



Rochester Hills Minutes City Council

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*John L. Dalton, Bryan K. Barnett, Jim Duistermars, Melinda Hill,
Barbara L. Holder, Linda Raschke, Gerald Robbins*

Wednesday, May 5, 2004

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.

ROLL CALL

Present: John Dalton, Bryan Barnett, Jim Duistermars, Melinda Hill, Barbara Holder, Linda Raschke and Gerald Robbins

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Alan Buckenmeyer, Parks Operations Manager
Paul Davis, City Engineer
Derek Delacourt, Planner
Jean Farris, Supervisor of Procurement
Roger Rousse, Director of DPS/Engineering
Joe Snyder, Financial Analyst
Greg Walterhouse, Fire Chief*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

The Agenda was amended to add the following under ATTORNEY MATTERS:

2004-0452 Adoption of Resolution to adjourn to Closed Session at the conclusion of tonight's meeting, Wednesday, May 5, 2004 for the purpose of discussing an Attorney/Client Privileged Communication. The motion carried.

PUBLIC COMMENT

Rev. Dr. Pamela Whateley, 1600 North Livernois Road, expressed disappointment that the Council meeting held on Monday, May 3rd had not be televised. She then noted that none of the residents in her area of the City receive the Hills Herald.

Mayor Somerville stated she would contact the Post Office regarding delivery of the Hills Herald.

Mr. Paul Schira, 227 Parkland, Vice President of the Sycamore Homeowners Association, questioned the City's decision to increase the tax base by increasing development, which will increase traffic congestion, thus contributing to the "crisis in the local road program."

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Somerville explained that the City cannot prevent an individual from developing their private property if they abide by all laws and ordinances.

Mr. Robbins wished everyone a happy Cinco de Mayo and happy birthday to Ms. Holder.

Ms. Hill also wished Ms. Holder happy birthday. She then announced that The Weather Channel would be broadcasting a special regarding watersheds in May, June and September. Ms. Hill encouraged Communication Committee Chairpersons to contact Bob Grace, Director of MIS, prior to their May committee meetings to receive assistance in the use of new AV equipment. She then thanked her fellow Council members for flowers sent to express their condolences for Ms. Hill's loss of a dear friend.

Mr. Duistermars wished Ms. Holder happy birthday and expressed his condolences for Ms. Hill's loss.

Ms. Holder thanked everyone for their "overwhelming birthday wishes." She explained that the un-televised meeting was "just a little brain storming session." She stressed that Work Session meetings are always open to the public and no decisions are made.

ATTORNEY MATTERS

City Attorney John Staran announced that Judge McDonald had issued his ruling granting the City's motion to terminate the Grand/Sakwa consent judgement. In addition, the City received Judge Sosnick's ruling granting the City's motion for summary disposition in the rezoning matter involving Arby's and Lifetime Fitness.

2004-0452

Adoption of Resolution to adjourn to Closed Session at the conclusion of tonight's meeting (Wednesday, May 5, 2004) for the purpose of discussing an Attorney/Client privileged communication

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

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, at the conclusion of tonight's Regular meeting, Wednesday, May 5, 2004 for the purpose of discussing an Attorney/Client Privileged Communication. Council will not reconvene to Open Session at the conclusion of the Closed Session.

The motion carried.

Enactment No: RES0137-2004

RECOGNITIONS

2004-0423

Proclamation - 35th Annual Municipal Clerk's Week - May 2 through May 8, 2004

Attachments: Proclamation

Whereas The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the older among public servants, and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks continually strive to improve the administration of affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations,

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk,

Now Therefore, I, Pat Somerville, Mayor of the City of Rochester Hills, do recognize the week of May 2 through May 8, 2004 as Municipal Clerk's Week, and further extend appreciation to our City Clerk, Beverly A. Jasinski, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Presented

CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2004-0295 Approval of Minutes - Regular City Council Meeting, March 3, 2004

Attachments: Minutes CC Reg Mtg 030304.pdf; 2004-0295 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on March 3, 2004 be approved as presented.

Enactment No: RES0138-2004

2004-0338 Approval of Minutes - Special Work Session City Council Meeting - March 10, 2004

Attachments: Minutes CC Sp WS 031004.pdf; 2004-0338 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special] Rochester Hills City Council Work Session Meeting held on March 10, 2004 be approved as presented.

Enactment No: RES0139-2004

2004-0411 Approval of Minutes - Special City Council Meeting - March 10, 2004

Attachments: Minutes CC Spc Mtg 031004.pdf; 2004-0411 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on March 10, 2004 be approved as presented.

Enactment No: RES0140-2004

2004-0420

Request for Purchase Authorization - FIRE: Fire Safety House, Increase purchase order for Fire Safety House in the amount of \$5,300.00 for a new not-to-exceed total of \$41,285.00; Mobile Concepts, Mt. Pleasant, PA

Attachments: Agenda Summary.pdf; Quote.pdf; Donation List.pdf; 2004-0420 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes the increase of the purchase order to Mobile Concepts, Mt. Pleasant, PA in the amount of \$35,985 by \$5,300 for the Weather Smart Package for a new total of \$41,285.

Enactment No: RES0141-2004

2004-0422

Adams Road Relocation Project Right-of-Way Acquisitions: Approval of the Offer to Purchase and Statement of Compensation for purchase and temporary construction easement by and between the City of Rochester Hills and The Revocable Living Trust of Patrick T. Schwartz, dated October 2, 1996 AND Schwartz Associates, L.L.C. for Lots 88 and 89 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision.

Attachments: Agenda Summary.pdf; Exhibit A - Schwartz 2&3.pdf; 2004-0422 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, an Offer to Purchase and Statement of Compensation for the acquisition of the necessary right-of-way property and temporary construction easement in conjunction with the Adams Road Relocation Project has been offered and accepted for Lots 88 and 89 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision, also known as the "Schwartz Property" as shown on the attached Exhibits A as Parcels 2 and 3

Resolved that the Rochester Hills City Council hereby approves the Offer to Purchase in the amount of \$13,400.00, and Statement of Compensation for purchase and temporary construction easement in the amount of \$4,200.00, by and between the City of Rochester Hills and The Revocable Living Trust of Patrick T. Schwartz, dated October 2, 1996 AND Schwartz Associates, L.L.C., for Lots 88 and 89 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision;

Further Resolved that the Mayor is authorized to release a check for payment in accordance with the Statement of Compensation for right-of-way acquisition and temporary construction easement.

Enactment No: RES0142-2004

2004-0425

Adams Road Relocation Project Right-of-Way Acquisition: Approval of the Offer to Purchase and Statement of Compensation for purchase and temporary construction easement by and between the City of Rochester Hills and The Revocable Living Trust of Patrick T. Schwartz, dated October 2, 1996 AND Schwartz Associates, L.L.C., for Lots 86 and 87 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision;

Attachments: Agenda Summary.pdf; Exhibit A - Schwartz 4&5.pdf; 2004-0425 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, an Offer to Purchase and Statement of Compensation for the acquisition of the necessary right-of-way property and temporary construction easement in conjunction with the Adams Road Relocation Project has been offered and accepted for Lots 86 and 87 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision, also known as the "Schwartz Property" as shown on the attached Exhibit A as Parcels 4 and 5.

Resolved that the Rochester Hills City Council hereby approves the Offer to Purchase in the amount of \$13,500.00, and Statement of Compensation for purchase and temporary construction easement in the amount of \$4,000.00, by and between the City of Rochester Hills and The Revocable Living Trust of Patrick T. Schwartz, dated October 2, 1996 AND Schwartz Associates, L.L.C., for Lots 86 and 87 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision;

Further Resolved that the Mayor is authorized to release a check for payment in accordance with the Statement of Compensation for right-of-way acquisition and temporary construction easement.

Enactment No: RES0143-2004

Passed The Consent Agenda

A motion was made by Raschke, seconded by Hill, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried.

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

2004-0393 Approval of Cost Share Agreement for District 21 Sanitary Sewer between the City of Rochester Hills and W. G. Gilbert, Inc.

Attachments: Agenda Summary.pdf; Cost Share Agreement.pdf; Exhibits.pdf; 2004-0393 Resolution.pdf

Ms. Hill noted that, when originally discussed, it was determined that the sanitary sewer main would be built in the road to avoid harming as many trees as possible. She asked that it be noted in the record "that I see the benefits of doing this."

A motion was made by Hill, seconded by Barnett, that this matter be Adopted by Resolution.

Resolved, that the Rochester Hills City Council approves the Cost Share Agreement for District 21 Sanitary Sewer between the City of Rochester Hills and W.G. Gilbert, Inc., and authorizes the Mayor and Clerk to execute the agreement on behalf of the City.

The motion carried.

Enactment No: RES0144-2004

PUBLIC HEARINGS

2004-0364 Reprogramming of Community Development Block Grant Funds for Program Year 2002 of \$30,000.00 from Removal of Architectural Barriers (Activity Number 2400) to Parks/Recreational Facilities (Activity Number 3436)

Attachments: Agenda Summary2.pdf; Agenda Summary.pdf; Public Hearing Notice2.pdf; Public Hearing Notice.pdf; Memo Snyder CDBG Overview.pdf; Memo Snyder Funding Alts.pdf; 2004-0364 Resolution.pdf

President Dalton opened the Public Hearing at 8:01 p.m.

There being no Public Comment, President Dalton closed the Public Hearing at 8:02 p.m.

Mr. Joe Snyder, Financial Analyst, and Mr. Alan Buckenmeyer, Parks Operations Manager, were present to answer Council's questions.

Mr. Barnett indicated that he was under the impression Council had previously approved funding for these toilets. He asked if the construction work had yet to begin and when would the work be completed.

Mr. Buckenmeyer stated that no construction had begun, but blueprints had been prepared and the construction would be completed before the end of the year.

A motion was made by Barnett, seconded by Hill, that this matter be Adopted by Resolution.

Resolved, that the Rochester Hills City Council hereby Tables by Resolution the Reallocation Funding Application, as follows:

Reprogram From Existing:

*** (2400) Removal of Architectural Barriers - \$30,000.00**

Reprogram To:

*** (3436) Parks/Recreational Facilities - \$30,000.00**

Be It Further Resolved that City Council requests that the Fiscal Team provide detailed information regarding the other possible reallocation options for these funds and that this matter be brought back before City Council at the next Regular Meeting dated May 5, 2004.

The motion carried.

Enactment No: RES0145-2004

ORDINANCE FOR INTRODUCTION

2004-0039 Revised Liquor License Ordinance

Attachments: Agenda Summary.pdf; Minutes CC Reg Mtg 050703.pdf; Minutes AIS 071503.pdf; Farmington Hills Agreement.pdf; Minutes AIS 080503.pdf; Letter Staran 080803.pdf; Minutes AIS 120203.pdf; Letter Staran 012804.pdf; Minutes AIS Draft 020304.pdf; First Revisions Ch

Ms. Hill and President Dalton explained that the Administration & Information Services (AIS) Committee had, over a period of several months, reviewed liquor ordinances from other area communities, and revamped the City's liquor license ordinance.

A motion was made by Hill, seconded by Holder, that this matter be Accepted for First Reading by Resolution.

Resolved that the Administrative & Information Services Committee recommends that City Council accept for First Reading an ordinance to amend Section 6-38 of Chapter 6, Alcoholic Liquor, to modify and add factors to be considered by City Council in processing liquor license applications, repeal conflicting ordinances, and prescribe a penalty for violations.

The motion carried.

Enactment No: RES0162-2004

ORDINANCE FOR ADOPTION

2004-0106

Rezoning Request (City File No. 02-027, City Place) - a request to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres from R-4, One Family Residential to B-2, General Business, located east of Rochester Road and south of Avon, known as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015, G&V Properties, LLC applicant.

Attachments: Agenda Summary Second reading.pdf; Agenda Summary First Reading.pdf; Map aerial.pdf; Report Staff 20040301.pdf; City Place PUD Plans 2.pdf; City_Place_PUD[1].pdf; Memo Delacourt 20040312.pdf; Minutes pc 20040316.pdf; Minutes hdc 20031009.pdf; Minutes pc 2

Mr. Joseph Galvin of Miller, Canfield, Paddock and Stone, PLC, 150 West Jefferson, Detroit, Mr. William Gilbert, 2565 South Rochester Road, and Mr. Mark Abanatha, 2445 Franklin Road, Bloomfield Hills, appeared for the applicant.

Mr. Derek Delacourt, Planner, explained that the request before Council was for rezoning of the property and PUD overlay rezoning. Both requests had been approved for first reading at the previous regular Council meeting. He noted that the third step in the process would be approval of the PUD agreement. Mr. Delacourt reminded Council that the major issue discussed at the previous Council meeting had been regarding the City's 180 foot right-of-way. He stated that the applicant "has indicated in the PUD agreement the dedication of the 150 foot right-of-way," however, no mention is made of the City's 180 foot requirement. He stressed that if Council wished for this issue to "be addressed in the PUD agreement in any fashion, it should be done prior to any approval or as a condition of approval tonight."

Mr. Galvin stated that "we respectfully request that you adopt this with the 150 foot right-of-way" noting that other changes resulting from the previous meeting's discussion had been incorporated in the PUD agreement.

A motion was made by Duistermars, seconded by Hill, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to from R-4, One Family Residential to B-2, General Business, identified as Parcel Nos. 15-23-301-002, 15-23-300-035 and 15-23-152-015, located east of Rochester Road and south of Avon, is hereby accepted for First Reading.

The motion carried.

Enactment No: RES0146-2004

2004-0314

Rezoning Request (City File No. 02-027, City Place) - a request to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to PUD (Planned Unit Development), located east of Rochester Road and south of Avon, known as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015 G&V Investments, LLC, applicant.

Attachments: 2004-0314 Agenda Summary second reading.pdf; Report Staff 20040312.pdf; City Place Ord. 2.pdf; 2004-0314 Resolution.pdf

A motion was made by Hill, seconded by Duistermars, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to PUD (Planned Unit Development, identified as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015, located east of Rochester Road and south of Avon, is hereby accepted for First Reading.

The motion carried.

Enactment No: RES0147-2004

2004-0315

Approval of Final Planned Unit Development (PUD) - City Place, City File No. 02-027.

Attachments: Agenda Summary 2 cityplacepdf.pdf; PUDAgreement050504.pdf; 2004-0315 Resolution.pdf

PUBLIC COMMENT:

Mr. Clayton Birtell, 240 Parkland Drive, expressed his opposition to the "scope" of the development expressing concerns regarding increased traffic.

Mr. Paul Schira, 227 Parkland Drive, Vice President of the Sycamore Homeowners Association, stated he opposes the development due to the proposed height of the buildings. He also indicated that the same developer had developed his subdivision, and the homeowners were dissatisfied with his performance.

Mr. Robert Killer, 246 Parkland Drive, President of the Sycamore Homeowners Association, expressed his associations opposition to the development due to a perceived "lack of planning for traffic, safety and noise." He expressed concern that the development would result in a decrease in property values.

APPLICANT RESPONSE:

In response to Council's questions, Mr. Delacourt explained the next steps in the development process, noting that the applicant will be required to submit final technical site plans for review and approval to all pertinent reviewing departments in and outside of the City. He stressed that if the plans are consistent with the PUD agreement the City "is basically obligated to approve" the final plans.

Mr. Barnett outlined the benefits of the PUD process with regards to this development:

- 1) Greater control over uses than would be allowed if the property were a standard zoning district*
- 2) Ability to implement the Master Plan for identified mixed-use development, which standard zoning would not have allowed.*
- 3) Ability to restrict square footage of both commercial and office uses to maintain a mostly residential development.*
- 4) Greater control of architecture, building materials, and site design.*

- 5) *Required dedication of right-of-way on Rochester Road.*
- 6) *Ability to consolidate curb cuts on Rochester Road.*
- 7) *Controlled development of the entire parcel as opposed to the parcel being subdivided for multiple developments.*
- 8) *Requiring additional setbacks and buffers between the proposed development and existing homes*

Mr. Gilbert stressed that it has been a long process and he has been responsive to the questions and concerns raised by area residents throughout the entire process including meetings with residents.

President Dalton stated that Council has been involved in this process for several years. He expressed his personal belief that the PUD process is an "excellent tool" allowing more control over the development than is the case with standard zoning. President Dalton assured residents that the City Assessor "is not fearful" of property values decreasing due to this development. He also acknowledged the developer's cooperation with the Historic District Commission in relocating and restoring a historic building as part of the development at great expense to the developer.

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

Whereas, in the matter of City File No. 02-027 (City Place PUD), the Planning Commission recommended that City Council conditionally approve the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated received February 4, 2004.

Now Therefore Be It Resolved that, on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approved the Planned Unit Development Agreement and Exhibits dated received February 4, 2004 between G&V Investments, LLC (G&V), whose address is 2565 Rochester Road, Rochester Hills, MI 48307, Fifth Third Bank, whose address is c/o Corporate Facilities, 38 Fountain Square Plaza, MD 10 ATA 1, Cincinnati, OH 55263, and the City of Rochester Hills, a Michigan Municipal Corporation, Rochester Hills, Michigan with the following findings and subject to the following conditions.

Be It Further Resolved that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

Findings:

- 1. The proposed PUD has met the qualifications of Section 138-1002 of the Zoning Ordinance.**
- 2. The City's Master Plan identifies the subject site for future mixed-use development. The proposed development is consistent with that recommendation.**
- 3. Dedication of additional road right-of-way, increased design and aesthetic controls, and the ability to restrict undesirable uses are substantial public benefits of the proposed PUD that could not be achieved under the B-2 district alone.**
- 4. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment. Moreover, the proposed PUD will improve public utility and circulation systems.**

5. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site.

Conditions:

1. That the applicant shall make any modifications necessary at the time of Final Site Plan Approval to meet Engineering or Fire Department Requirements.

The motion carried.

Enactment No: RES0149-2004

(Recess 8:42 p.m. - 8:51 p.m.)

NEW BUSINESS

2004-0374

Request for Purchase Authorization - DPS: Storage for four (4) City vector trucks, blanket purchase order in the amount not-to-exceed \$45,984.00 through May 31, 2006; R & G Development, Rochester Hills, MI

Attachments: Agenda Summary.pdf; 2004-0374 Resolution.pdf

Mr. Rousse explained that it is advisable to store vector trucks indoors to protect them from the elements, thus "protecting that investment." He acknowledged that if and when the new DPS facility is built, these trucks will be housed there.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to R & G Development, of Rochester Hills, Michigan, for the rental of the storage unit for the City's four vector trucks, in the amount not-to-exceed \$45,984.00 through May 31, 2006.

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

The motion carried.

Enactment No: RES0150-2004

2004-0394

Request for Purchase Authorization - DPS/FACILITIES: Janitorial Services, blanket purchase order not-to-exceed \$61,222.00; Thundermop Maintenance Company, Waterford, MI

Attachments: Agenda Summary Janitorial Services.pdf; 2004-0394 RFP Tab1 Janitorial Services.pdf; 2004-0394 RFP Tab2 Janitorial Services.pdf; 2004-0394 RFP Tab3 Janitorial Services.pdf; 2004-0394 Resolution.pdf

Mr. Rousse explained that, having reviewed the duties and staffing of the facilities employees, it was determined that the department "can better utilize our current employees if we gear them toward maintenance and contract out the custodial duties." He noted that contracting these services saves roughly 50% of the costs of performing the work in-house. He further noted that the contract can be terminated following thirty (30) days notice if the level of service is not acceptable.

Council members expressed a desire to see employees in other positions fill these janitorial positions rather than being laid off. It was also suggested that City Hall employees clean their own facilities, as is the case at the Fire stations and the Parks.

A motion was made by Hill, seconded by Robbins, that this matter be Adopted

by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Thundermop Maintenance Company of Waterford, Michigan, for the purchase of janitorial services, in the amount not-to-exceed \$61,222.00 through June 1, 2005.

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

The motion carried.

Enactment No: RES0151-2004

2004-0398

Request for Purchase Authorization - FIRE: Digital Recording System for Dispatch Center, Purchase Order not-to-exceed \$29,976.00; DSS Corporation, Southfield, MI

Attachments: Agenda Summ Digital Record.pdf; Bid Tab.pdf; 2004-0398 Resolution.pdf

Mr. Robbins questioned why Council members should approve this purchase when they are unable to receive pages from the Fire Department.

Chief Walterhouse stated that his department will send Council members pages if he is directed to do so by the Mayor.

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

Resolved, that the Rochester Hills City Council hereby approves a purchase order to DSS Corporation, Southfield, Michigan for a digital recording system in the amount of \$29,976.00.

The motion carried.

Enactment No: RES0152-2004

2004-0410

Approval of Proposed Road Vacation - The portion of Old Orion Court south of the extended south property line of 6812 Old Orion Court, Parcel No. 15-03-477-017; Curtis Properties Group, L.L.C., applicant.

Attachments: Agenda Summary.pdf; Map.pdf; Letter From Miller Canfield.pdf; Plot Plan.pdf; Request To Vacate Road.pdf; Papa Joes Site Plan.pdf; Papa Joes Map.pdf; Notice of Public Hearing.pdf; Ordinance 94 Section IV.pdf; Resolution.pdf

Mr. Anzek explained that during the PUD process for Curtis Development (also known as Papa Joe's) it was indicated that the vacation of this portion of Old Orion Court would be required. He noted that the road had previously been under the jurisdiction of the County and he and the Mayor had attended a Public Hearing and requested that the road be relinquished to the City. This request was granted and will thus allow the City to secure the necessary easements.

A motion was made by Hill, seconded by Barnett, that this matter be Adopted by Resolution.

Whereas, the City Council of the City of Rochester Hills on May 5, 2004, did by resolution deem it advisable and declare its intention to vacate, discontinue or abolish the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

The property located in the southeast quarter of section 3, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, more particularly described as: Commencing at the southeast corner of said section 3; thence N.00o00'30"E., 146.57 feet along the east line of section 3; thence N.30o42'30"W., 117.46 feet to the point of beginning; thence continuing N.30o42'30"W., 907.67 feet; thence N.76o14'30"E., 86.24 feet; thence S.30o42'30"E., 598.69 feet; thence S.82o33'47"E., 74.69 feet; thence S.00o00'30"W., 276.50 feet to the point of beginning, containing 1.6615 acres, subject to easements and restrictions if any.

Whereas, in accordance with the Code of Ordinances of the City of Rochester Hills, Section 94, Article IV, the City Council has held a public hearing and has heard and considered any comments or objections pertaining to such vacation, discontinuance or abolition; and

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

Now, Therefore, Be It Resolved:

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

The property located in the southeast quarter of section 3, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, more particularly described as: Commencing at the southeast corner of said section 3; thence N.00o00'30"E., 146.57 feet along the east line of section 3; thence N.30o42'30"W., 117.46 feet to the point of beginning; thence continuing N.30o42'30"W., 907.67 feet; thence N.76o14'30"E., 86.24 feet; thence S.30o42'30"E., 598.69 feet; thence S.82o33'47"E., 74.69 feet; thence S.00o00'30"W., 276.50 feet to the point of beginning, containing 1.6615 acres, subject to easements and restrictions if any.

3. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.
4. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

The motion carried.

Enactment No: RES0163-2004

COUNCIL COMMITTEE REPORTS

Ms. Hill stated that the Administration & Information Services (AIS) Committee had completed its salary review and those recommendations will be brought before Council in June. She described the previous night's Planning Commission meeting wherein the rezoning issue for the property at Hamlin and Adams on the north side of Hamlin was discussed. She noted that no conclusion had been reached, but that many residents were there and it was a "good discussion." Ms. Hill announced that the Financial Services Committee and the Community Development & Viability Committee would be holding a joint meeting on May 20th to discuss the water and sewer rates and the road

funding issue.

Mr. Duistermars announced that the upcoming Public Safety Committee meeting would be postponed until June.

NEXT MEETING DATE

Rescheduled to Monday, May 10, 2004 at 6:00 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 9:17 p.m.

*JOHN L. DALTON, President
Rochester Hills City Council*

*BEVERLY A. JASINSKI, Clerk
City of Rochester Hills*

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

Approved as presented at the June 2, 2004 Regular City Council Meeting.