

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, May 21, 2003 at 7:30 PM.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:32 PM Michigan Time.

2. ROLL CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder, Gerald Robbins

Absent: None

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director, Planning Department
Kevin Krajewski, Deputy Director, MIS Department
Deborah Millhouse, Deputy Director, Planning Department
Paul Davis, City Engineer
Pamela S. Lee, City Accountant

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated May 16, 2003 from Lisa K. DeLeary, Administrative Secretary, Clerk's Office).

Resolution A0001-2003-R0169

MOTION by Hill, seconded by Holder,

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of Wednesday, May 21, 2003, as presented.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins

Nays: None

Absent: None

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton stated he had received a proposed resolution regarding a Great Outdoor Leadership Grant. He explained this was a Federal “no match” grant, and the application was due early next week. He indicated he would address the resolution under Any Other Business in order to include the resolution with the documentation being prepared for submission of the grant application.

President Dalton referred to a proposed Firearms Ordinance the City of Ferndale had recently attempted to implement regulating firearms in their parks. He stated the City’s Park Rules prohibited the carrying of firearms in City Parks, but this was not an enforceable violation. He requested the City Attorney review the situation to determine if the City could pass a resolution supporting the City of Ferndale, noting Ferndale would be taking the matter to the Michigan Supreme Court. He stated the Appeals Court had indicated the State could regulate possession of firearms in specific locations; however, local cities could not regulate the location.

President Dalton stated he had heard that due to budget constraints, the Avondale School District would discontinue the School Police Liaison Program. He noted the City of Rochester Hills currently budgeted Seventy-five Thousand (\$75,000.00) Dollars toward that program, with the Avondale School District responsible for an additional Fifteen Thousand (\$15,000.00) Dollars. He expressed regret that the Avondale School District did not feel they could afford the cost of such an excellent program.

6. MAYOR'S REPORT

Mayor Somerville thanked the residents of the City for their patience during the cleanup of the damage from the recent ice storm. She stated the DPS crews worked for over three (3) weeks with the assistance of Parks Department employees to remove the tree branches throughout the City. She indicated free wood chips were available to the residents at the DPS Facility.

7. COUNCIL COMMENTS

Member Golden stated a national “do not call” registry was being implemented to provide consumers relief from telemarketers. She explained beginning in July, 2003 consumers could add their telephone numbers to the national registry, which telemarketers will be required to honor. She indicated additional information could be obtained from the Federal Trade Commission website (www.ftc.gov).

Member Barnett stated the Rochester Avon Recreation Authority (RARA) brochure for the summer programs was available on-line at www.rararecreation.org, or by calling the RARA offices at 248-656-8308. He indicated there were many programs and discounts available through the Authority.

Member Barnett noted the Heritage Festival was being held over the Memorial Day weekend, with the RARA “rubber duck race” fundraiser being held on May 24, 2003. He stated funds

were being raised for the S.K.A.M.P. Program, which was a summer camp for students with special needs.

Member Holder stated a Town Hall Meeting had been held on Thursday, May 15, 2003 at the City Hall Municipal Offices. She indicated the residents had requested that local government communicate with the residents, and the Town Hall Meeting was an opportunity for the residents to speak to the Mayor, City Council Members and the Administration. She suggested the residents watch for the next Town Hall Meeting and take the opportunity to participate.

Member Holder indicated a Septic Workshop had been scheduled for Thursday, May 22, 2003, at the Hart Middle School. She encouraged residents with septic systems to attend the workshop to learn how the septic system worked and routine maintenance.

Member Holder referred to a recent press release regarding the closing of the City Hall Municipal Building on Friday, June 20, 2003 to allow the employees to move from the existing building to the new addition. She noted the closing of City Hall did not affect the Fire Department, the Oakland County Sheriff's Department, Parks or the DPS Garage. She stated City Hall would reopen for business on Monday, June 23, 2003.

8. ATTORNEY'S REPORT

Attorney Staran had nothing to report at this time.

9. ADOPTION OF RESOLUTION TO SET CLOSED SESSION - at the conclusion of tonight's meeting for the purpose of discussing an Attorney/Client Privileged Communication (A0008)

Resolution A0008-2003-R0170

MOTION by Barnett, seconded by Hill,

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business of this Regular Meeting (Wednesday, May 21, 2003), for the purpose of discussing a confidential attorney/client privileged communication. Council will not reconvene to open session at the conclusion of the Closed Session.

ROLL CALL VOTE:

Ayes: Dalton, Holder, Barnett, Duistermars, Golden, Hill, Robbins
Nays: None
Absent: None

MOTION CARRIED

10. PRESENTATIONS / COMMENDATIONS

10a. Proclamation - Adams High School Gymnastics Team – 2002-2003 State Champions (A0011)

President Dalton stated this was an opportunity to honor and acknowledge the accomplishments of the students and youth of the community. He indicated the Adams High School Gymnastics Team was present, and they had been named the 2002-2003 State Champions. President Dalton, Council Members and the Mayor presented the following Certificate of Acknowledgement to the team members:

The City of Rochester Hills
Recognizes the
Adams High School Gymnastics Team
2002-2003 State Champions

Whereas, the Citizens of Rochester Hills are proud of the successes - both academic and extracurricular - achieved by the students in our local schools; and

Whereas, the Adams High School Gymnastics Team proved to be the best in the State of Michigan in their sport for the second consecutive year;

Now, therefore, be it known, that the Mayor and City Council of the City of Rochester Hills do hereby express our community's admiration for the teamwork, skill and talent of the Adams 2002-2003 Highlanders and the dedication of their coaching staff; and

Be it further known, that on behalf of the Citizens of Rochester Hills, we express our pride in the accomplishments of these athletes:

Allison Barbaglia
Amanda Barterian
Cheryl DeGrandchamp
Kasia DeSteiger
Danielle Dudek

Ellen Keane
Shannon MacDonald
Katie McGill
Sheila Orosey
Megan Ouimet

Emily Place
Kelsy Puffer
Sara Romito

Head Coach
Sue Mussat

Assistant Coach
Larry Adams

Assistant Coach
Kristen Kasik

Pat Somerville, Mayor

John L. Dalton, Council President

Bryan Barnett, Council Member

Barbara Holder, Vice President

Jim Duistermars, Council Member

Lois Golden, Council Member

Gerald Robbins, Council Member

Melinda Hill, Council Member

- 11. CONSENT AGENDA** (All matters listed 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 the Consent Agenda for separate discussion.)

Member Duistermars requested Consent Agenda Item **11a** be removed for separate discussion.

Consent Agenda Items **11b, 11c, 11d** and **11e** were approved by a single motion.

- 11b. Request for Purchase Authorization** - FACILITIES: Increase contract for Roof Repairs for Bloomer Park Buildings in the amount not-to-exceed \$1,032 for a new total not-to-exceed amount of \$42,499.00; G.A. Frisch, Inc.; Troy, MI (A0395) (Members received a copy of an Agenda Summary Sheet dated May 13, 2003 from Bob Srogi, Facilities Operations Manager, with attachments)

Resolution A0395-2003-R0171

MOTION by Golden, seconded by Barnett,

Whereas, competitive bids were solicited and received for the roof repair/replacement on five buildings at Bloomer Park and the Grant Lift Station, and;

Whereas, the age and condition of the existing roofs have caused and will continue to cause damage to the structural elements of the buildings, and;

Whereas, on August 7, 2002, City Council approved a contract with G.A. Frisch, Inc., Troy, Michigan in the amount of \$34,797.00 and subsequently, on December 18, 2002, approved an increase to the contract in the amount of \$6,670.00, for a total contract amount of \$41,467.00, and;

Whereas, additional roof repairs were discovered requiring an increase in the contract in the amount of \$1,032.00 for a new total contract amount of \$42,499.00

Now Therefore Be It Resolved that the City of Rochester Hills City Council authorizes an increase in the contract with G.A. Frisch, Inc., Troy, Michigan in the amount of \$1,032.00 for a total contract amount of \$42,499.00.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

- 11c. Request for Purchase Authorization** - DPS: One (1) Forestry Chip Truck, purchase order not to exceed \$43,299.00, NBC Truck Equipment; Roseville, MI (A0644) (Members received a copy of an Agenda Summary Sheet dated May 5, 2003 from Julie Hamilton, Purchasing Analyst, Fiscal/Purchasing, with attachments)

Resolution A0644-2003-R0172

MOTION by Golden, seconded by Barnett,

Whereas, sealed bids were solicited for the purchase of one, new forestry chip truck and the lowest responsive, responsible bidder was selected; and

Whereas, after review and evaluation of the bids, NBC Truck Equipment was determined to be the lowest responsible, responsive bidder in the best interest of the City.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes the purchase of one new forestry chip truck from NBC Truck Equipment of Roseville, Michigan, in the amount not-to-exceed \$43,299.00.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

-
- 11d. Request for Purchase Authorization** - DPS: Heavy Duty Truck Parts, blanket purchase order not-to-exceed \$96,000.00, VanHorn Truck Parts, Rochester, MI (A0649) (Members received a copy of an Agenda Summary Sheet dated May 7, 2003, from Julie Hamilton, Purchasing Analyst, Purchasing Division, with attachments)

Resolution A0649-2003-R0173

MOTION by Golden, seconded by Barnett,

Whereas, sealed bids were solicited for heavy-duty truck parts and the lowest responsive, responsible bidder was selected; and

Whereas, after review and evaluation of the bids, Van Horn Truck Parts was determined to be the lowest, responsible, responsive bidder in the best interest of the City.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes a blanket purchase order for one (1) year, with a two (2) year option to renew, to Van Horn Truck Parts, Rochester, Michigan, for various heavy-duty truck parts in the amount not-to-exceed \$96,000.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

-
- 11e. Adoption of Automated Clearinghouse (ACH) Policy** - TREASURY: Authorizing the City Treasurer to enter into Automated Clearinghouse (ACH) arrangements and to maintain the City's written ACH Policy (A0646) (Members received a copy of an

Agenda Summary Sheet dated April 30, 2003 from Linda Osiecki, Deputy Treasurer, Treasury Department, with attachments)

Resolution A0646-2003-R0174

MOTION by Golden, seconded by Barnett,

Whereas, the State of Michigan, P.A. 738 of 2002, requires City Council to adopt a resolution to authorize electronic transactions; and

Whereas, the City Treasurer has prepared a written Automated Clearinghouse (ACH) Policy as required by the Act, for the purposes of maintaining effective internal control, by clarifying and emphasizing the responsibility of those initiating ACH transactions through systems provided by the City; and

Whereas, the implementation of this Policy ensures compliance with State and Federal Law and the National Automated Clearinghouse Association (NACHA) rules.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes the City Treasurer to enter into Automated Clearinghouse (ACH) arrangements and to maintain the City's written ACH Policy.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

11a. Request for Purchase Authorization - MIS: Computer Equipment and Supplies, blanket purchase order not-to-exceed \$183,800.00; Electronic Data Systems, Inc., St. Louis, MO (A0642) (Members received a copy of an Agenda Summary Sheet dated May 7, 2003 from Kevin Krajewski, Deputy Director, MIS, with attachments)

Member Duistermars stated this item concerned his current employer and he would recuse himself from any discussion or vote on this matter.

(Member Duistermars recused: 7:50 PM)

Member Robbins questioned the source of the financial information provided regarding the lease analysis. Mr. Krajewski stated Electronic Data Systems (EDS) had provided the leasing information.

Member Robbins questioned whether any other computer manufacturers had been contacted. Mr. Krajewski explained EDS would arrange the purchase and/or lease with the other computer manufacturers for the City.

Member Robbins suggested the manufacturers be contacted individually to determine the specifics of their lease programs for government entities, noting the City was not required to purchase or lease through a cooperative purchase. Mr. Krajewski explained another manufacturer would provide the same leasing program, noting the City received a discount through EDS. He indicated EDS was developing a leasing program whereby financing would be arranged through another financial organization; however, a Two Hundred Fifty Thousand (\$250,000.00) Dollar minimum was required.

Member Robbins questioned the differences between the categories for the lease option versus the purchase option. Mr. Krajewski reviewed the categories for the purchase that only applied to the purchase.

Member Robbins noted the legal review costs would be the same for either a purchase or a lease. Mr. Krajewski explained a standard purchase would not require a legal review because no contract would be involved. He stated a lease contract required the City to covenant, budget and allocate the lease amounts for future lease payments.

Member Robbins questioned whether a lease would include a service program. Mr. Krajewski explained both a purchase and a lease would include a service contract for hardware.

Member Robbins questioned the cost to dispose of the computers that would no longer be used by the City. Mr. Krajewski explained some computers were donated to charitable organizations such as OPC or RARA, and others were sent to auction.

Member Robbins stated he would prefer lease options be explored with the manufacturers directly. Mr. Krajewski stated the City did not purchase the volume necessary on a regular basis to warrant large discounts from many manufacturers. He stated the information provided indicated the City would receive the same lease program whether it was through EDS or the manufacturer directly, because the City received a discount with EDS through the State contract. He explained a lease through a financial institution required a minimum dollar amount.

Resolution A0642-2003-R0175

MOTION by Hill, seconded by Barnett,

Whereas, a blanket purchase order is requested for the yearly software support on the J. D. Edwards OneWorld financial system that was purchased in 2000, and

Whereas, the blanket purchase order covers the 2003 calendar year and two different types of support for the J. D. Edwards OneWorld financial software; the first is for phone assistance when using the system, and the second covers upgrades to their package.

Now Therefore Be It Resolved that the Rochester Hills City Council approves the purchase of the J. D. Edwards OneWorld Solutions Company yearly software support for 2003, in the amount not to exceed \$69,232.50.

Ayes: Dalton, Barnett, Golden, Hill, Holder
Nays: Robbins
Absent: None
Recused: Duistermars

MOTION CARRIED

(Returned Member Duistermars: 7:55 PM)

12. PUBLIC COMMENTS

Lee Zendel, 1575 Dutton Road, referred to the solid waste recommendation discussed at the May 14, 2003 Work Session, and stated he did not agree with the figures presented in the report. He indicated the math in the report did not answer the question of how many homeowners would pay more in additional taxes under the proposal than they were currently paying for trash collection. He felt the proposal erred in the assumption that all residents were paying the full retail price currently charged by the City's three (3) licensed haulers. He stated the consultant's report indicated One Thousand One Hundred Fifty (1,150) residents did not currently pay anything for trash removal, noting a Millage against the taxable value of those homes would be an increase. He stated the consultant's report indicated Thirty-five (35%) Percent of the homes in the City currently had a special subdivision rate, and the taxable value of those homes would cause those residents to pay more for a Millage. He stated the taxable value of his home would increase his cost if a Millage were approved. He indicated many senior citizens currently received a "senior" discount from their trash haulers. He noted many residents did not currently pay for composting services, but rather composted themselves, hired a landscape service, or received a burn permit from the City to dispose of their yard waste. He stated the median value family home would pay One Hundred Thirty-two (\$132.00) Dollars the first (1st) year of the proposal, and would be paying One Hundred Forty-five (\$145.00) Dollars by the fifth (5th) year of the proposal. He indicated the Two and one-half (2-1/2%) Percent increase in taxable value was not figured into the recommendation. He stated approximately one-half (1/2) of the residents of the City might pay more through a Millage than they currently pay. He suggested it should be determined what each and every homeowner was currently paying for trash collection, and that number should be compared against 1.1 mills times their home's taxable value.

Rev. Dr. Pamela Whateley, 1600 N. Livernois, stated she had attended the Town Hall Meeting held on May 15, 2003. She indicated she found the meeting well worthwhile and would attend future meetings.

Julie Rogalski, 88 Foxboro Drive, stated she wanted to address problems with the Village of Rochester Hills on behalf of the Foxboro Subdivision group. She referred to excessive noise, and the fact a chiming clock had been added to the mall since April 19, 2003. She indicated the clock chimes were extremely loud, and the mall had been requested to turn down the volume on the chimes. She stated the volume was lowered for a short period of time, but had been turned back up. She indicated a complaint was filed with the Building Department (#050612), and stated the Building Department was attempting to resolve the volume and to change the times of the chimes to 12:00 Noon, 2:00 PM, 4:00 PM and 6:00 PM, rather than every fifteen (15) minutes. She stated the chimes were currently heard every half hour. She discussed after hours

noise caused by carpet cleaning companies at the restaurants; shuttle buses; snow removal trucks accessing the salt piles stored behind the mall next to the subdivision during the winter season, and late evening delivery trucks. She stated traffic from the strip mall was utilizing Foxboro as a turn around, causing damage to the residents' lawns and the entrance island. She indicated all the residents on her street adjacent to the mall were allotted a landscaping escrow, except for her property. She stated she had contacted the owner of the mall and was informed she might receive landscaping trees if there were funds left in the escrow amount. She provided copies of photographs of the mall, the u-turn area, and the bell tower (copies of which have been placed on file in the Clerk's Office). She stated despite numerous telephone calls to the Sheriff's Department, no fines for after hours violations had been issued. She stated she would appreciate any assistance that could be provided to resolve these issues.

President Dalton stated the City Clerk would refer this matter to the City Staff, and requested a report be provided to Council.

Member Golden stated she had discussed many of these concerns with the residents, and had talked to the Administration during the day. She indicated Staff was looking into the traffic issues. She referred to the bell tower and stated she had discussed the situation with the mall owner, who agreed to turn down the volume and to limit the times to every half hour from the hours of 9:00 AM to 9:00 PM. She noted the bell tower had not been indicated on the plans for the mall. She suggested residents contact Mr. Anzek of the Planning Department to explain the problems they are encountering.

Donald Beger, 2529 Brilliance, stated he was a resident of the Rockhaven Estates Condominiums, and noted that complex had been experiencing a high traffic volume. He indicated he would like some direction on how to obtain stop signs on some of the streets. He stated the new construction to the north and south of the complex was adding to the problem.

President Dalton explained the City's Advisory Traffic and Safety Board addressed that type of situation, and indicated the matter would be referred to the Board for review.

13. LEGISLATIVE/ADMINISTRATIVE RESPONSE

Member Robbins referred to the Village of Rochester Hills matter, and requested the City Attorney to determine if the problems with the bell tower and the storage of the winter salt storage were a violation of the Consent Judgment.

14. PETITIONERS REQUESTS

14a. METRO Act Permit Application - telecommunication right-of-way permit application along Auburn Road, MCImetro, Access Transmission Services LLC, Applicant (A0641) (Members received an Agenda Summary Sheet dated May 13, 2003, from Michael P. Salhaney, City Attorney, Beier Howlett, with attachments)

Attorney Staran explained the applicant, WorldCom/MCImetro, was seeking to put fiber optic cable along Auburn Road. He stated Auburn Road was a State road and the proposed installation would not cross or use any City rights-of-way. Therefore, under the Metro Act Permit

Application requirements, it was determined to be appropriate for City Council to deny the request. He indicated the resolution would be forwarded to the appropriate party, and noted the applicant had been referred to the Michigan Department of Transportation (MDOT).

Resolution A0641-2003-R0176

MOTION by Golden, seconded by Hill,

Whereas, Worldcom/MCImetro filed an application for a telecommunications right-of-way permit pursuant to Public Act 48 of 2002 (METRO ACT) with the City of Rochester Hills for access to and ongoing use of the right-of-way adjacent to Auburn Road in the City of Rochester Hills; and,

Whereas, the METRO ACT requires that a telecommunications right-of-way permit be granted or denied by local municipalities to a telecommunications provider within 45 days of receipt of the application; and,

Whereas, the METRO ACT does not apply to federal, state or private rights-of-way; and,

Whereas, Auburn Road and its adjacent right-of-way are owned by the Michigan Department of Transportation;

Now Therefore Be It Resolved that the telecommunications right-of-way permit application and permit filed by Worldcom/MCImetro is hereby denied, as the route of the system is contained entirely within property owned by the State of Michigan.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

15. ORDINANCE ADOPTION

15a. Second Reading - a request to rezone two parcels of land totaling approximately 15 acres, located north of Walton Road and east of Livernois, from B-3 (Shopping Center Business) to B-2 (General Business); Stanley Frankel, Frankel Associates, Inc. and Michael Rupert, Art Van Furniture, Applicants (A0640) (Members received an Agenda Summary Sheet dated May 8, 2003 from Lisa K. DeLeary, Administrative Secretary, Clerk's Office, with attachments)

(i) Acceptance for Second Reading, Parcel No. 15-10-351-076 (8.3± Acres)

Resolution A0640-2003-R0177

MOTION by Robbins, seconded by Golden,

Resolved that an Ordinance to amend the Zoning Ordinance of the City of Rochester Hills, Oakland County, Michigan to rezone 8.3± acres, identified as Parcel No. 15-10-351-076, located north of Walton Boulevard and east of Livernois, **from** B-3 (Shopping Center Business) **to** B-2 (General Business); is hereby accepted for **Second Reading** and **Adoption**, and shall become effective on Friday, May 30, 2003, the day following its publication on Thursday, May 29, 2003 in the *Rochester Eccentric* Newspaper.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

(ii) Acceptance for Second Reading, Parcel No. 15-10-351-077 (6.9± Acres)

Resolution A0640-2003-R0178

MOTION by Duistermars, seconded by Hill,

Resolved that an Ordinance to amend the Zoning Ordinance of the City of Rochester Hills, Oakland County, Michigan to rezone 6.9± acres, identified as Parcel No. 15-10-351-077, located north of Walton Boulevard and east of Livernois, **from** B-3 (Shopping Center Business) **to** B-2 (General Business); is hereby accepted for **Second Reading** and **Adoption**, and shall become effective on Friday, May 30, 2003, the day following its publication on Thursday, May 29, 2003 in the *Rochester Eccentric* Newspaper. .

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

President Dalton noted there was a member of the audience who had requested to speak on this issue.

Janice Cooley, 1293 Oakwood Court, stated she resided in the Fairwood Villas Condominium complex directly behind the subject property. She indicated she was concerned about the proposed development, particularly such items as the location of dumpsters or noise levels from the project.

Attorney Staran stated the property had just been approved for rezoning and it would be some time before the project was underway. He explained the Planning Commission would review the proposed site plan, including such items as parking, circulation, traffic, refuse disposal, lighting and noise.

Ms. Cooley questioned whether the adjacent residents would be notified when the review process began with the Planning Commission. Attorney Staran indicated the residents would be notified.

Member Holder stated the residents could contact the Council Members to express their concerns or comments. She indicated Council Members could be reached through e-mail or the City's voice mail system.

Member Barnett asked Ms. Cooley if the residents had become aware of the proposed development due to the rezoning signs posted at the site. Ms. Cooley stated the residents were aware of various rumors prior to the signs being posted.

16. REPORTS AND COMMUNICATIONS

16a. Presentation and Receipt of the 2002 Comprehensive Annual Financial Report (CAFR) (A0628) (Members received a copy of an Agenda Summary Sheet dated April 25, 2003 from Pam Lee, City Accountant, with attachments)

President Dalton stated Plante Moran had given the City an outstanding audit, and thanked the City Staff and Administration for their hard work and efforts toward that achievement.

Resolution A0628-2003-R0179

MOTION by Duistermars, seconded by Holder,

Resolved that the Rochester Hills City Council hereby acknowledges receipt of the Comprehensive Annual Financial Report (CAFR) from the Administration and the auditing firm of Plante & Moran, PLLC for the 2002 Fiscal Year.

Roll Call Vote:

Ayes: Holder, Barnett, Duistermars, Golden, Hill, Robbins, Dalton
Nays: None
Absent: None

MOTION CARRIED

17. COUNCIL COMMITTEE REPORTS

No Council Committee reports were given.

18. UNFINISHED BUSINESS

President Dalton stated Agenda Item **18b** would be heard prior to Agenda Item **18a**.

18b. Request for Preliminary Site Condominium Plan Approval for Crestline-Hamlin Site Condominiums, a six-unit site condominium development located on 2.8 acres at the northeast intersection of Crestline and Hamlin Road, Parcel No. 15-22-451-029, zoned R-3, (One Family Residential) District; Crestline-Hamlin, LLC, Applicant (A0612) (tabled at the April 2, 2003 Regular City Council Meeting) (Members received a copy of an Agenda Summary Sheet dated May 15, 2003 from Deborah Millhouse, Deputy Director, Planning Department, with attachments)

President Dalton stated this matter had been tabled at the April 2, 2003 City Council Meeting.

Attorney Staran explained when Council last deliberated over this matter, a motion to deny the application was made and was subsequently tabled by Council with the direction to Staff to prepare suggested findings supporting the denial. He stated Council could remove the prior motion to deny from the table, and review the new motion for action.

(Recess: 8:25 PM to 8:30 PM)

President Dalton stated the motion that was on the table from the April 2, 2003 meeting had been made by Member Barnett, supported by Member Hill. Members Hill and Barnett agreed to withdraw the motion for denial. President Dalton noted the motion had been withdrawn and there was currently no motion on the floor.

Member Hill explained the motion to deny had been removed because Council Members had received additional information regarding site plan and condominium site plan approvals. She stated these types of approvals were brought before Council as discretionary administrative acts, rather than as legislative acts of Council. She noted the Ordinance provided the guidelines for approval of these plans. She indicated she was no longer comfortable supporting the prior motion to deny because appropriate findings and conditions to deny could not be supported under the guidelines.

Member Hill stated she was concerned about the segment of the road that would be left unpaved because she felt the gravel road would cause deterioration on the paved portion. She noted the additional expense of maintenance of a gravel road, as well as the cost when that portion is eventually completed.

Member Holder noted it was not the responsibility of the developer to extend the water or pavement, but indicated she hoped something could be worked out for that additional section.

Mr. Davis stated the Administration had been attempting to address the remaining Four Hundred Twenty (420') feet, and had proposed a Special Assessment District (SAD) to the residents fronting that section to participate in paving that portion of the road. He noted traffic calming devices had also been discussed because the Crestline residents had many complaints about speeding. He indicated the developer agreed it would be simpler to pave the entire road at the same time using the same contractor, and it was anticipated the SAD project would be coordinated with the time schedule of the proposed project. He explained if the proposed project did not move forward, the SAD project would probably not move forward either. He stated the SAD project would also include water main, which was included in the CIP as part of the Hamlin Road Paving Project.

Member Hill questioned whether coordination of the paving and water main installation between the proposed development and the SAD project would result in some cost savings. Mr. Davis indicated there would be savings by combining the projects and utilizing the same contractor. He explained the City Staff would make every attempt to coordinate the SAD process with the developer's construction time line.

Member Golden questioned whether the SAD petition had been completed. Mr. Davis stated enough signatures had been received to move the project along.

Member Barnett questioned whether the SAD petitioners had received a proposed cost estimate for the project. Mr. Davis stated the City policy contained a cap for buildable lots in a SAD District.

Mr. Bill Mozer, Apex Engineering, stated it was the developer's intention to coordinate the paving and water main projects. He noted there would be a cost savings benefit to all parties, and the developer would make every effort to work with the City in coordinating the projects.

Alex Kiwior, 1060 Crestline, stated the proposed development was across the street from his property, and noted he was not in favor of the project. He stated the comment was made at a Planning Commission meeting regarding this project that the project was not consistent with the current area and future development. He stated he did not object to decent housing; however, he did not agree with smaller condominiums. He did not believe the proposed SAD would benefit him because he did not feel the street needed to be paved.

Resolution A0612-2003-R0180

MOTION by Holder, seconded by Duistermars,

Resolved that the Rochester Hills City Council approves the Preliminary Plan for Crestline-Hamlin, City File No. 02-012, a six-unit site condominium development located on 2.8 acres, identified as Parcel No. 15-22-451-029 and zoned R-3, One Family Residential, based on plans dated received by the Planning Department on March 14, 2003, with the following findings and subject to the following conditions:

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plan represents a reasonable and acceptable plan for developing the property.
4. The preliminary plan represents a reasonable lot layout and orientation. In addition, all units have access to an existing roadway.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. Written permission, including for any intended uses or cross use easements, be received from Sun Oil for all activities proposed within its existing easement and the Master Deed to reflect the protection of same, as approved by the City's Attorney before final plan approval.
2. Show protective tree fencing around the drip line of trees #4413 and #4414.
3. Prior to issuance of a Land Improvement Permit, payment by the applicant of \$200 per unit for street trees to be located and installed by the City.
4. Provision of a performance guarantee in the amount of \$5,375, as adjusted if necessary by the City, to ensure the correct installation of the proposed landscaping. Upon approval of the installation by the City's Landscape Architect, a maintenance guarantee shall be retained for a minimum of two growing seasons. The performance guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
5. Enclose the storm sewer along the west side of the meandering sidewalk starting at the property line for unit 3 and ending approximately at the property line of unit 2. The storm sewer should outlet near the road culvert on the northeast corner of Hamlin and Crestline.

Roll Call Vote:

Ayes: Barnett, Duistermars, Golden, Hill, Dalton, Holder
Nays: Robbins
Absent: None

MOTION CARRIED

- 18a. Request for Preliminary Site Condominium Plan Approval** for Southwind Estates - a fifteen-unit single-family condominium development on 7.07 acres located on the north side of South Boulevard, east of Adams Road, Parcel No. 15-31-400-016, zoned R-4 (One Family Residential) District; Maple Forest Development, LLC, Applicant (A0493); (postponed at the April 2, 2003 City Council Regular Meeting) (Members received a copy of an Action Summary Sheet dated March 24, 2003 from Deborah Millhouse, Deputy Director, Planning Department, with attachments)

Attorney Staran stated this matter had previously been discussed at the April 2, 2003 City Council meeting. He explained a motion to approve was voted upon, which resulted in a tie vote due to the fact one (1) Council Member was not present. He indicated due to the lateness of the hour, Council decided to postpone any further deliberations on the matter to a meeting when a full Council was present.

Attorney Staran stated one (1) of the options available to Council at this meeting was to make an alternate motion to deny with appropriate findings. He explained another option would be to approve the project, although under the Council Rules of Procedure, unless the rules were waived, the renewal of a motion in the same form would not be permitted. He suggested if a motion to approve was made, it was procedurally required that a material change in circumstance or in the form of the motion be made, such as adding or deleting a finding or condition. He noted Council always had the option to waive its Rules of Procedure by majority vote.

Mark Ott, 3300 W. South Boulevard, stated he taught core democratic values, and thanked Council for providing his class plans for the next six (6) months. He stated part of those values was that cities and government would protect the common good of its citizens. He felt the proposed project contained many compromises that compromised the common good of the citizens of the area. He indicated the local residents had signed a petition opposing the traffic intersection proposed for this project because it would add to an already hazardous situation. He felt the proposed project should not be approved for the common good of the residents. (A copy of the petition was provided to the City Clerk to be placed on file).

Barbara Ott, 3300 W. South Boulevard, stated she felt the proximity of the road for the proposed development to her home, Beach Road, the Pine Trace Golf Course and the Pine Trace Village was extremely dangerous. She discussed the many traffic situations she had experienced from her driveway with vehicles traveling over the hill on South Boulevard. She stated the proposed acceleration lane would run over her driveway, which she felt would create more of a hazardous situation. She felt the proposed retaining wall would detract from her property. She noted Mr. Stephen Dearing had been present at the last City Council meeting, and questioned who had requested Mr. Dearing's presence at that meeting.

President Dalton stated Mr. Dearing was under contract with the City and would have been present at the City's request.

Mrs. Ott questioned the number of homes included in the proposed development, noting the front entrance, retaining wall and retaining pond. She felt the number of homes was inappropriate and would contribute to a dangerous situation on South Boulevard. She did not agree with the proposed emergency entrance to the development from the golf course. She indicated the developer of the proposed project did not own the subject property, but rather had a purchase option contingent on City Council approval of the proposed plan.

Patricia Willard, 6307 Beach Road, stated she was concerned with the traffic safety issues associated with the location of the entrance to the proposed development. She noted Beach Road, and the entrances to the Pine Trace Village and the Pine Trace Golf Course would be encumbered by another road. She indicated the distance between the Pine Trace Golf Course entrance and the proposed road was One Hundred Forty (140') feet. She stated it took a vehicle traveling 35 MPH less than 3 seconds to travel that distance, and at 45 MPH, it would take 1.75 seconds. She stated it had been indicated at the prior Council meeting that South Boulevard had been designed to support traffic traveling up to 50 MPH, noting vehicles traveling at that speed would cover the One Hundred Forty (140') feet in 1.35 seconds. She felt the location of the

proposed road presented a danger to anyone traveling in that area. She did not agree the proposed development was a wise decision based on the number of compromises made.

Member Robbins questioned the jurisdiction of South Boulevard. Mr. Davis stated the Road Commission for Oakland County had jurisdiction.

Member Robbins questioned how the traffic controls for South Boulevard were determined. Mr. Davis stated the Road Commission for Oakland County would make those determinations.

Member Robbins questioned how the speed on South Boulevard could be reduced. Mr. Davis explained the City would have to make a request of the Road Commission for Oakland County.

Member Robbins questioned whether any site studies had been done in connection with the proposed project. Mr. Davis stated the developer had obtained a permit from the Road Commission based on the review of the proposed site plan. He noted the Road Commission had determined the location of the proposed road for the project.

Member Robbins questioned whether the conditions on South Boulevard had been reviewed as part of the review of the proposed project. Mr. Davis indicated he was not aware of any speed studies conducted regarding the hill on South Boulevard. He stated the Road Commission could be contacted to verify whether a "limited sight distance" sign would be appropriate for that area.

Member Holder stated she had approved the proposed project as the Council Representative on the Planning Commission. She noted it was unfortunate that there was no alternative entrance or exit to or from the subdivision. She indicated other developments in the City were requested to include stub streets to connect to future development. She stated the Planning Commission had discussed the proposed emergency entrance at some length. She suggested consideration be given to the entrance of the proposed development and its impact on the current residents.

President Dalton questioned the posted speed limit on South Boulevard. Mr. Davis stated it was 45 MPH. President Dalton noted it had been indicated South Boulevard had recently been redesigned. Mr. Davis clarified it was typical to design a road for a certain speed, but to have the road posted for a different speed. He stated South Boulevard may have been designed for a 50 MPH design speed; however, it was posted for 45 MPH.

President Dalton questioned the scope of the recent redesign of South Boulevard by the Road Commission. Mr. Davis stated work had been completed in the area of Coolidge and South Boulevard, although he would have to check with the Road Commission to determine what work had been completed.

Mr. Mark Erickson, 71 N. Livernois, stated he was the attorney for the applicant. He stated work on the proposed development had been ongoing for over three (3) years. He explained the proposed road was the only available access to the proposed development that did not run over private property. He stated the submitted plan complied with all the Ordinance requirements that applied to the property. He indicated City Staff had not requested the emergency access, but rather the developer had offered to include the access in order to address concerns that had been

expressed. He clarified the developer held a binding purchase agreement that was not fully contingent on approval. He explained the purchaser still had the option to close on the property, even if the proposed project was not approved. He stated it was not correct to suggest there was not a binding agreement on the property, rather the purchaser had a contingency to close or not.

Dennis Engstrom, Professional Engineering Associates, 2900 E. Grand River, Howell, Michigan, Civil Engineers, stated the Road Commission for Oakland County had increased the sight distance for the posted speed limit on South Boulevard at the time South Boulevard was reconstructed. He noted the proposed site plan reflected the County standards and did meet over Four Hundred (400') feet of sight distance for sight three (3') feet off the ground.

Member Golden stated this was a serious decision that could not be made recklessly, noting there were unique circumstances in every situation. She indicated she did not have any problems with the density of the proposed project because it met the Ordinance requirements; however, noted the access road did cause some concern because a situation could occur causing the access road to be needed.

Member Duistermars clarified approval of the proposed project was not required to complete the purchase transaction. Mr. Erickson indicated that was correct. Member Duistermars explained he would be more comfortable with the project if the developer owned the property. Mr. Erickson explained the current arrangement was a fairly common practice.

Member Duistermars stated the proposed project did meet the requirements of the City Ordinances, and noted he did not have a problem with the density as it was the same as the surrounding area. He referred to the comments about the emergency access road, noting large snowstorms caused problems for all subdivisions in the community until they were plowed. He did not believe the proposed project would experience more of a hardship than any other subdivision in the City during such a circumstance. He noted the City attempted to reduce that risk whenever possible. He referred to the discussion regarding traffic conditions on South Boulevard, and noted the Road Commission had to rely on its data when it made decisions. He stated the proposed project met the current City Ordinances, and it would not be fair to change the rules at this point.

Member Hill agreed the proposed project met the requirements of the City Ordinances, and noted Council could not change the requirements or apply them differently. She noted the Pine Trace Village complex should have included a stub street to provide future connectivity, which was a policy of the City. She noted a condition in the proposed resolution for approval indicated that "an access easement and maintenance agreement for the emergency access be provided by the applicant and approved by the City prior to the issuance of Land Improvement Permit". She stated she was more concerned about the traffic safety issues; however, the City had hired experts to review the plan and the Road Commission had revamped South Boulevard. She referred to the density of the proposed project and noted it was no more dense than the neighboring subdivisions and developments. She explained she was not happy with the infill in the community; however, she noted that situation would have to be addressed through City Ordinances and standards. She stated State Law and the Subdivision Control Act allowed the current practice.

Member Robbins referred to the repairs that had been made to South Boulevard, and questioned whether the City had received verification the hill had been addressed by the Road Commission. President Dalton stated he had gone to Oakland County and was informed the hill had been carved down, the sight distances improved, and the road was designed for a 50 MPH speed limit. Member Robbins stated he would like to receive copies of that data. President Dalton indicated he would provide that information to Council Members.

Member Golden clarified the maintenance agreement for the emergency access only covered the portion on the applicant's property and not on the adjacent golf course property.

Attorney Staran stated a tentative agreement had been reached with the Pine Trace Golf Course regarding the easement. He explained Pine Trace would grant the easement and concur with the maintenance.

Attorney Erickson stated the developer would not have offered to install the emergency access unless they were confident they could deliver on all the issues of all the interested parties. He stated the golf course management company had provided a letter, dated January 16, 2003, indicating their agreement to an emergency access over the golf course property. He noted a copy of the letter had been provided to the City prior to the April 2, 2003 Council Meeting.

Attorney Staran explained several meetings had been held regarding this significant issue. He stated if Council approved the request, and the applicant was unable to fulfill any of the conditions, the approval would be null.

Member Hill questioned whether "maintenance" implied that the access would always be plowed during the winter, as well as any other summer-type maintenance. Attorney Staran stated the condition could be modified to include the words "(including snow removal)" after maintenance.

Member Barnett noted condition #10 required the Association to maintain the access road, and if the Association did not, the City would maintain the access road.

Attorney Staran stated the two (2) conditions were related. He explained maintenance agreements were typically approved by City Council, similar to the way storm water and retention basin agreements were approved. He indicated the maintenance agreement would include a provision that in the event the subdivision or condominium association defaulted under a condition, the City would perform the work and assess the cost to the association with an administrative fee.

Attorney Staran explained condition #3 referred to an easement and maintenance agreement, which the City, Pine Trace Golf Course and the developer (on behalf of the condominium association) would each be a party to and which would be recorded. He noted condition #10 referred to the Master Deed and the By-Laws, which were documents that governed the condominium association itself, and would reflect the easement/maintenance agreement. He stated the Master Deed and By-Laws would provide a means to fund the obligation through an

assessment to the association, and was mandatory whenever a common facility was included in a development.

Mark Ott, W. 3300 South Boulevard, stated vehicles park on both side of the golf course driveway during the summer, and questioned whether those vehicles would be towed in the event of an emergency situation.

President Dalton explained the Ordinance did not require an emergency entrance, but was included by the developer. He stated the proposed emergency access was better than no access, and noted parking enforcement was not a high priority of law enforcement.

Mr. Ott referred to the improvements made to South Boulevard, and stated the improvements were made to the east of the hill, which only benefited traffic heading west of the golf course. He did not feel the ordinance sight distance requirements could be met along that portion of the road.

President Dalton stated the City had a set of Ordinances, and enforcement of them had to be fair and impartial. He stated the proposed development was less dense than the subdivision next to it. He noted the emergency access was not a requirement, but had been proposed by the developer. He indicated the road conditions were a legitimate concern; however, the road was designed for 50 MPH, and the County had approved the curb cut for the proposed development.

Member Hill stated it had been a policy of the community for developments to have a secondary access to subdivisions. She explained in the event no secondary access was available, the City had requested a boulevard entrance to a development. She noted in this instance, the boulevard entrance was removed due to safety factors associated with South Boulevard. She questioned whether “no parking” signs would be posted along Pine Trace Boulevard to discourage parking along the sides of that street.

Attorney Staran indicated that suggestion could be reviewed with the developer. Mr. Erickson stated the developer had discussed that situation with the golf course and had agreed to post the street and mark the area with yellow paint. He indicated the subdivision would also be marked for no parking.

Attorney Staran stated that item could be included in the maintenance agreement. Mr. Erickson explained discussions had been held regarding placing an emergency access breakaway on both sides, and putting the breakaway close enough to the drive to make parking more difficult in that area.

Resolution A0493–2003–R0181

MOTION by Duistermars, seconded by Hill,

Resolved that the Rochester Hills City Council approves the Preliminary Plan based on plans dated received February 7, 2003 for Southwind Estates Site Condominiums, parcel

number 15-31-400-016, zoned R-4 One Family Residential (City File No. 00-031) with the following findings and subject to the following conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plan represents a reasonable and acceptable plan for developing the property.
4. The preliminary plan represents a reasonable street layout, as well as a reasonable lot layout and orientation. In addition, all lots have access to the interior local street.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.
6. The density is comparable to that of adjacent development.

Conditions:

1. The turning radius of the proposed access from Pine Trace Boulevard be approved by the City of Rochester Hills Fire Department.
2. Provide documentation prior to occupancy of homes that the emergency access porous paving system has been successfully tested by the City of Rochester Hills Engineering Department.
3. An access easement and maintenance agreement (including snow removal) for the emergency access be provided by the applicant and approved by the City prior to issuance of a Land Improvement Permit.
4. Provision of a performance guarantee in the amount of \$2,790.00, as adjusted if necessary by the City, to ensure the correct installation of the proposed landscaping. Upon approval of the installation by the City's Landscape Architect, a maintenance guarantee shall be retained for a minimum of two growing seasons. The performance guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
5. A detail of the emergency access decorative retaining wall and fence be added to the preliminary plan and approved by the City.

6. The portion of the emergency access retaining wall within the storm sewer easement be deleted.
7. Greater detail regarding ownership, location, and future maintenance responsibility of the emergency access retaining walls be submitted and approved by the City Engineer.
8. The first course of the legal description on the cover sheet be changed from NW to NE.
9. The retention wall west of the existing home be of a decorative block construction, as discussed this evening and as approved by Staff.
10. The Master Deed and By-laws stipulate that the City may step in to maintain the emergency access as necessary and/or if not maintained by the Association.
11. Approval by Engineering Services of the revised detention basin grading proposal to preserve tree #3667 and #3668.

Roll Call Vote:

Ayes: Duistermars, Hill, Dalton, Barnett

Nays: Golden, Robbins, Holder

Absent: None

MOTION CARRIED

(Recess: 9:50 PM to 10:10 PM)

19. NEW BUSINESS

- 19a. Resolution - PUD Concept Plan** that the concept plan generally qualifies for review and processing as a Planned Unit Development (PUD) rezoning for Holiday Village Square PUD, located on approximately 12.4 acres at the southeast corner of Rochester Road and Tienken Road, Parcel No. 15-11-101-027, 029 & 030, zoned ORT (Office, Research, Technology) District, Tienken Partners, LLC, Applicant (A0659) (Members received a copy of an Agenda Summary Sheet dated May 12, 2003 from Deborah Millhouse, Deputy Director, Planning Department, with attachments)

Mr. Anzek explained as part of the preliminary PUD process, a determination first had to be made as to whether the proposal qualified to utilize the Planned Unit Development (PUD) process. He noted that was the only objective before Council at this time. He indicated a presentation regarding the proposal had been made at the May 6, 2003 joint Planning Commission/City Council Work Session, and the Planning Commission had endorsed both this proposal and the proposed being considered under Agenda Item **19b**.

Member Hill stated she was opposed to taking any formal action, noting the Planning Commission resolution recommended that City Council review the preliminary PUD further,

based on the premise that the project generally qualified for PUD consideration. She indicated she did not have a problem with the review aspect of the process, but did not agree with City Council formally voting on the proposed resolution.

Member Hill stated a qualifying condition of the PUD process was that a commercial PUD should be proposed for a commercially zoned district or an area designated for commercial use in the Master Plan. She indicated the proposed application included applying for a rezoning, noting the rezoning would have to take place prior to final approval of the PUD.

Member Hill stated the commercial uses would be limited to those permitted under the B-1, B-2, B-3 and O-1 Districts. She noted a segment of the property included in the proposed development was currently zoned I-1, with a request for rezoning to B-2. She indicated the proposed plan included a B-5 use, which was not a permitted use for the PUD. She stated as part of the proposal, right-of-way was being offered to the City, although she was not clear whether the right-of-way portion complied with the Tienken Road Corridor Study.

Member Hill indicated another requirement of the qualifying conditions was that the property be owned by one (1) owner or one (1) group of owners. She questioned whether there was an agreement between the various owners of the properties included in the proposed PUD.

Member Hill questioned whether the proposed development should be rezoned to B-2 because she felt it was closer to B-3, although she noted the applicant did not have the frontage for the B-3 zoning. She indicated she did not believe the applicant had frontage on either Rochester Road or Tienken Road, which was another qualifying condition of the PUD.

President Dalton clarified the proposed resolution was asking whether the proposed concept generally qualified. He noted the resolution stated that “. . . Council concurred with the Planning Commission’s determination that the concept plan generally qualified for review and processing as a PUD rezoning project”. He stated the resolution would not approve the proposed concept plan.

Member Hill stated her questions related to whether the proposed concept qualified for use of the PUD process. She noted under the preliminary PUD process, the Planning Commission determined whether the proposal qualified for use of the process, and that input was to be received regarding the proposed concept. She indicated if the proposal was in the preliminary part of the process, Council input should be considered.

Mr. Anzek explained the questions raised by Member Hill, along with those raised at the joint meeting, were the type of input required by the applicant in order to determine if the proposal would qualify.

President Dalton stated he agreed Council Member concerns should be indicated, although no resolution to those concerns would be reached at this meeting.

Member Hill clarified there were two (2) steps to the process, with the first (1st) step being to determine if the proposed concept qualified for use of the PUD process. She noted the second

(2nd) step was to provide input. She stated she expected to have another opportunity to provide input regarding the proposal.

Member Hill stated she had a question regarding the B-2 versus the B-3 zoning, as well as the B-5 zoning. Mr. Anzek explained not all the underlying parcels had to be subject to a rezoning, noting the PUD could overlay multiple zoning districts.

Mr. Anzek referred to the comments regarding the right-of-way, and noted a comparison with the Tienken Road Corridor Study regarding the amount of right-of-way would be reviewed.

Member Hill questioned whether the applicant had the appropriate amount of frontage on either Rochester Road or Tienken Road. She questioned the statistics used to determine the traffic study results, whether they were done on a local or regional basis. She noted the B-2 zoning was for a local, general type development designed to service the local, residential community.

Mr. Anzek explained as the technical compliance review process proceeded, it would be beneficial to schedule another joint work session for guidance and input.

Member Hill questioned whether the proposed project, and the project listed under Agenda Item **19b**, were being reviewed at the same time. Mr. Anzek explained both projects were being considered at the same time because both had an impact on the Rochester Road/Tienken Road intersection.

Member Hill stated she questioned the reason for B-2 zoning for the Holiday Village project. She suggested if the proposed project had been combined with the parcel to the southeast, it could handle the traffic in a better manner and might work well for the area. She felt although the proposed projects were wonderful, they were in the wrong area of the community.

Member Golden clarified Council would have another opportunity to review the proposed project. Mr. Anzek explained the request at this meeting was to determine whether the PUD was an appropriate process to use.

Member Golden suggested Staff provide a “point-by-point” review of the proposed projects, indicating potential problems and concerns. She noted the Ordinance contained the steps and procedures to follow with respect to a PUD. Mr. Anzek suggested Staff could provide Council with copies of the summary reports from the first (1st) technical compliance review, which includes input from the City’s wetland consultant, the Building, Fire, Engineering and Planning Departments, and any other consultants brought in for special review. He noted that report would provide Council with the issues identified during the technical compliance review. He explained it was important to receive Council’s endorsement to utilize the PUD process prior to the proposed project moving forward with preparation of development drawings, traffic studies, and other issues. He stated the traffic issues had been reviewed on a computer-modeling basis; and it appeared there would be an opportunity to improve the traffic through that intersection.

Member Golden clarified a final review would not be the next step in the process for City Council. Mr. Anzek stated there would be more work sessions for the Planning Commission and

City Council prior to establishing that the proposed project would work utilizing the PUD process.

Member Golden questioned whether Staff had considered a business improvement district for the area of the proposed development, similar to a Downtown Development Authority (DDA). Mr. Anzek stated some DDA's had been failing, and other alternatives would be pursued as part of the next step in the process.

Member Golden stated if the proposed development was part of a business improvement district, the development might be eligible for road improvement funding. Mr. Anzek stated there were other mechanisms available for tax capture improvements similar to the Local Development Finance Authority (LDFA) or the SmartZone.

Member Golden stated she believed the alternatives should be explored because they might encourage other property owners to become involved. She felt a mechanism could be utilized that would allow the taxes generated in that area to stay in that district. She indicated new development would increase the need for other amenities, such as law enforcement and public safety, noting the close proximity of the middle and high schools to the proposed development.

Member Barnett stated he had asked questions at the work session regarding traffic, and noted he was informed those issues had not been specifically addressed because that part of the process had not been reached. He indicated he felt the proposed project met the qualifications to apply for a PUD. He noted that intersection was a critical gateway to the community, and could become one of the more vibrant intersections in the City. He stated he believed the PUD process would provide the City with some control over the process, and to become a part of the process. He indicated he would like to see alternatives provided for traffic in that area, including the cost and result.

Mr. Anzek stated the proposed projects had not been considered lightly, noting the volume of meetings held with the consultants for the applicants to determine whether the proposals would work. He indicated more meetings would be necessary, and it would be a very involved and "hands on" process.

Member Holder stated she wanted to reiterate her comments made at the joint meeting with the Planning Commission, which suggested both City Council and Planning Commission should also consider the benefits the City would derive from the proposed projects.

President Dalton stated this was the first (1st) step in a long process, and requested Mr. Anzek provide updates to Council Members as the projects proceed with the Planning Commission.

Member Hill stated the traffic issues were a major concern with both proposals, noting it had been suggested that the City would receive right-of-way and other improvements at the northwest corner with the proposed development. She noted the gas station would have to be rebuilt, and property would have to be acquired from the adjacent property owner, which could create a non-conforming situation. She indicated she was concerned about the traffic issues, which she felt should be addressed prior to any final review of the proposed project.

Resolution A0659-2003-R0182

MOTION by Robbins, seconded by Duistermars,

Whereas, the Planning Commission and the City Council met on May 6, 2003 for a preliminary review of a conceptual plan and outline of a PUD agreement, identified major issues associated with the project and provided the applicant with preliminary direction; and

Whereas, the Planning Commission determined that the concept plan and PUD outline generally qualify for PUD rezoning;

Now Therefore Be It Resolved that the Rochester Hills City Council hereby concurs with the Planning Commission's determination that the concept plan generally qualifies for review and processing as a PUD rezoning project in the matter of City File No. 98-047.2 (Holiday Village Square PUD), located at the southeast corner of Rochester and Tienken Roads, and identified as parcel numbers 15-11-101-027, 029, 030.

Be It Further Resolved that this determination is made pursuant to City Code Subsection 138-1004(3), and does not constitute, nor should it be construed as, approval of the PUD proposal.

Ayes: Dalton, Barnett, Duistermars, Golden, Holder, Robbins
Nays: Hill
Absent: None

MOTION CARRIED

-
- 19b. Resolution - PUD Concept Plan** that the concept plan generally qualifies for review and processing as a Planned Unit Development (PUD) rezoning for Papa Joe's Market, located on approximately 15 acres at the northwest corner of Rochester Road and Tienken Road, Parcel No. 15-03-477-017 through 021, 030, 031 & 033; zoned B-2 (General Business), B-5 (Automotive Service), I-1 (Light Industrial) & O-1 (Office Business), Curtis Properties, LLC, Applicant (A0660) (Members received a copy of an Agenda Summary Sheet dated May 12, 2003 from Derek Delacourt, Planner II, Planning Department, with attachments)

President Dalton stated the discussion regarding Agenda Item **19a** expressed similar concerns and issues for this proposed development. He indicated both projects should probably proceed together due to the fact each development affected the other.

Resolution A0660-2003-R0183

MOTION by Duistermars, seconded by Robbins,

Whereas, the Planning Commission and the City Council met on May 6, 2003 for a preliminary review of a conceptual plan and outline of a PUD agreement, identified major issues associated with the project and provided the applicant with preliminary direction; and

Whereas, the Planning Commission determined that the concept plan and PUD outline generally qualify for PUD rezoning;

Now Therefore Be It Resolved that the Rochester Hills City Council hereby concurs with the Planning Commission's determination that the concept plan generally qualifies for review and processing as a PUD rezoning project in the matter of City File No. 02-004 (Papa Joe's PUD), located at the northwest corner of Rochester and Tienken Roads, and identified as parcel numbers 15-03-477-018 to 021, 15-03-477-030, 031 and 033.

Be It Further Resolved that this determination is made pursuant to City Code Subsection 138-1004(3), and does not constitute, nor should it be construed as, approval of the PUD proposal.

Ayes: Dalton, Barnett, Duistermars, Golden, Holder, Robbins
Nays: Hill
Absent: None

MOTION CARRIED

20. ANY OTHER BUSINESS

President Dalton stated he had provided Council Members with a proposed resolution regarding the Great Outdoors Leadership Grant Program for their consideration.

Resolution A0664-2003-R0184

MOTION by Robbins, seconded by Duistermars,

Whereas, the City of Rochester Hills is supportive of promoting family activities that encourage children and adults to appreciate and treasure the wonders found in our great outdoors and better understand the historical heritage of our community; and

Whereas, the Environmental Education Center has developed educational programs and opportunities to help families and residents understand our surrounding natural environment and develop an appreciation of the diverse ecosystems found in our community; and

Whereas, the Rochester Hills Museum at Van Hoosen Farm also provides educational opportunities and family programs that emphasize interpreting, preserving, and appreciating the history of the greater Rochester area;

Resolved that the City Council of the City of Rochester Hills fully supports the Great Outdoors Leadership Grants Program request from the Parks and Forestry Department for funding to adapt and expand these outdoor educational programs to reach a greater segment of our community and bring parents and children together to enjoy and learn to explore and interpret the outdoors and our historical community ties.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays: None
Absent: None

MOTION CARRIED

Member Duistermars stated he would be unable to attend the May 28, 2003 Work Session.

21. NEXT MEETING DATE

21a. Wednesday, May 28, 2003 - Regular Work Session - 7:30 PM

22. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 10:49 PM.

JOHN L. DALTON, President
Rochester Hills City Council

JUDY A. BIALK,
Administrative Assistant to the City Clerk

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills