



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, March 17, 2004

7:30 PM

1000 Rochester Hills Drive, Rochester Hills, MI
48309

CALL TO ORDER

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

ROLL CALL

Present: Dalton, Barnett, Hill, Holder and Raschke

Absent: Duistermars and Robbins

Council Members Duistermars and Robbins provided previous notice they would be late and asked to be excused.

Others Present:

*Pat Somerville, Mayor
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Scott Cope, Director of Building/Ordinance Enforcement
Paul Davis, City Engineer
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Acting Director of Finance*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Hill, seconded by Raschke, to Approve Agenda as Amended. Agenda was amended to reflect the following changes:

- * Remove from Presentations: 2004-0286 Presentation to Bob Spaman, Finance Director (he is unable to attend tonight's meeting due to unforeseen circumstances).
- * Add to the Consent Agenda: 2004-0293 - Adams Road Relocation Project Right-of-Way Acquisitions: Approval of the Offer to Purchase and Statement of Compensation for the acquisition of right-of-way property in conjunction with Adams Road Relocation Project.

The motion carried by the following vote:

Aye: Dalton, Barnett, Hill, Holder and Raschke

Absent: Duistermars and Robbins

PUBLIC COMMENT

Mr. Mark Jacobs of Dykema Gossett, 400 Renaissance Center, Detroit, identified himself as the environmental attorney for Grand/Sakwa, and described a review study that Grand/Sakwa commissioned to examine the Baseline Environmental Assessment study prepared for REI. He listed several findings that refuted ASTI's claims that the landfill poses a health hazard. He also claimed that the Michigan Department of Environmental Quality (MDEQ) removed this site from its list of "priority sites."

Ms. Cecilia Strine, 2962 Mohawk Lane, representing FRESH (Friends of Rochester Hills' Environmental Safety and Health), announced that the City would be hosting two (2) evening workshops to help residents learn about alternatives to leaf burning and ways to manage leaf disposal. She explained that the workshops would be held at City Hall from 7:30 p.m. to 9:00 p.m. on Tuesday, May 11th and Thursday, September 23rd. She suggested that interested parties call 248-884-3694 for more information.

Mr. Lee Zendel, 1575 Dutton Road, expressed his opposition to a single waste hauler for the City of Rochester Hills.

Council Member Linda Raschke read into the record a letter from resident Ms. Rea Siffring, 971 Dutton Road, expressing her opposition to a single waste hauler for the City of Rochester Hills.

**(Mr. Robbins Entered at 7:39 p.m.)
(Mr. Duistermars Entered at 7:44 p.m.)**

Present: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Raschke announced that Lake Orion had lost one of its landmark restaurants, The Sagebrush Cantina, to fire and announced a fundraising event to benefit employees of the restaurant. She announced that the Mercy Bell Brook retirement community would be holding a free health fair on March 23rd from 12:30 p.m. to 3:00 p.m.

Mr. Barnett noted that the Rochester-Avon Recreation Authority (RARA) is looking to fill eight (8) summer camp staff positions. He indicated that RARA is hosting a Taste of Spring fundraiser on April 16th at the River Crest banquet facility, to include wine tasting and gourmet hors d'oeuvres.

Ms. Holder wished everyone a happy St. Patrick's Day. She described the Amber Alert system which results in the immediate notification of police and media when a child has been abducted. She suggested that all City public service employees be alerted via pager when a local Amber Alert has been issued. Ms. Holder explained that few people attended an informational meeting regarding the funding of local road improvements and indicated that any suggestions should be directed to Council representatives or Mr. Roger Rousse, Director of the DPS/Engineering.

Mr. Barnett noted that the roads meeting to which Ms. Holder referred was taped and would be available for viewing at a yet to be determined date.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

2004-0271

Adoption of Resolution to set closed session at the conclusion of tonight's meeting (March 17, 2004) for the purpose of discussing Attorney/Client privileged communication.

Attachments: Agenda Summary.pdf; 2004-0271 Master Report.pdf

A motion was made by Barnett, seconded by Duistermars, 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, March 17, 2004 at the close of tonight's meeting. The purpose of the Closed Session is to discuss an Attorney/Client privileged communication.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0084-2004

PRESENTATIONS

2004-0281

Presentation by Applied Science and Technology regarding Hamlin and Adams Road sites (2).

Attachments: Master Report.pdf

President Dalton indicated that the following presentation was for informational purposes only and no discussion would follow.

Mr. Trevor Woollatt of Applied Science & Technology, Inc. (ASTI) of Brighton, explained that Mayor Somerville had commissioned ASTI to conduct a Freedom of Information Act (FOIA) investigation of the Michigan Department of Environmental Quality (MDEQ) files as they pertained to the Christianson Dump site. Mr. Woollatt listed the following findings resulting from that study:

- * There was a slaughter house on the property dating back to the 1950s or earlier.*
- * As late as the 1970s, drums of unknown waste material were dumped on the property.*
- * An Environmental Protection Agency (EPA) "site walk" investigation in the 1980s identified areas where waste drums were protruding from the ground, with materials mingling with native soils.*
- * There is some indication in the EPA's report that some of this contamination has moved beyond the boundaries of this area.*
- * The MDEQ did remove approximately 5,600 drums and a large volume of soil, however, this work was stopped due to lack of funds.*
- * The MDEQ placed an environmental lien on the area for \$3.8 million.*
- * Soil borings have found samples of glass, debris, metals, volatile chemicals and PCBs.*
- * PCBs contamination far exceeds acceptable levels.*
- * Several wells were placed on the property to assess "what might be leaching from this material into ground water."*
- * While the EPA did delist a portion of the property, the remaining portion is still considered "what we call a facility."*

PUBLIC COMMENT:

Mr. Ed Baron, 3310 Green Spring Lane, explained that anyone who purchases that land will "pick up the liability for the lien" of \$3.8 million.

Mr. Woollatt and Mr. Staran verified Mr. Baron's assumption about the lien.

Mr. Tom Talbert, 2875 Portage Trail, asked what the next step in the process would be "for providing safety for residents who may be affected."

President Dalton explained that Council was receiving this information for the first time and would need to review the findings before Mr. Talbert's question could be answered.

Mr. Alan Casmere, 28836 Panama, Warren, identified himself as a real estate broker and clarified that the approximately seventeen (17) acres on the west side of the property is not affected by the \$3.8 million lien.

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.

2004-0287 Approval of City Council Regular Work Session Meeting Minutes - January 28, 2004

Attachments: Minutes CC WS 012804.pdf; 2004-0287 Master Report.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Work Session Meeting held on January 28, 2004 be approved as presented.

Enactment No: RES0085-2004

2004-0288 Approval of Regular City Council Meeting Minutes - February 4, 2004

Attachments: Minutes CC Reg 020404.pdf; 2004-0288 Master Report.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 February 4, 2004 be approved as presented.

Enactment No: RES0086-2004

2004-0289 Approval of City Council Regular Work Session Meeting Minutes - February 25, 2004

Attachments: Minutes CC WS 022504.pdf; 2004-0289 Master Report.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Work Session Meeting held on February 25, 2004 be approved as presented.

Enactment No: RES0087-2004

2004-0190

Confirmation of Mayor's reappointment of Michael Damone, John Klemanski and David Hackett and appointment of Lois Golden and Theresa Mungioli to the Local Development Finance Authority (LDFA)

Attachments: Agenda Summary.pdf; Damone questionnaire.pdf; Golden questionnaire.pdf; Hackett questionnaire.pdf; Klemanski questionnaire.pdf; Mungioli questionnaire.pdf; 2004-0190 Master Report.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Michael Damone, John Klemanski and David Hackett to the Local Development Finance Authority for a three year term to expire on 03/31/2007.

Be it further resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Lois Golden and Theresa Mungioli to the Local Development Finance Authority for a three year term to expire on 03/31/2007.

Enactment No: RES0088-2004

2004-0265

Request for Purchase Authorization - PARKS: 2004 Street Tree Planting Blanket Purchase Order not to exceed \$117,823, B&L Landscaping.

Attachments: Agenda Summary.pdf; Bid Tabulation.pdf; 2004-0265 Master Report.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council authorize the award of the Spring and Fall 2004 Street Tree Planting Project to the lowest, responsible, responsive bidder, B&L Landscaping of Oak Park, Michigan, in the amount not to exceed \$117,823.00.

Enactment No: RES0089-2004

2004-0275

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 Susie J. Woodman, for Lots 81, 82 and 83 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision;

Attachments: Agenda Summary.pdf; Map, parcels.pdf; Offer to Purchase.pdf; 2004-0275 Master Report.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 81, 82 and 83 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision, also known as the "Woodman Property" as shown on the attached Exhibit A as Parcel 6.

Resolved that the Rochester Hills City Council hereby approves the Offer to Purchase and Statement of Compensation for purchase and temporary construction easement by and between the City of Rochester Hills and Susie J. Woodman, for Lots 81, 82 and 83 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: RES0090-2004

2004-0276

Adams Road Relocation Project ROW 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 John F. and Sharon L. Watton, for Lots 79 and 80 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision;

Attachments: Agenda Summary.pdf; Map parcels adams rd.pdf; Purchase Agreement - Watton.pdf; 2004-0276 Master Report.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 79 and 80 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision, also known as the "Watton Property" as shown on the attached Exhibit A as Parcel 7

Resolved that the Rochester Hills City Council hereby approves the Offer to Purchase and Statement of Compensation for purchase and temporary construction easement by and between the City of Rochester Hills and John F. and Sharon L. Watton, for Lots 79 and 80 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: RES0091-2004

2004-0293

Adams Road Relocation Project Right-of-Way Acquisitions: Approval of the Offer to Purchase and Statement of Compensation for the acquisition of right-of-way property in conjunction with Adams Road Relocation Project.

Attachments: Agenda Summary.pdf; Purchase Agreement .pdf; 2004-0293 Master Report.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 76, 77 and 78 of the Wheaton & Worrall's Avon Hills Estate #1 Subdivision, also known as the "Fleury and Belfiori Property" as shown on the attached Exhibit A as Parcel 8.

Resolved that the Rochester Hills City Council hereby approves the Offer to Purchase and Statement of Compensation for purchase and temporary construction easement by and between the City of Rochester Hills and Frank R. Fleury and Karen Fleury and James J. Belfiori and Julia L. Belfiori, for Lots 76, 77 and 78 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: RES0092-2004

Passed The Consent Agenda

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

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

The following Consent Agenda Items were discussed and adopted by separate Motions:

2004-0130 Request for Purchase Authorization - DPS/FACILITIES: Blanket Purchase Order for HVAC Maintenance Contractor in the amount not-to-exceed \$71,078.00; George S. Hall, Inc, Chicago, IL.

Attachments: Agenda Summary.pdf; 2004-0130 Master Report.pdf

Mr. Robbins asked that the various bids solicited for purchases be included in Council meeting packets in the future.

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

Whereas, sealed bids for HVAC Maintenance Contractor Services were solicited and awarded to George S. Hall, Inc., the sole vendor; and

Whereas, the contract with George S. Hall, Inc., offers value to the City through price and the quality of service; and

Whereas, the City wishes to exercise its option to renew for 2-years through April 1, 2006.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to George S. Hall, Inc., of Chicago, IL, for HVAC Maintenance Contractor Services, in the amount not-to-exceed \$71,078.00 through April 1, 2006.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Holder, Raschke and Robbins

Nay: Hill

Enactment No: RES0093-2004

2004-0256 Request for Purchase Authorization - BUILDING: Increase Blanket Purchase Order for Fire Suppression and Fire Alarm Plan Review & Inspection Services in the amount of \$20,000.00 for a new not-to-exceed total of \$53,000.00; Fire Safety Consultants, Inc., Schaumburg, IL.

Attachments: Agenda Summary.pdf; 2004-0256 Master Report.pdf

Mr. Robbins questioned Mr. Cope as to why this process is outsourced rather than using departmental staff.

Mr. Cope explained that staff employees were in the process of training for their certification for these duties which takes approximately a year and half to complete.

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to Fire Safety Consultants, of Schaumburg, IL, for the purchase of Fire Suppression & Fire Alarm Plan Review & Inspection Services, by the increased amount of \$20,000.00 for the new total amount not-to-exceed \$53,000.00 and to extend the expiration date for an additional 3-months to expire on July 1, 2004.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0094-2004

2004-0189

Confirmation of Mayor's reappointment of Nicholas Kaltsounis and Deborah Brnabic and appointment of Kathleen Hardenburg to the Planning Commission

Attachments: Agenda Summary.pdf; Brnabic questionnaire.pdf; Hardenburg questionnaire.pdf; Kaltsounis questionnaire.pdf; 2004-0189 Master Report.pdf

Ms. Hill expressed concern that the members of the Planning Commission do not represent all City Districts evenly.

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

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Nicholas Kaltsounis and Deborah Brnabic to the Planning Commission for a three year term to expire on 03/31/2007.

Be it further resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Kathleen Hardenburg to the Planning Commission for a three year term to expire on 03/31/2007.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0095-2004

NEW BUSINESS

2004-0262

Request for Purchase Authorization - DPS: Increase Blanket Purchase Order for design work on the Clinton River Trail Way in the amount of \$22,188.64 for a new not-to-exceed total of \$71,688.64; Spalding DeDecker Associates, Rochester Hills, MI

Attachments: Agenda Summary.pdf; Change in Scope.pdf; 2004-0262 Master Report.pdf

Mr. Paul Davis, City Engineer, clarified that the increase to the blanket purchase order was \$22,188.64. He then explained that the increase request was the result of a change in the scope of services for the design of the project, specifically the construction of pedestrian refuge islands within the roadways. In response to questions posed by Council members, Mr. Davis noted that the City would be receiving \$400,000 from MDOT in the form of a grant, with the City contributing the remaining \$200,000 for the first phase of the project. He noted that to assure receipt of the grant money, the City must show that the project is moving forward and pursue it in a timely manner, as there is the possibility that the money could be exhausted.

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to Spalding DeDecker Associates, Inc., of Rochester Hills, Michigan, for the purchase of design services for the Clinton River Trail Way, by the increased amount of \$22,188.64 for the new total amount not-to-exceed \$71,688.64 through December 31, 2004.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder and Raschke

Nay: Robbins

Enactment No: RES0096-2004

NOMINATIONS/APPOINTMENTS

2004-0242 Nomination/Appointment to Zoning Board of Appeals/Sign Board of Appeals for one (1) three-year term to expire March 31, 2007.

Attachments: Agenda Summary.pdf; Notice of Vacancy.pdf; Letter.pdf; Questionnaire.pdf; 2004-0242 Master Report.pdf

Mr. David Cockey, 6250 Winkler Mill Road, stated he would be honored to serve the City for another three (3) years.

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

Resolved that the Rochester Hills City Council appoints Mr. Dave Cockey to the Zoning Board of Appeals/Sign Board of Appeals for one (1) three-year term to expire on March 31, 2007.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0097-2004

2004-0267 Appointment of a Rochester Hills Planning Commission representative to the Rochester Hills Zoning Board of Appeals/Sign Board of Appeals for a one-year term to expire March 31, 2005.

Attachments: Agenda Summary.pdf; 2004-0267 Master Report.pdf

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

Resolved, that the Rochester Hills City Council confirms the appointment of James Rosen, Vice Chairman of the Rochester Hills Planning Commission, to the Rochester Hills Zoning Board of Appeals/Sign Board of Appeals for a one-year term to expire March 31, 2005.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0098-2004

COUNCIL COMMITTEE REPORTS

Mr. Barnett announced that the Financial Services Committee and the Community Development and Viability Committee would be holding a joint meeting the next evening at 5:00 p.m.

Ms. Hill clarified that the Financial Services Committee would be meeting from 5:00 p.m. to 6:00 p.m., at which time the joint meeting would convene.

Mr. Duistermars noted that the Public Safety Committee met the previous Monday and indicated that issues discussed at that meeting would be presented at the next City Council Work Session.

NEXT MEETING DATE

*Regular Work Session - March 24, 2004 Rescheduled
Regular Work Session - March 31, 2004 at 7:30 p.m.*

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 8:37 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*