

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, February 12, 2003 at 7:30 PM.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:30 PM Michigan Time.

2. ROLL CALL

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

Absent: Member Bryan Barnett

QUORUM PRESENT

Others Present: Jane Leslie, Deputy Clerk
Deborah Millhouse, Deputy Director, Planning Department

President Dalton stated Member Barnett had left prior notice he would not attend this meeting and was excused.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated February 7, 2003 from Susan Koliba-Galeczka, City Council Liaison).

Resolution A0001-2003-R0026

MOTION by Holder, seconded by Hill,

Now Therefore Be It Resolved, That the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of February 12, 2003, as presented.

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

Nays: None

Absent: Barnett

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton had nothing to report at this time.

6. MAYOR'S REPORT

Mayor Somerville was not present at this meeting.

7. COUNCIL COMMENTS

Member Golden stated the Older Persons' Commission (OPC) would be holding a fund raising event "soaring into the forties" on Saturday, May 17, 2003 at the Romeo State Airport. She indicated additional information was available through the OPC at (248) 608-0259.

Member Golden stated a recent newspaper article reported that Oakland County had lost \$212 Million Dollars for Federally funded roadwork. She stated the City's Crooks Road Project was one of the few Projects that would receive Federal funding through the County. President Dalton noted the Crooks Road Right-of-Way Acquisition Project would be scheduled on an upcoming City Council Agenda.

Member Holder stated the Rochester Hills Professional Firefighters Union Local 3472 would be holding a Vegas Night on Saturday, March 1, 2003 to benefit the Muscular Dystrophy Association. She noted additional information could be obtained from Beverly or Heather at the Muscular Dystrophy Association at (586) 274-9000.

8. ATTORNEY'S REPORT

Attorney Staran was not present at this meeting.

- 9. 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.)

Consent Agenda Items **9a, 9b, 9c, 9d, 9e** and **9f** were approved by a single motion.

- 9a. Approval of Minutes** – Regular Work Session of December 11, 2002. (Members received a copy of the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, December 11, 2002).

Resolution A0005-2003-R0027

MOTION by Hill, seconded by Golden,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, December 11, 2002, be approved as presented.

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

MOTION CARRIED

- 9b. **Approval of Minutes** – Regular Meeting of December 18, 2002. (Members received a copy of the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, December 18, 2002).

Resolution A0005-2003-R0028

MOTION by Hill, seconded by Golden,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, December 18, 2002, be approved as presented.

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

Nays: None

Absent: Barnett

MOTION CARRIED

- 9c. **Approval of Minutes** – Regular Work Session of January 8, 2003. (Members received a copy of the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, January 8, 2003).

Resolution A0005-2003-R0029

MOTION by Hill, seconded by Golden,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, January 8, 2003, be approved as presented.

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

Nays: None

Absent: Barnett

MOTION CARRIED

- 9d. **Request for Purchase Authorization** - DPS: 22A Gravel, blanket purchase order not-to-exceed \$80,000.00; Primary Vendor: Tri-City Aggregates, Holly, MI; Secondary Vendor: Richmond Transport, Lenox, MI (A0476) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 15, 2003 from Julie Hamilton, Purchasing Analyst, Fiscal Team, with attachments)

Resolution A0476-2003-R0030

MOTION by Hill, seconded by Golden,

Whereas, sealed bids were solicited for a blanket purchase order for the aggregate 22A gravel and the lowest responsive, responsible primary and secondary vendors were selected; and

Whereas, after review and evaluation of the bids, the lowest, responsive, responsible bidder was determined to be Tri-City Aggregates, which the Department of Public Service selected as a primary vendor. Richmond Transport was the second lowest bidder and selected as a secondary vendor.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes blanket purchase orders totaling the not-to-exceed amount of \$80,000.00 to Tri-City Aggregates of Holly, Michigan, and Richmond Transport of Lenox, Michigan, for the purchase of 2003 and 2004 Aggregate 22A Gravel through December 31, 2004.

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

MOTION CARRIED

- 9e. **Request for Purchase Authorization** – DPS: Public Underground Utility Repairs and/or Related Services, blanket purchase order not-to-exceed \$150,000.00; Man Con Michigan, Inc., Shelby Township, MI (A0253) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 16, 2003, from Barbara Key, Contract Specialist, Department of Public Service, with attachments)

Resolution A0253–2003–R0031

MOTION by Hill, seconded by Golden,

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes a Blanket Purchase Order exercising the option to renew for an additional year as set forth in the contract between the City of Rochester Hills and Man-Con Michigan, Inc. of Shelby Township, Michigan, for the Public Underground Utility Repairs and/or Related Work Services in the not-to-exceed amount of \$150,000.00, and authorizes the Mayor and the City Clerk to execute the extended contract agreement on behalf of the City.

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

MOTION CARRIED

- 9f. **Meadow Creek Site Condos** – (Members received a copy of a Regular Meeting Action Summary Sheet dated January 23, 2003 from Josy Foisy, Clerk III, Department of Public Service, with attachments) (A0053)

- (i) Acceptance of on-site Watermain Easement: Parcel Nos. 15-32-426-022 & 023; 15-32-426-004 & 005

Resolution A0053–2003–R0032

MOTION by Hill, seconded by Golden,

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby accepts an easement granted by Gulf Meadow Creek, L.L.C., a Michigan Limited Liability Company of 2038 West Big Beaver Road, Suite 100, Troy, Michigan 48084, for the construction, operation, maintenance, repair and/or replacement of a watermain on, under, through and across land more particularly described as: Parcel Numbers 15-32-426-022; 15-32-426-023; 15-32-426-004; and 15-32-426-005.

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

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

Nays: None

Absent: Barnett

MOTION CARRIED

(ii) Acceptance of off-site Watermain Easement: Parcel No. 15-32-426-018

Resolution A0053-2003-R0033

MOTION by Hill, seconded by Golden,

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby accepts an easement granted by Avondale School District, a Michigan Municipal Corporation, of 260 South Squirrel Road, Auburn Hills, MI 48326-3255, for the construction, operation, maintenance, repair and/or replacement of the City of Rochester Hills owned water main, on, under, through and across land more particularly described as: Parcel Number 15-32-426-018.

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

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

Nays: None

Absent: Barnett

MOTION CARRIED

(iii) Acceptance of Sanitary Sewer Easement: Parcel Nos. 15-32-426-022 & 023; 15-32-426-004 & 005

Resolution A0053-2003-R0034

MOTION by Hill, seconded by Golden,

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby accepts an easement granted by Gulf Meadow Creek, L.L.C., a Michigan Limited Liability Company, of 2038 West Big Beaver, Suite 100, Troy, Michigan 48084, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under, through and across land more particularly described as: Parcel Numbers 15-32-426-022; 15-32-426-023; 15-32-426-004 and 15-32-426-005.

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

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

MOTION CARRIED

(iv) Approval of Storm Water Detention System Maintenance Agreement: Parcel Nos. 15-32-426-022 & 023; 15-32-426-004 & 005

Resolution A0053-2003-R0035

MOTION by Hill, seconded by Golden,

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Agreement for Maintenance of Storm Water Detention System between the City of Rochester Hills and Gulf Meadow Creek, L.L.C., a Michigan Limited Liability Company, whose address is 2038 West Big Beaver Road, Suite 100, Troy, Michigan 48084, affecting property identified as: Parcel Numbers 15-32-426-022; 15-32-426-023; 15-32-426-004; and 15-32-426-005.

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

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

MOTION CARRIED

10. PUBLIC COMMENTS

Lee Zendel, 1575 Dutton Road, provided comments about the RFP's sent out for trash hauling utilizing a display board he had drawn. He stated the collection RFP required the contractor to provide City residents, without charge, two (2) eighteen (18) gallon recycling containers for each residential unit. He indicated the RFP specified one (1) container would be dark green and labeled "bottles and cans", and the other container would be light green and labeled "paper". He stated those colors were the logo colors of the Waste Management Company, and questioned why the City cared about the color of the recycling bins. He noted the consultant had written the

RFP. He indicated the only response to the recycling facility and composting facility RFP was Waste Management. He stated the recycling RFP contained a clause indicating future negotiations could be held to determine what portion of the revenue from sales of recyclables would be the City's share. He referred to a recent Detroit Newspaper article regarding Canadian trash being brought to Michigan. He noted the surplus of landfills in Michigan, which had caused the landfill owner to lower rates. He stated the consultant's landfill rates estimated in the RFP were considerably higher than the costs quoted in the article. He stated the second collection bid required all materials to be delivered to tipping floors at a potential transfer site located within a one and one-half (1-1/2) mile radius of the intersection of Joslyn and Walton Roads in Pontiac. He indicated Waste Management had a site near that intersection, and there were no other transfer stations located in Pontiac. He noted the designated intersection excluded the Allied Waste site. He questioned the reason for Optional Bid Three, noting the Ad Hoc Committee recommended separate landfill recycling/composting facilities. He referred to his formula "c minus p equals s" which he would discuss at a future meeting.

11. LEGISLATIVE/ADMINISTRATIVE RESPONSE

No Legislative/Administrative responses were given.

12. PETITIONERS REQUESTS

12a. Rochester Hills American House – a Senior Housing Development located on the east side of Adams Road, north of South Boulevard; Zoned SP (Special Purpose) District; Parcel No. 15-31-301-032; Silverman Companies – Applicant (A0249) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 27, 2003 from Deborah Millhouse, Deputy Director, Planning Department, with attachments)

(i) Request for approval of a Revised Conditional Land Use

Resolution A0249–2003–R0036

MOTION by Holder, seconded by Duistermars,

Now Therefore Be It Resolved that the Rochester Hills City Council approves the Revised Conditional Land Use consistent with plans dated received January 21, 2003 for Rochester Hills American House, Parcel Number 15-31-301-032, zoned SP (Special Purpose) (City File No. 99-007.2), with the following findings and subject to the following condition:

Findings:

1. The development is for a select group of the population, the elderly, whose special needs require the close physical proximity of accessory uses and support facilities.
2. The project consists of different types of living units constructed pursuant to an overall comprehensive plan for an entire parcel.

3. The development is located just north of and will have common Adams Road access with American House, an existing facility which provides other senior housing and care opportunities.
4. Additional accessory and support facilities are present at the adjacent American House and available to future residents of the subject site.
5. The proposed development will provide a minimum of 135 square feet of ancillary facilities for each manor building dwelling unit.
6. The entire development, including the existing American House facilities to the south, will provide a minimum of 35 square feet of common facilities for each dwelling unit.
7. The applicant has agreed to provide an operational agreement to guarantee that the common facilities of both the existing and proposed developments will be available to all residents.
8. The proposed garage is only for the storage of equipment incidental and related to the principal use of the property and is permitted.
9. All proposed buildings are either one or three stories in height.
10. The smallest one-bedroom living unit contains at least 400 square feet exclusive of the kitchen and bathroom facilities.
11. The smallest two-bedroom living unit contains at least 500 square feet exclusive of the kitchen and bathroom facilities.
12. The site is required to be at least 4.02 acres in size and is actually 11.88 net acres in area.
13. The proposed development will provide a great deal more contiguous open space than the 33,400 square feet required.
14. More than 167 parking spaces will be provided.
15. The maximum building length does not exceed 180 feet along any one side of the building or 250 feet in the total length of multiple sides.
16. The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general and of Section 138-933(9) in particular.
17. The development has been designed and will be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, adjacent uses of land, the natural

environment, the capacity of public services and facilities affected by the land use and the community as a whole.

18. The development is or can be adequately served by essential public facilities and services.
19. The development is not detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare.
20. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Condition:

1. An Operational Agreement between the existing and proposed elderly housing developments be reviewed and approved by the City prior to issuance of a Land Improvement Permit for the undeveloped portion of the project.

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

MOTION CARRIED

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- (ii) Request for approval of a Revised Site Plan

Resolution A0249-2003-R0037

MOTION by Duistermars, seconded by Golden,

Now Therefore Be It Resolved that the Rochester Hills City Council approves the Revised Site Plan consistent with plans dated received January 21, 2003 for Rochester Hills American House, Parcel Number 15-31-301-032, zoned SP (Special Purpose) (City File No. 99-007.2) with the following findings and subject to the following conditions:

Findings:

1. The revised site plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.
2. The location and design of the driveways providing vehicular ingress to and egress from the site have been designed to promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.
3. Parking areas have been designed to avoid common traffic problems and promote safety.

4. There is a satisfactory and harmonious relationship between the development on the site and the existing development of contiguous land and adjacent neighborhoods.
5. The proposed development does not have an unreasonably detrimental or an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.

Conditions:

1. Approval by City Council of the revised Conditional Land Use.
2. Technical compliance with all applicable ordinances and regulations (including all ADA requirements) prior to final approval of the revised site plan by City staff.
3. Approval of the revised site plan by the City's Fire Prevention Division, and approval by Engineering Services of construction plans relative to termination of the sanitary sewer servicing Building #9 and alignment of the proposed water main north of Building #8, #9, #10, and #4.
4. All site plan sheets be consistent, as approved by City staff.
5. The Environmental Impact Statement be revised to accurately reflect the current proposal; the pitch of the carport roof be consistent with the roofs of the existing buildings (as approved by staff); the total building area be added to Sheet P-9; the cover sheet be corrected as approved by City staff; and the number of Phase II units per acre on Sheet PS1 be corrected.
6. Verification of the amount of landscaped parking area noted on Sheet L-3; revision of the Plant Schedule Exclusive of Replacement Trees on Sheet L-4 to be consistent with the plantings indicated on Sheet L-3; and, approval of the photometrics by staff relative to reducing all light poles to a height not exceeding 20 feet.
7. At least 6.27 feet of Parcel No. 5-31-301-008 located south of Building 7 be transferred to Parcel No. 15-31-301-032 prior to issuance of a Land Improvement Permit for the undeveloped portion of the project so that the minimum setback for the building is at least 50 feet from the south property line.
8. Relocation of proposed carports at least 50 feet from the southern property line, unless adjustment of the property line can be legally accomplished and any required cross agreements be executed and approved by City staff.
9. Review and approval by the City of an amended "Grant of Easement for Ingress-Egress and Maintenance" if deemed necessary between the applicant and the

adjacent property owner to the south prior to issuance of a Land Improvement Permit for the undeveloped portion of the project.

10. Review and approval by the City of a landscaping easement between the applicant and the adjacent property owner to the south prior to issuance of a Land improvement Permit for the undeveloped portion of the project.
11. Review and approval by the City of an operational agreement between the applicant and the adjacent property owner to the south prior to issuance of a Land Improvement Permit for the undeveloped portion of the project.
12. Provision of a performance and maintenance guarantee in the amount of \$37,676.00, as adjusted if necessary by the City, to ensure the correct installation and maintenance of the proposed landscaping. Such guarantees to be provided by the applicant prior to issuance of a Land Improvement Permit for the undeveloped portion of the project.

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

MOTION CARRIED

13. ORDINANCE ADOPTION

13a. Acceptance for First Reading a proposed Ordinance Amendment to amend Section 138-705 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the side yard setback requirement in the CI Commercial Improvement District, to repeal conflicting ordinances and prescribe a penalty for violations (A0481) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 27, 2003, from Derek Delacourt, Planner II, Planning Department, with attachments)

Resolution A0481-2003-R0038

MOTION by Duistermars, seconded by Golden,

Now Therefore Be It Resolved That an Ordinance to amend Section 138-705 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify the side yard setback requirement in the CI (Commercial Improvement) District, to repeal conflicting ordinances and prescribe a penalty for violations is hereby accepted for **First Reading**.

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

MOTION CARRIED

- 13b. Acceptance for First Reading** - a proposed Ordinance Amendment to Section 118-61 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to delete the requirement that one member of the Historic Districts Commission shall be a City Councilperson, and to repeal conflicting ordinances (A0488) (Members received a copy of a Regular Meeting Action Summary Sheet dated February 7, 2003, from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0488-2003-R0039

MOTION by Hill, seconded by Golden,

Now Therefore Be It Resolved That an Ordinance to amend Section 118-61 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to delete the requirement that one member of the Historic Districts Commission shall be a City Councilperson, to repeal conflicting ordinances, is hereby accepted for **First Reading**.

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

MOTION CARRIED

14. COUNCIL COMMITTEE REPORTS

Member Hill stated the Financial Services Committee met jointly with the Community Development & Viability Committee to discuss road funding.

Member Hill stated the Administration & Information Services Committee recommended approval of two (2) Class C Liquor License transfers, which will be scheduled for a future City Council Agenda. She stated the Committee began review of the salary issue and formulated a time line beginning with the March Committee Meeting.

Member Golden stated the Trailways Commission would be meeting on Tuesday, February 18, 2003. She referred to the Council discussion at the February 5, 2003 Work Session regarding the proposed Clinton River Trail Memorandum of Understanding, and noted the policy makers from the member Communities had not received much information regarding the matter. She noted the issue would be discussed at the Trailways Commission Meeting.

President Dalton stated members of the other Communities would be invited to a March City Council Work Session to discuss the Clinton River Trail matter.

15. ANY OTHER BUSINESS

Member Hill stated she thought the 2004 City Council Goals and Objectives portion of the February 5, 2003 Work Session was very productive and enjoyable. She stated she liked having the facilitation and working in an informal atmosphere.

16. NEXT MEETING DATE

16a. Wednesday, February 19, 2003- 7:30 PM - Regular Work Session

17. ADJOURNMENT

There being no further business to discuss before Council, upon motion duly made and seconded, President Dalton adjourned the meeting at 7:54 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