



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, February 14, 2007

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:34 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning & Development
Alan Buckenmeyer, Parks Operations Manager
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ord. Enforcement
Bob Grace, Director of MIS
Jerry Lee, Forestry Operations Manager
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Bob Smith, Captain, OCSD
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved, that the Rochester Hills City Council approves the agenda for the February 14, 2007 Regular Meeting as amended as follows:

To add Legislative File 2007-0130 Adoption of Resolution to meet in Closed Session on Wednesday, February 28, 2007.

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, read quotes from Adam Smith (1776), and stated why he thinks his ideas are so relevant today.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Rosen thanked Kevin Krajewski and Jamie Smith for their work on getting video streaming up and running.

Ms. Holder expressed condolences to Oakland County Executive Brooks Patterson and his family regarding their loss.

Mr. Ambrozaitis thanked the Rochester Regional Chamber of Commerce for the reward he received for his six years of service on the Board of Directors.

Mr. Duistermars expressed condolences to Oakland County Executive Brooks Patterson and his family.

Ms. Raschke sent her deepest sympathy to Oakland County Executive Brooks Patterson and his family.

Mr. Yalamanchi acknowledged Mr. Anthony Tocco's, and Mr. Jerry Carvey's attendance at the meeting on behalf of the Green Space Advisory Board and City Council.

Mr. Carvey acknowledged Mr. Anthony Tocco and his wife, who offered to donate almost two (2) acres of land to the City of Rochester Hills. He stated that he wanted Council and the community to meet Mr. Anthony Tocco, and to thank them for their donation of land.

Kelley Kosuda, Youth Council Representative, stated that the Rochester Hills Government Youth Council is in the midst of promoting poverty awareness within this community and abroad. The Youth Council is currently collecting new school supplies for under privileged elementary school students in the Pontiac School District. They are collecting elementary appropriate school supplies from high schools, Rochester Hills residents, and local establishments. She urged interested residents to contact the Clerk's Office if they would like to donate.

President Rosen sent his condolences to the family of County Executive Brooks Patterson.

ATTORNEY MATTERS

2007-0130

Adoption of a Resolution to meet in Closed Session on Wednesday, February 28, 2007 at 6:30 P.M., Michigan Time, at the Rochester Hills Municipal Offices to consult with the City Attorney concerning a written, confidential attorney/client privileged communication relating to building setbacks and the Master Thoroughfare Plan

Attachments: Resolution.pdf

A motion was made by Duistermars, seconded by Holder, 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, on Wednesday, February 28, 2007 at 6:30 P.M. Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan. The purpose of the Closed Session is to consult with the City Attorney concerning a written, confidential attorney/client privileged communication relating to building setbacks and the Master Thoroughfare Plan.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0040-2007

PRESENTATION

2007-0089 Police Funding Proposal Presentation, Greg Hooper, Council Member, presenter

Attachments: Agenda Summary.pdf; Presentation.pdf

Mr. Hooper gave a power point presentation regarding the Police Funding Proposal. The following is a brief synopsis of what he covered in his presentation:

The points people look for when choosing a community to live in.

1. Strong Schools - Quality Education
2. Strong Fire/EMS - Fast/Effective Response
3. Strong Police Services - Low Crime Rate
4. Amenities - Park System, OPC, RARA, Green Space, Pathways, and Shopping
5. City Infrastructure - Roads, Snow Plowing, Housing Values
6. Health care - Hospitals, Doctors
7. Location - Employment, Freeway Access

Recent Events and Current Trends regarding Police Services

- Economy
- School violence since Columbine, regressing family values, we now have 4 officers, 7% of staff devoted to schools
- Identity Theft
- Increased Computer/Internet Crime
- Increased violent crime, Rochester Road bank robberies, Auburn Road homicide and subsequent robbery, commercial business assaults and car break-ins at northwest section of the City
- Increased juvenile crime, lawn surfing, mailbox destruction
- Homeland Security since 9/11/2001

Considerations for Police Services

1. Is the increase in crime in Rochester Hills a trend or spike?
2. Should police services be reactive or proactive?

3. *What spending level are the voters of Rochester Hills willing to support for police services?*

4. *What crime level are the voters of Rochester Hills willing to tolerate?*

5. *What is an acceptable response time to your call for service?*

6. *We are obviously happy with having the 3rd lowest tax rate in Oakland County, should we also be happy with the police services that reflect the 3rd lowest tax rate?*

Total Property Taxes in Rochester Hills for the Rochester School District:

For an average \$250k home that has \$125k of taxable value, the total taxes paid would be \$3,811.00.

The City tax portion of \$3,811.00 would be \$1,213.00 or 31.8% for your homestead or roughly \$100 per month.

Rochester Hills taxing structure is very different from most of Home Rule Cities. The majority of Michigan's Home Rule Cities are authorized to levy twenty (20) mills for general governmental services (city hall, police, fire, roads, etc.)

The City of Rochester Hills, established in 1984, is authorized by Charter to levy up to five (5) mills for General Fund and two and a half mills for Fire. The remaining millages are voter approved and include Police, OPC, RARA, Pathways, Open Space, and Debt Millages.

Mr. Hooper provided graphs on how we pay for police services in the 2007 budget, and historical and projected Police Funding.

Currently we spend more for police services than have been authorized by the voters in Police Millage I and Police Millage II - the result is a General Fund subsidy.

Mr. Hooper stated he feels that this is a structural problem that started when our Charter Commission did not have a dedicated millage for police services, and a legislative problem with past City Councils when they decided to spend more money than was authorized by the voters. Current research indicates that as far back as 1982 the City spent \$160,000 more than authorized for police services.

Mr. Hooper reviewed the Rochester Hills crime statistics.

CURRENT POLICE STAFFING

Captain	1
Lieutenant	2
Detective	7
Community Safety Officer	1
Substation Desk Officer	1
School Liaison - Sergeant	1
School Liaison - Deputy	3
Patrol Sergeant	5
Traffic Sergeant	1
Deputies	34
Weigh Master	2
<u>Alarm Compliance Officer</u>	<u>1</u>
Total	59

Options were given as to what can be done.

* Do nothing, remain "status quo", accept raising trend in crime rate/demand for police services and corresponding reduced level of service from our police;

OR,

* Add more officers to at least maintain the level of service we have and possibly enhance it

Suggestions were given as to how this could be accomplished.

* Revenue Enhancement

OR,

* Spending reduction in another General Fund area of the budget - except reduced or no level of service from the area of budget targeted.

REVENUE ENHANCEMENT

* Police III Millage

* Raise General Fund levy (appears we will be capped at Headlee limit in 2008, 3.8941 - 3.722 = 0.17 mills of room left in 2007)

* Add 1% administrative fee to all or part of taxes collected by the City, equals 0.38 mills-all, 0.28 mills-City. 23 / 30 (77%) O.C. Cities have this fee

* Increase user fees, fines, charges for service

* Add a new "service charge" for non-resident use of police services

SPENDING REDUCTIONS

* Hiring freeze and eliminate positions

* Health Care co-pays and deductible increases (requires union negotiation)

* Delay capital expenditures (residential streets)

* Outsourcing/Privatizing

* Refinance Debt. (GORB 1998 expires 2010, GORB 2002 expires 2008)

* Curtail "General Fund" City Departments and/or services

President Rosen stated it was obvious Mr. Hooper spent a lot of time on his presentation and the City Council owes him thanks.

PUBLIC COMMENT:

Mr. Vincent Robinson, 1487 Antler Ct., congratulated Mr. Hooper on his presentation. He does support an increase in officers. He believes we should "beef up" our police staff. He was not opposed to the two tax proposals that were shown. However, in the current state of the economy in Rochester Hills, he felt that it would be impossible to get a tax increase passed by voters.

Mr. Hooper clarified that money collected for water and sewer rates could not be used for police. He stated that we can't look at the total amount of revenue that comes into the City, because it is collected for a specific purpose. The City cannot take funds from just any account and put it into the Police Fund, it is illegal to do that.

Ms. Brenda Savage, No New Taxes, stated that this organization would not advise voters on how safe to feel in this city. No New Taxes commends Captain Smith and our deputies for the fine service they do provide for us. She stated that she would not encourage anyone to increase taxes with the way the economy is right now in this area.

Mr. Hooper advised that our local road operation spending is \$2 million dollars short every year, due to additional expenditures that come up throughout the year. He added that we have some major road expenditures coming up this year on Crooks Road and Adams Road, and these will greatly reduce the General Fund.

Mr. John Strzalka, 2777 Winter Park, commented that this community is an aging community, and not a developing community anymore. He agrees with others at this meeting who stated that we need funds to repair our roads. He thinks that since it takes a lot of money to fund the parks, that this might be an avenue to get money, whether it be a millage or an increase in fees.

Mr. Ambrozaitis read a newspaper article stating that Rochester Hills was "crimeville". He stated that even though there were recent crimes on Auburn Road, the police have been solving those crimes. He offered a 5-point plan to possibly solve the Police Funding issue:

- 1) Will support the renewal of the existing Police Millage II as it is, for 7 years
- 2) "No" to an unnecessary Police Millage III
- 3) Look at the creation of a Safety Millage
- 4) It is now time to transfer once and for all the 911 dispatch to the Oakland County Sheriff's Department. (This will save the taxpayers of Rochester Hills in excess of \$700,000.00 per year).
- 5) (Look in Budgets Information Booklet on Page 114), stop lowering the Fire Department Millage, it was taken down a full point this year.

He also suggested that there should be a Public Safety Millage created and that would take care of the police officers issue and it would not be a detriment to the Fire Department.

Ms. Holder stated that the City shouldn't close the parks because we are trying to get companies other than automotive to come to this area, particularly to Rochester Hills. She stated some items that bring people into this community:

- * The City benefited from Rochester having a light show this past December, which brought in large amounts of people.
- * The City benefits from Oakland Township having a country setting so close.
- * The City benefits from Auburn Hills having the Palace and incredible malls and restaurants.
- * The City benefits from the City of Troy for having such a marketable community, as well as Automation Alley and their business and shopping acres.

Discussed

Recess at 9:37 p.m. - 9:53 p.m.

2007-0089 Police Funding Proposal Presentation, Greg Hooper, Council Member, presenter

Attachments: Agenda Summary.pdf; Presentation.pdf

President Rosen explained his concerns with Mr. Hooper's proposal and the possible new millage. They are as follows:

- * Not ready to make the decision to get more officers.
- * The City would know if we were significantly under or over staffed on a day to day basis, if so, the City would respond to it.
- * Wants to look for a stable long-term source of funds for the Police Funding.
- * Would be willing to cover any cost variations above the funding from the General Fund.
- * Concerned about the economic conditions in southeast Michigan; too many unknowns to commit to anything but a Police II renewal.
- * Should be on the November ballot.
- * There may be a structural problem with the Charter, not an error.
- * What is going on in the automotive industry today is the most important thing that will happen in the next 10 years.
- * The Council should work the remainder of this year and next year to make it clear to voters, and taxpayers, why the City needs a long term, 20 years or more, stable Police Funding source of another mill on top of the 1.2 that it has today.
- * Should establish a Political Action Committee.
- * Wants a Police Technical Review Committee established.

Ms. Raschke stated that if a Police Technical Review Committee was formed, she would like a personal invitation sent to the No New Tax Groups in the community, to obtain their input. She encouraged residents to go on the web site to give Council their feedback.

PUBLIC COMMENT:

Mr. Lee Zendel noted that Rochester Hills has the lowest ratio of police officers per residents in the County. He further noted that to create its own Police Department, Rochester Hills would likely spend a great deal more money than the current system of contracting police services through the Oakland County Sheriff's Department. He then stated that combining Public Safety Millages would require the cancellation of current millages.

Mr. Ambrozaitis assured Council that there is a legal way to eliminate existing millages through sunset clauses and asked Mr. Staran to elaborate on this process.

Mr. John Staran, City Attorney, stated that the legality of Mr. Ambrozaitis' suggested process for eliminating existing millages is debatable, but may be possible via a vote of the people; however, he stressed that any change to dedicated millages would require a Charter Amendment.

Mr. Lee Zendel suggested that the budgeting language needs to be simplified to assist residents in understanding the process. He then stressed that more than the 2.2 mills suggested by President Rosen would be needed to address the Police Funding issue. He noted that delaying the purchase of needed fire apparatus would only push those expenses forward to future budgets.

Mr. Ed Baron, 3310 Greenspring Ln., commended Mr. Hooper on his presentation, noting it was excellent. He stressed that the original Charter Commission created the Charter to limit the powers of the elected officials with regard to the spending of tax dollars. Mr. Baron then urged Council members to treat each other with respect during Council debate. He further noted that the Oakland County Sheriff's Deputies consider working in Rochester Hills a very favorable assignment.

Mr. Hooper stated that a Police Millage II renewal would most likely pass with 100% approval. He noted he would like to see this on the September ballot before the budget for 2008 is completed.

Captain Bob Smith, Oakland County Sheriff's Department, (OCSD), described what he looks at to determine staffing needs. The OCSD looks at two different measures; crime statistics and calls for service. He provided 5 (five) examples from 2002 to 2006. Home burglaries are up 26% over the past (five) 5 years, and this year they went from 123 to 198, which represents a 60% increase. Fraud crimes from 2002 to 2006 are up 70%, (that is credit card fraud, computer fraud, and identity theft problems). He would not characterize the City in a crisis of crime. Captain Smith noted that the OCSD currently has 2 (two) State Troopers assigned to the Rochester Hills division to help with some of the traffic issues on M-59.

Ms. Holder questioned if it would be Sheriff Bouchard, or the Police Union, who would prompt the Sheriff Deputies of the Oakland County Sheriff's Department to opt out of the contract between the County and the City of Rochester Hills.

Captain Smith replied to the question that he could not speak for the Sheriff, the County Commissioners, or the County Executive, but stated that contract policing has been very successful in Oakland County. He further added it is up to the Oakland County Sheriff Department to let the City of Rochester Hills know when they are in need of more staff, and it is up to the City to find ways to fund it.

Mr. Ambrozaitis stated that it is unnecessary to take on a new Police III Millage at this time.

Mr. Hooper reiterated the fact that he feels that we do have a rise in crime in Rochester Hills and that we need to find the funds for more police staffing to do something about it.

Ms. Holder commented that if a solution was found for police staffing, then that would free up the General Fund subsidy, and in turn there would be money for road repair.

Mr. Yalamanchi advised that he had a presentation that he had prepared and requested to be placed on a future agenda so that he could present it to the public.

Discussed

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.

Attachments: CC Min 083006.pdf; 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 August 30, 2006 be approved as presented.

Enactment No: RES0041-2007

2007-0072

Approval of Minutes - Special Budget Work Session City Council Meeting - August 31, 2006

Attachments: CC Min 083106.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on August 31, 2006 be approved as presented.

Enactment No: RES0042-2007

2007-0074

Approval of Minutes - Regular City Council Meeting - September 6, 2006

Attachments: CC Min 090606.pdf; 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 September 6, 2006 be approved as presented.

Enactment No: RES0043-2007

2007-0087

Approval of Minutes - Regular City Council Meeting - September 20, 2006

Attachments: CC Min 092006.pdf; 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 September 20, 2006 be approved as presented.

Enactment No: RES0044-2007

2007-0082

Request for Purchase Authorization - PLANNING: Zoning Ordinance update for the City of Rochester Hills, purchase order in an amount not-to-exceed \$65,000.00; McKenna Associates, Inc., Northville, MI

Attachments: Agenda Summary.pdf; Letter McKenna.pdf; 02-07-07 Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the City entered into an agreement dated September 23, 2004 with McKenna Associates, Inc. to prepare the 2006/2007 Master Land Use Plan; and

Whereas, the City is desirous of proceeding with a Zoning Ordinance update to help implement the Master Land Use Plan; and

Whereas, in addition to being chosen the consultant to update the Master Land Use Plan, McKenna Associates, Inc. has served as a consultant providing planning support services since 1994 and was the selected consultant of the City's Quality Based Selection process in the Fall of 2000; and

Whereas, the City of Rochester Hills' budget identifies \$65,000.00 for professional services in support of the Planning and Development Department.

Resolved that the Rochester Hills City Council hereby waives the formal competition requirements for professional services purchases under Chapter 2, Article VI, Section 2-281 of the Purchasing Ordinance, recognizing the best value provided to the City of Rochester Hills by McKenna Associates, Inc., deeming this action to be in the best interest of the City of Rochester Hills.

Be it Further Resolved that the Rochester Hills City Council hereby authorizes a blanket purchase order to update the Zoning Ordinance to McKenna Associates, Inc., 235 East Main Street, Suite 105, Northville, Michigan 48167, in an amount not to exceed \$65,000.00 to update the City's Zoning Ordinance.

Be it Finally Resolved that the Mayor is authorized to sign the agreement in the not to exceed amount of \$65,000.00.

Enactment No: RES0045-2007

2007-0065

Request for Purchase Authorization - PARKS/FORESTRY: Contract for 2007 Spring and Fall Street Tree Planting to Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, Michigan in the amount not-to-exceed \$119,350.00

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council authorizes a contract to Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, Michigan for the 2007 Spring and Fall Street Tree Planting Program in the amount not-to-exceed \$119,350.00

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

Enactment No: RES0046-2007

2007-0058

Request for Purchase Authorization - MIS: GIS software maintenance fee, in the amount not-to-exceed \$28,922.20; ESRI (Environmental Systems Research Institute), Redlands, CA

Attachments: Agenda Summary.pdf; Sole Source Justification .pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves a purchase order to ESRI (Environmental Systems Research Institute), Redlands, California for annual software support for 2007 in the amount of \$28,922.20.

Enactment No: RES0047-2007

2007-0081

Request for Purchase Authorization - MIS: Blanket Purchase Order for various equipment, supplies, and software in the amount not-to-exceed \$70,850.00; State Contracts and other supply sources at the best cost price

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket

Purchase Order for the purchase of 2007 budgeted equipment, supplies and software for an amount not-to-exceed \$70,850.00 through December 31, 2007.

Enactment No: RES0048-2007

2007-0061

Request for Purchase Authorization - BUILDING: Blanket Purchase Order for 2007 and 2008 Commercial and Industrial Plan Review Services, in the amount not-to-exceed \$100,000.00; Code Source PC (Primary Vendor), Grandville, MI and International Code Council (Secondary Vendor), Country Club, IL

Attachments: Agenda Summary.pdf; Spreadsheet tab.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Code Source PC, of Grandville, Michigan, as the Primary Vendor and International Code Council, of Country Club Hills, Illinois, as the Secondary Vendor as the lowest, responsive, responsible bidder for the purchase of 2007 and 2008 Commercial and Industrial Plan Review Services, in the total amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars through December 31, 2008.

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

Enactment No: RES0049-2007

2007-0100

Request for Purchase Authorization - DPS/ENG/FACILITIES: Purchase Order for tuckpointing services for Parks and Fire Department facilities in the amount not-to-exceed \$31,700.00; Poe Restoration and Waterproofing Company, Commerce, MI

Attachments: Agenda Summary.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Poe Restoration and Waterproofing Company, Commerce, Michigan, for tuckpointing and restoration services in the amount not-to-exceed \$31,700.00 through December 31, 2007.

Enactment No: RES0050-2007

2007-0088

Request for Purchase Authorization-DPS/ENG/BLDG: Blanket Purchase Orders for weed mowing services for private vacant and occupied lots and for shoulder right-of-way, detention basin and pathway mowing in the amount not-to-exceed \$74,200.00; Kleen Kut, Washington, MI

Attachments: Agenda Summary.pdf; Kleen Kut Contract Extension.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes Blanket Purchase Orders to Kleen Kut, Washington, for weed mowing services for private vacant and occupied lots in the amount not-to-exceed \$35,000.00 and for shoulder right-of-way, detention basin and pathway mowing in the amount not-to-exceed \$39,200.00 for a total not-to-exceed amount of \$74,200.00 through December 31, 2007.

Enactment No: RES0051-2007

2006-0821

Traffic Control Order PK-93 Tienken Road, Section #6 & #7: "No Standing, Stopping, Parking" within the right-of-way on north side of Tienken Road from Adams Road to a point Twelve Hundred Fifty (1,250) feet westerly thereof; Twelve Hundred Fifty (1,250) feet westerly of Adams Road to City Limits; and the south side of Tienken Road from Adams Road westerly to City Limits

Attachments: Agenda Summary.pdf; Map.pdf; TCO PK-93.pdf; Draft Minutes Excerpt.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. PK-93 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-93.1 "No Standing, Stopping, Parking" within the right-of-way on the north side of Tienken Road from Adams Road to a point Twelve Hundred Fifty (1,250) feet westerly thereof.

PK-93.2 "No Parking" within the right-of-way on the north side of Tienken Road from a point Twelve Hundred Fifty (1,250) feet westerly of Adams Road to the City Limits.

PK-93.3 "No Parking" within the right-of-way on the south side of Tienken Road from Adams Road westerly to the City Limits.

This Order rescinds and supercedes the following Traffic Control Order adopted by the City of Rochester Hills: PK-23.1 on February 13, 1991.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. PK-93 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0052-2007

2006-0822

Traffic Control Order PK-94 Letica Road, Mill Stream Village Condominiums, Section #2, No Parking within the right-of-way on both sides of Letica Road from Tienken Road southerly Four Hundred Thirty (430) feet southerly to City Limits

Attachments: Agenda Summary.pdf; Map.pdf; TCO PK-94.pdf; Draft Minutes Excerpt.pdf; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

PK-94.1 "No Parking" within the right-of-way on both sides of Letica Road from

Tienken Road southerly Four Hundred Thirty (430) feet to the City Limits.

Whereas, Traffic Control Order No. PK-94 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-94.1 "No Parking" within the right-of-way on both sides of Letica Road from Tienken Road southerly Four Hundred Thirty (430) feet southerly to the City Limits.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order PK-94 to be in effect until rescinded or superseded by subsequent order; and

Now, Therefore, Be It Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0053-2007

Passed The Consent Agenda

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

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

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

2007-0073

Request for Purchase Authorization - PARKS: Contract for fireworks displays for Festival of the Hills in the amount not-to-exceed \$96,000.00; Melrose Pyrotechnics, Inc., Kingsbury, IN

Attachments: Agenda Summary.pdf; Resolution.pdf

Mr. Yalamanchi asked if this \$29,000.00 charge could go as high as \$32,000.00?

Mr. Buckenmeyer stated that due to inflation the show was getting smaller. The value of last year's show was valued at \$29,000.00 but the City paid \$26,000.00. He added that because this is all privately funded, he wanted some flexibility in there to increase the show if the funds were available.

Mr. Yalamanchi asked for a report including a cost analysis of staff time and actual show costs. He requested the report also include the amount that the Mayor was raising.

A motion was made by Yalamanchi, seconded by Hooper, that this matter be

Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a contract to Melrose Pyrotechnics, Inc., Kingsbury, Indiana, for fireworks displays for Festival of the Hills in the amount not-to-exceed \$96,000.00 through December 31, 2009.

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0054-2007

PUBLIC HEARINGS

2007-0085

Consider request to opt out of a tax exemption of personal property acquired in 2006 by Energy Conversion Devices (ECD)

Attachments: Agenda Summary.pdf; Memo Dawson 02-05-07.pdf; ECD Tax exemption.pdf; MNEA Letter & ECD Equipment List.pdf; Public Hearing Notice.pdf; Resolution.pdf

*President Rosen **Opened the Public Hearing at 11:00 p.m.***

*There being no public comment, President Rosen **Closed the Public Hearing at 11:01 p.m.***

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

Resolved that the City of Rochester Hills is opting-out of the exemption of the alternative energy personal property from local personal property taxes of Energy Conversion Devices, Inc., a certified Alternative Energy Technology Business, as permitted by Public Act 549 of 2002; and

Be It Further Resolved that the City Clerk should forward a certified copy of this Resolution to the Michigan NextEnergy Authority no later than Monday, February 26, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0055-2007

2007-0086

Consider request to opt out of a tax exemption of personal property acquired in 2006 by Ovonic Battery Company

Attachments: Agenda Summary.pdf; Memo Dawson 02-05-07.pdf; OBC Tax exemption.pdf; MNEA Letter & OBC Equipment List.pdf; Public Hearing Notice.pdf; Resolution.pdf

*President Rosen **Opened the Public Hearing at 11:02 p.m.***

*There being no public comment, President Rosen **Closed the Public Hearing at 11:03 p.m.***

be Adopted by Resolution.

Resolved that the City of Rochester Hills is opting-out of the exemption of the alternative energy personal property from local personal property taxes of Ovonic Battery Co., a certified Alternative Energy Technology Business, as permitted by Public Act 549 of 2002; and

Be It Further Resolved that the City Clerk should forward a certified copy of this Resolution to the Michigan NextEnergy Authority no later than Monday, February 26, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0056-2007

NOMINATIONS/APPOINTMENTS

2006-0820

Nomination/Appointment of one (1) Citizen Representative to the Building Authority for a six-year term to expire December 31, 2012

Attachments: Agenda Summary.pdf; Notice of Vacancy.pdf; Nomination Form.pdf; Kaszubski Candidate Questionnaire.pdf; Miller Candidate Questionnaire.pdf; Stein Candidate Questionnaire.pdf; 112906 Agenda Summary.pdf; 112906 Nomination Form.pdf; Questionnaire Schroeder.pdf

A motion was made by Yalamanchi, seconded by Hooper, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council appoints Michael Kaszubski to serve as a Building Authority Representative for a six-year term expiring December 31, 2012.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0061-2007

2007-0116

Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Study Committee for a two-year term ending December 31, 2007

Attachments: Agenda Summary.pdf; Nomination Form.pdf; Stein Candidate Questionnaire.pdf; Verschueren Candidate Questionnaire.pdf; Resolution.pdf

A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council appoints Gerard Verschueren to serve as a Historic Districts Study Committee Citizen Representative for a two-year term expiring December 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0062-2007

2007-0122

Nominations/Appointments of Two (2) Citizen Representatives to the Human Resources Technical Review Committee for terms to expire December 31, 2007

Attachments: Agenda Summary.pdf; Nomination Form.pdf; Adkinson Candidate Questionnaire.pdf; Billings Candidate Questionnaire.pdf; Stein Candidate Questionnaire.pdf; Suppl Info.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council appoints Donald Atkinson and Cynthia J. Billings to the Human Resources Technical Review Committee for terms to expire December 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0063-2007

2007-0123

Nominations/Appointments of Two (2) Citizen Representatives to the Liquor Technical Review Committee for terms to expire December 31, 2007

Attachments: Agenda Summary.pdf; 021407 Agenda Summary.pdf; Nomination Form.pdf; Kaszubski Candidate Questionnaire.pdf; Stein Candidate Questionnaire.pdf; Verschueren Candidate Questionnaire.pdf; Resolution.pdf

Postponed

Enactment No: RES0076-2007

2007-0124

Nominations/Appointments of Six (6) Citizen Representatives to the Water and Sewer Technical Review Committee for terms to expire December 31, 2007

Attachments: Agenda Summary.pdf; Nomination Form.pdf; Stein Candidate Questionnaire.pdf; Verschueren Candidate Questionnaire.pdf; Suppl Info.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council appoints Donald Atkinson, Jennifer Stein, Cynthia Billings, Gerard Verschueren, Richard Rowe, and George Karas to the Water and Sewer Technical Review Committee for terms to expire December 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0064-2007

UNFINISHED BUSINESS

2007-0057

Request for Acceptance of the Donation of Land (1.574 acre parcel part of parcel No. 15-15-352-0021 located at 900 W. Avon Road) for Open Space Preservation

Attachments: Agenda Summary.pdf; Summary Appraisal Report.pdf; Property Title.pdf; ASTI Executive Summary.pdf; Resolution.pdf

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

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

Whereas, the Green Space Advisory Board has developed criteria for open space acquisition and contacted property owners whose land met that criteria; and

Whereas, Anthony Tocco and Michelle Tocco are supporters of the green space acquisition initiative by the City of Rochester Hills; and

Whereas, Anthony Tocco and Michelle Tocco are offering to donate to the City of Rochester Hills an approximate 1.74-acre portion of their property along the north side of the Clinton River (part of Parcel #15-15-352-002) located at 900 West Avon Road for open space preservation; and

Whereas, the Green Space Advisory Board unanimously endorsed recommending this parcel be accepted at its meeting held on November 28, 2006, because it meets the goal of helping to preserve and expand the Clinton River Greenway; and

Whereas, the City of Rochester Hills has received an appraisal report and title insurance for this parcel as well as an acceptable Phase I Environmental Site Assessment.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby authorizes the acceptance of the donation of this parcel of land by Anthony Tocco and Michelle Tocco for open space preservation and authorizes the Mayor to proceed with this process, execute necessary documents, and pay all closing costs and fees associated with the transfer of this property to the City of Rochester Hills.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0057-2007

2006-0883

Request for Final Site Condominium Plan Approval - City File No. 05-006 - Hickory Ridge Site Condominiums, a 50-unit development located east of Livernois and south of Hazelton, zoned R-4, One Family Residential, Parcel Nos. 15-34-151-012, -014, -016, 15-34-176-001, 15-34-301-002, -007, -010, -012, Bluewood Properties, applicant

Attachments: Agenda Summary.pdf; Map.pdf; Staff Report.pdf; 120506 PC Minutes.pdf; Site Plans.pdf; Resolution.pdf

PUBLIC COMMENT

Mr. Zendel asked President Rosen to question the applicant why he is risking his money and time with this project.

Mr. John Damico 1717 Stutz, Troy, of Bluewood Properties, stated that they have already spent a lot of time and money.

Mr. Ambrozaitis thanked Bluewood Properties for making an investment in Rochester Hills.

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

Resolved that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Hickory Ridge Site Condominiums, 50 units located east of Livernois and south of Hazelton, zoned R-4, One Family Residential, Parcel Nos. 15-34-151-012, -014, -016, 15-34-176-001, 15-34-301-002, -007, -010, -012, based on plans dated received by the Planning and Development Department on August 29, 2006, with the following findings and conditions:

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the preliminary plan approved by City Council on May 17, 2006.

Conditions:

1. The applicant submit a Performance Bond for proposed trees and landscaping of \$36,350.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
2. Tree protective fencing be installed, inspected and approved by the City's Landscape Architect prior to the issuance of the Land Improvement Permit for this development.
3. The applicant deposit \$3,501.40 into the City Tree Fund for the removal of trees #2501 and #2502 prior to issuance of a Land Improvement Permit.
4. That City Council approve a Sidewalk Waiver for Lot 42, as indicated in the By-Laws, which obligates the homeowner in the event the sidewalk is ever constructed on Shortridge.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0058-2007

2006-0953

Request for Sidewalk Waiver - City File No. 05-006 - One unit on Shortridge (Unit 42) in the Hickory Ridge Site Condominium development east of Livernois, south of Hazelton

Attachments: Agenda Summary.pdf; By-Laws.pdf; Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby grants a waiver of the sidewalk requirement in accordance with the provisions of Section 122-95 of the Subdivisions Ordinances along Unit 42 on Shortridge, currently Parcel No. 15-34-301-002, from the west side of Donaldson to the west side of said parcel, in the Hickory Ridge Site Condominium development located east of Livernois, south of Hazelton, based on the Final Plan dated received by the Planning Department on August 29, 2006 with the following findings.

Findings:

- 1. The proposed sidewalk would not currently connect with any established non-motorized vehicle-pedestrian pathway or sidewalk.**
- 2. The proposed sidewalk would not likely connect to any non-motorized vehicle-pedestrian pathway or sidewalk in the future.**
- 3. The Sidewalk Waiver will be a recorded document in the Master Deed and By-laws, which obligates the property owner to construct a sidewalk if deemed appropriate by the City in the future along the front of Parcel 15-34-301-002.**

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0059-2007

2007-0070

Request for Variance from the Tree Conservation Ordinance - City File No. 99-031 - Saddlebrook Orchards, a ten-unit, single-family condominium development on 4.99 acres, located north of Auburn Road and east of Crooks Road, identified as Parcel No. 15-28-300-029, zoned R-4 , One Family Residential, Brookfield, LLC, applicant

Attachments: Agenda Summary.pdf; Map.pdf; Letter Carthiew Law Firm.pdf; Memo.pdf; Site Plans.pdf; Resolution.pdf

A motion was made by Hooper, seconded by Ambrozaitis, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby grants a variance of four (4%) percent from the thirty-seven (37%) percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conversation, of the Code of Ordinances for Saddlebrook Orchards Site Condominiums (City File No. 99-031), identified as Parcel No. 15-28-300-029 with the following findings:

Findings:

- 1. The trees that would be affected by the proposed development are ash trees, which are not counted as regulated trees as of the end of 2003.**

- 2. The variance is necessary for the preservation and enjoyment of substantial property right of the petitioner.
- 3. The variance will further the objectives of the City in preserving open space.
- 4. The trees proposed to be replaced are dead ash trees having limited life span.
- 5. The owners propose to replace these trees with trees of substantial quality and extended life span.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke and Yalamanchi

Nay: Rosen

Enactment No: RES0060-2007

COUNCIL COMMITTEE REPORTS

Ms. Holder reiterated the request of Kelley Kosuda, Rochester Hills Government Youth Council Representative, regarding gathering school supplies for grade schools in the area.

Mr. Hooper stated that Bordines made a presentation at the Planning Commission Meeting about the redevelopment of their site.

Mr. Ambrozaitis advised that Mr. Corey Bordine will be making a presentation to the Edington Homeowners Association, at Borders Book Store, on Rochester Road, Tuesday, February 20th, 2007, at 7:00 p.m.

ANY OTHER BUSINESS

NEXT MEETING DATE

Work Session - Wednesday, February 21, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:31 p.m.

JAMES ROSEN, President
Rochester Hills City Council

JANE LESLIE, Clerk

City of Rochester Hills

SUE SMITH
Administrative Secretary
City Clerk's Office

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