

Nays: None
Absent: None

MOTION CARRIED

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- (ii) Sewer Replacement - blanket purchase order not-to-exceed \$253,511.00; Simone Contracting Corporation, Sterling Heights, MI (Members received a copy of an Agenda Summary Sheet dated April 22, 2003 from Barbara Key, Contract Specialist, Department of Public Service, with attachments)

Resolution A0627-2003-R0166

MOTION by Duistermars, seconded by Robbins,

Whereas, on April 2, 2003 the City received ten (10) sealed bids for the SSES, Sewer Replacement Program Phase I, Task III Project. Simone Contracting Corporation submitted the lowest bid in the amount of \$253,511.00; and

Whereas, the bid received from Simone Contracting Corporation meets the bid requirements and is approximately 25% below the engineering cost estimate; and

Now Therefore Be It Resolved that the Rochester Hills City Council awards the contract for the SSES, Sewer Replacement Program Phase I, Task III Project to Simone Contracting Corporation of Sterling Heights, Michigan as the lowest responsible responsive bidder in the amount of \$253,511.00, and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

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

MOTION CARRIED

19. **COUNCIL COMMITTEE REPORTS**

Member Hill stated the Administration & Information Services (AIS) Committee had met on May 6, 2003, and discussed the 2004 salary issues. She indicated the 2004 salary resolutions should be brought before Council in June, 2003.

Member Hill stated the AIS Committee had also discussed the City's liquor licenses, noting the City had been allocated forty-six (46) licenses based on the population. She noted thirty-nine (39) licenses had been issued, leaving seven (7) available. She stated the Committee felt it was necessary to address the criteria for issuing liquor licenses, noting the City did not currently have any specific criteria. She indicated the Committee also discussed revising the Application for the licenses, which may require an Ordinance revision.

Member Hill stated the AIS Committee wanted to request that Council put a moratorium on any new Class C Liquor Licenses for the next six (6) months, or through December 31, 2003, which

would allow the Committee and City Staff to prepare the appropriate criteria and revise the application. She noted there was one (1) applicant in the process, although the Committee felt the moratorium should be put in place, and the applicant advised to reapply at the end of the moratorium.

Member Golden questioned whether there was a consensus among the AIS Committee Members to request the moratorium. Member Hill stated there was a consensus among the AIS Committee Members.

Member Robbins expressed concern about placing a moratorium when there was currently an applicant in the process. He questioned whether there were State Guidelines or other guidelines that could be utilized by the City in the process of granting liquor licenses. He felt the applicant currently in the process should be allowed to proceed prior to the moratorium becoming effective.

Member Hill stated the AIS Committee had discussed that situation. She explained the AIS Committee noted there was no guarantee a license would automatically be granted to that applicant. She indicated every community established their own criteria for granting liquor licenses, such as the amount of square footage or the type of establishment. She stated the current applicant was only in the first stage of the process, and the AIS Committee had not made a decision regarding the application at this time.

President Dalton stated he felt if the application was stopped at this stage, the applicant's fees could be refunded. He indicated if the applicant continued with the process, and the application was denied, the applicant would lose his application fee. He stated three (3) members of the AIS Committee felt it would be appropriate to allow the applicant to withdraw his application and reapply after the moratorium expires. He noted applications could be denied for no cause because each community set its own standards.

Member Robbins stated the Council had never established a moratorium that would cause an applicant to stop their plans, particularly for a reason such as the City changing the way it did business. He stated the applicant in the process should be "grandfathered" to avoid holding up any plans the applicant may have. He suggested the motion be amended to include a provision indicating "any current applications pending review would still be reviewed by the AIS Committee". He noted any new applications would have to wait until the moratorium expired.

Attorney Staran stated Council could "grandfather" in the current application because it was a policy decision. He stated he understood the purpose of the proposed moratorium was to stop the process rather than having applications proceed under the current City Ordinance. He noted the current Ordinance allowed an applicant to file an application and pay the application fee. He explained Council had the authority to stop an application in process, noting the law was clearly in favor of municipalities because the law gave vast discretion to turn down an application or decide it was not going to issue any licenses.

Member Golden suggested Council Members be provided with a copy of the minutes from the AIS Committee meeting when this issue was discussed. She noted smaller establishments struggled to stay in business, and she did not want to interfere with a potential applicant's plan.

Clerk Jasinski noted the liquor licenses currently available were all the City would be allotted until the year 2010. She stated that was the reason the AIS Committee wanted to review the process and procedure for issuing the licenses.

Member Hill stated the AIS Committee had not discussed the current application because a full quorum had not been present at the meeting. She explained the Committee did discuss the implications of establishing a moratorium when an application was in the process. She indicated the City currently had no criteria to make the decision to issue or not issue a license, and the Committee felt criteria should be established prior to any additional licenses being issued.

Member Holder stated the current application was not received in connection with new construction, so the moratorium would not keep the applicant from business income. She explained the idea of establishing criteria was not new because the Committee had been researching the current procedure and gathering information from other municipalities.

Member Robbins stated he understood what the Committee was trying to accomplish, but noted he did not feel it was appropriate to hold up the current application. He indicated the moratorium would affect the current applicant because of the potential income associated with a liquor license.

President Dalton noted the criteria used by other municipalities included whether the issuance of a license had a positive affect on the residents.

Member Robbins stated he felt the current applicant should be allowed to complete the process, rather than having to wait six (6) months.

Member Holder suggested the applicant be allowed to decide whether he wanted to proceed or wait until the moratorium expired.

Resolution A0647-2003-R0167

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council places a moratorium on New Class C Liquor Licenses through December 31, 2003.

Be It Further Resolved, that City Council directs the Administration & Information Services Committee to review the current standards used for recommending approval or disapproval of New Class C Liquor Licenses; to research this issue and provide a recommendation to City Council regarding proposed changes to standards and processes currently in place.

Roll Call Vote:

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

MOTION FAILED

Member Duistermars stated he would move a new motion revising the first resolved clause to include the following language: "... places a moratorium on New, Future, Class C Liquor Licenses...". He explained that would allow the current applicant to continue through the process without have the rules changed mid-process.

Resolution A0647-2003-R0168

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council places a moratorium on New, Future, Class C Liquor Licenses through December 31, 2003;

Further Resolved that the Rochester Hills City Council directs the Administration & Information Services Committee to review the current standards used for recommending approval or disapproval of New Class C Liquor Licenses; to research this issue, and to provide a recommendation to City Council regarding proposed changes to standards and processes currently in place.

Roll Call Vote:

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

MOTION CARRIED

20. ANY OTHER BUSINESS

Member Barnett requested an update on how the rezoning notification signs were working. Mr. Anzek stated the Planning Department had received several telephone calls per day asking about the Great Oaks Mall rezoning, which indicated the signs were very effective.

Member Golden stated some repairs had been made to Grandview Street, but the repairs did not appear to be holding up. She indicated she understood more repairs would be made, but noted she had received a telephone call from a resident regarding the condition of the street.

Member Barnett stated Council was scheduled for a Work Session next Wednesday regarding the solid waste report and recommendation. He encouraged Council Members to review the documentation provided by the Community Development & Viability Committee.