANE LESLIE, Clerk
City of Rochester Hills

CHRISTINE A. WISSBRUN
Administrative Secretary
City Clerk's Office

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