



Rochester Hills Minutes City Council

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

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

Wednesday, July 28, 2004

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:33 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
Scott Cope, Director of Building/Ordinance Enforcement
Derek Delacourt, Planner
Mike Hartner, Director of Parks & Forestry
Deb Millhouse, Deputy Director of Planning/Development
John Sage, Ordinance Inspector
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the agenda for the July 28, 2004 Regular Meeting of the Rochester Hills City Council be approved with the following amendment:

Move "NEW BUSINESS" item #2004-0629 after "ATTORNEY MATTERS" item #2004-0628.

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

The motion carried by the following vote:

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

PUBLIC COMMENT

Mr. Johannes Buiteweg, 1337 Shenandoah, explained that he is a senior citizen on a fixed income and will "definitely vote no" on the upcoming local road millage.

Mr. Lee Zendel, 1575 Dutton Road, noted that Oakland Township will be adding six (6)

new paramedics to their emergency services. He stated that Oakland Township's attention to public service should be commended.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton reminded residents to vote in the upcoming Primary Election to be held on Tuesday, August 3rd.

Ms. Raschke described the efforts of the Babes in Toyland preschool to teach their young charges the importance of helping others less fortunate than themselves through such activities as a trike-a-thon. She asked that these children be recognized by the City for their charitable efforts.

Mayor Somerville asked that Ms. Raschke contact her office to make an appointment to discuss the details of recognizing these young residents.

Ms. Holder reminded residents that the City's firefighters would be at the Village of Rochester Hills collecting donations for the Muscular Dystrophy Association. She also reminded Council members that their articles for the Fall edition of the Hills Herald would be due on Monday, August 2nd. In response to Mr. Buiteweg's concerns about additional taxes, Ms. Holder stressed that the issue will be decided by residents during the November General Election.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

2004-0628

Adoption of Resolution to adjourn to Closed Session at the conclusion of tonight's meeting (July 28, 2004) for the purpose of discussing pending litigation namely Orłowski v. City of Rochester Hills and Attorney/Client Privileged Communications

Attachments: Agenda Summary.pdf; 0628 Resolution.pdf

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, on Wednesday, July 28, 2004 at the close of tonight's meeting. The purpose of the Closed Session is to discuss pending litigation that could affect the financial interest of the City, namely, Orłowski v. City of Rochester Hills and Attorney/Client Privileged Communications.

The motion carried by the following vote:

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

Enactment No: RES0241-2004

NEW BUSINESS

2004-0629

Request from County Commissioner Sue Ann Douglas for Resolution of Support of Oakland County's Opposition to the Collection of County Taxes in July

Attachments: Agenda Summary.pdf; OCBC Resolution 04123.pdf; Letter City of Rochester 20040623.pdf; 0629 Resolution.pdf

Ms. Sue Ann Douglas, County Commissioner for District 12, 1200 North Telegraph Road, Pontiac, explained that the Oakland County Commissioners had unanimously passed a resolution opposing Governor Granholm's plan to move the annual collection of taxes from December to July. The plan would require that the money from the "early" tax collection be placed in a restricted fund from which each community would draw monies to compensate for eliminated State revenue sharing funds. In effect, this plan would result in four (4) years of taxes being collected in three (3) years. In addition, Ms. Douglas asked that, should the Governor's plan pass, communities include a notation on their tax bills identifying Governor Granholm and the State Legislature as the responsible parties for this change, as well as noting Oakland County's opposition to the plan.

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

Resolved that the Rochester Hills City Council supports Oakland County Commission Resolution #04123 opposing the Governor's plan to collect County taxes in July of each year and to forward a letter to the Governor, State Senator, State Representative and Oakland County.

The motion carried by the following vote:

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

Enactment No: RES0242-2004

ORDINANCE FOR INTRODUCTION

2004-0537

First Reading - An amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone a portion of one parcel of land totaling approximately .35 acre, located South of Auburn and West of Rochester Road, from R-3, One Family Residential, to B-3, Shopping Center Business District, known as Parcel No. 15-34-227-010, Viviano Land Company, Applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Map Zoning.pdf; Report Staff 20040624.pdf; Minutes pc 20040629.pdf; 0537 Resolution.pdf

Ms. Deb Millhouse, Deputy Director of Planning/Development, explained that the applicant was requesting a rezoning of a portion of a parcel of land currently zoned R-3, One Family Residential District, to B-3, Shopping Center Business District, in an effort to utilize this property for additional parking. Ms. Millhouse noted that the parcel under consideration is identified in the Master Use Plan as R-3 and that the Planning Commission voted unanimously to recommend denial of this request.

Mr. Robert Davis, 12900 Hall Road, Sterling Heights, attorney representing the applicant, indicated the following:

- * The subject site is in the R-3 zoning category.*
- * Only one neighboring property owner voiced an objection to the rezoning request following proper noticing.*
- * Although unconfirmed, property owners to the east indicated that portions of their yards were converted to B-3 "some time ago."*
- * The subject property is adjacent to B-3 and B-2 zoning.*
- * The property owner has no use for residential property and, thus, this land has been "confiscated from their use."*

* This rezoning would create uniformity.

* There will be no adverse environmental impact or increased traffic if the requested rezoning were granted.

PUBLIC COMMENT:

Mr. Laurie Soper, 3139 Hickory Lawn, indicated that his property abuts the parcel in question and expressed his support for the rezoning, noting it would bring his property in line with the other properties to the east. He stated that the addition of a wall would increase neighborhood security.

Council members noted that this rezoning would greatly impact the resident to the west, the rezoned parcel would not meet the five-acre size requirement of B-3 zoning, and the request does not comply with the Master Use Plan. In addition, it is a policy of the City not to "cut" further into residential areas with commercial uses.

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

Resolved that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone 0.35± acres of Parcel No. 15-34-227-010 from R-3, One Family Residential District, to B-3, Shopping Center Business District is hereby Denied.

The motion carried by the following vote:

Aye: Barnett, Duistermars, Hill and Holder

Nay: Dalton, Raschke and Robbins

Enactment No: RES0252-2004

2004-0627

Second Reading and Adoption- An Ordinance to amend Section 134-107 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations governing the discontinuation and amortization of nonconforming signs, repeal inconsistent ordinances and prescribe a penalty for violations

Attachments: Agenda Summary Second Reading.pdf; Letter Staran 072904.pdf; Ordinance Amendment Revision.pdf; Agenda Summary First Reading.pdf; Ordinance Amendment First Reading.pdf; Minutes CCWS 031004.pdf; Minutes CCWS 051204.pdf; 0627 Resolution First Reading.pdf; 06

Mr. Scott Cope, Director of Building/Ordinance Enforcement, indicated that the ordinance changes before Council were consistent with the direction given to staff by Council, including "a few minor adjustments that were made between the City Attorney and staff to allow these changes to be enforceable."

PUBLIC COMMENT:

Mr. Mike Hoornaert, 2595 Dorfield Drive, asked that Council reconsider the height requirement of the new ordinance, insisting that the requirement will severely limit the visibility of business signs from major thoroughfares.

Ms. Eileen Youngerman, 35 West Huron, Pontiac, representing A.D. Becker Properties, owner of Seros Plaza, stated that the elimination of "pole signs" would be detrimental to the small businesses located in the complex.

COUNCIL DISCUSSION:

COUNCIL DISCUSSION:

Ms. Holder suggested that the ordinance be amended to eliminate the final compliance date of December 31, 2001.

Mr. Barnett stressed the amount of Council and City staff discussion and effort that had been expended to reach a compromise on many of the issues of concern with the local business community.

Ms. Raschke stated that she could not support the ordinance if the final compliance date were not removed.

Ms. Hill questioned the purpose of the ordinance if the final compliance date were removed. She contended that, without that final date, "we'll never see full compliance."

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

Resolved that the City of Rochester Hills City Council agrees to Amend the Motion on the Floor to eliminate the following portion of Sec. 134.107. Nonconforming Signs (5), of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan:

". . by the responsible parties upon the earlier of December 31, 2010, or . ."

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke and Robbins

Nay: Dalton, Barnett and Hill

Enactment No: RES0259-2004

Attachments: Agenda Summary Second Reading.pdf; Letter Staran 072904.pdf; Ordinance Amendment Revision.pdf; Agenda Summary First Reading.pdf; Ordinance Amendment First Reading.pdf; Minutes CCWS 031004.pdf; Minutes CCWS 051204.pdf; 0627 Resolution First Reading.pdf; 06

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

Resolved that an Ordinance to amend Section 134-107 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations governing the discontinuation and amortization of nonconforming signs, repeal inconsistent ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Holder, Raschke and Robbins

Nay: Barnett and Hill

Enactment No: RES0259-2004

2004-0588

First Reading - An Ordinance to amend Chapter 98, Traffic and Vehicles, Article III, Michigan Vehicle Code, Section 98-61, Adoption by Reference, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, by re-adopting by reference the Michigan Vehicle Code; repeal conflicting ordinances; and prescribe penalties for violations

Attachments: Agenda Summary Second Reading.pdf; Agenda Summary First Reading.pdf; Letter Staran 052104.pdf; Chapter 98 Ord Amendment.pdf; 0588 Resolution First Reading.pdf; 0588 Resolution Second Reading.pdf

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

Resolved that an Ordinance to amend Chapter 98, Traffic and Vehicles, Article III, Michigan Vehicle Code, Section 98-61, Adoption by Reference, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, by re-adopting by reference the Michigan Vehicle Code; repeal conflicting ordinances; and prescribe penalties for violations is hereby accepted for First Reading.

The motion carried by the following vote:

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

Enactment No: RES0260-2004

ORDINANCE FOR ADOPTION

2004-0536

Acceptance for Second Reading and Adoption - Rezoning Request - An Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone five (5) parcels of land totaling approximately 21 acres, located on Hamlin Road, East of Crooks, from I-1, Light Industrial, to ORT, Office Research, Technology, (City File No. 04-017) known as Parcel Nos. 15-21-376-004, -006, -007, 15-21-352-001 and -002; City of Rochester Hills, Applicant

Attachments: 20040725 Agenda Summary second reading.pdf; 20040714 Agenda Summary.pdf; Map aerial.pdf; Doc1.pdf; Report Staff 20040614.pdf; Minutes pc 20040629.pdf; Letter Cherniawsky 20040702.pdf; Hamlin Properties (Letica) ORD.pdf; 0536 Resolution.pdf

A motion was made by Robbins, seconded by Raschke, 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 20.88± acres of land known as Parcel Nos. 15-21-376-004, 15-21-376-007, 15-21-376-006, 15-21-352-001 and 15-21-352-002 from I-1, Light Industrial, to ORT, Office, Research, Technology District, is hereby accepted for Second Reading and Adoption and shall become effective on August 6, 2004 following its publication on Thursday, August 5, 2004 in the Rochester Eccentric.

The motion carried by the following vote:

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

Nay: Hill

Enactment No: RES0245-2004

(Recess 8:28 p.m. - 8:42 p.m.)

UNFINISHED BUSINESS

2004-0585

Request for Purchase Authorization - PARKS: Construction Services for Spencer Park Beach House (Concession/Restroom), contract/blanket purchase order not-to-exceed \$337,500.00; Bernco, Inc., St. Clair Shores, MI

Attachments: 20040728 Agenda Summary.pdf; 20040714 Agenda Summary.pdf; Spencer Bid Tab.pdf; Spencer THA letter.pdf; Spencer - CDBG.pdf; Leisure Activities Res 20040719.pdf; 0585 Resolution.pdf

Mr. Mike Hartner, Director of Parks & Forestry, briefly outlined the history of the Spencer Park Beach House, noting that Spencer Park was the City's first "active use" park. The Beach House was built by City employees during the winter of 1980 and 1981. It is estimated that three million visitors have passed through this building since it opened. Mr. Hartner contended that this structure is the "heart and soul" of Spencer Park.

Ms. Jackie Hoist, THA Architects, 817 East Kearsley Street, Flint, described some of the reasons a new building is necessary:

** Light framing, such as for a residential home, was used to build the original beach house, resulting in issues of durability.*

** There is severe water damage under the slab.*

** There needs to be an overall upgrade to the bathrooms including handicapped accessibility.*

** Public bathrooms require masonry construction that can stand up to excessive public use.*

With regard to the cost to rebuild the building, Ms. Hoist made the following points:

** Because the building is small, the City will not benefit from "economies of scale."*

** The contract includes a clause requiring that the contractor provide portable toilets if they are unable to complete the project by Memorial Day, thus increasing the price.*

** The original budget did not include demolition of the building.*

Ms. Hoist stressed that it would be extremely difficult to reduce the budget of the project without "lopping off part of the building."

Mr. Alan Buckenmeyer, Park Operations Manager, explained that he and Mr. Hartner had identified a project with regard to beach access ADA compliance that could be postponed and those funds could be used to compensate for the overage of the Spencer Park Beach House project.

PUBLIC COMMENT:

Ms. Suzanne White, 1598 Parke, described her usage of Spencer Park and its Beach House and encouraged Council to approve the project.

Mr. Lee Zendel, 1575 Dutton Road, noted that including the \$40,000 architectural fees raises the cost of the project to over \$400,000. He suggested using vending machines instead of having a concession stand at the park.

Council, Staff and Ms. Hoist discussed the following issues:

** Typically depreciation dollars are set aside for such projects, however, the depreciation system has not been in place long enough for this project to benefit.*

* *The deterioration of this building is extensive, and it is unknown to what extent it has deteriorated beneath the building.*

* *The Health Department has made allowances for various health code violations with the understanding that they will be addressed when the building is rebuilt.*

* *The concession stand provides not only food, but a park representative to answer questions as well as a level of casual "security" to the area.*

* *The cost of residential construction cannot be compared to commercial construction and the intendant requirements.*

* *The new building will provide the same functions that are provided now, with the exception of the family restroom.*

* *Concrete construction does not seem necessary for a building that only serves a function three to six months of the year.*

* *Examine the possibility of increasing park entrance fees to pay for park improvements.*

* *Often when entrance fees are raised, there is a reduction in attendance.*

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

Resolved that the Rochester Hills City Council hereby approves construction services for the Spencer Park Beach House to Bernco, Inc., St. Clair Shores, Michigan, in the amount not-to-exceed \$337,500.00 as the lowest, responsive, responsible bidder and authorizes the Mayor to entered into a contract on behalf of the City.

Be It Further Resolved that the Rochester Hills City Council does hereby direct the Leisure Activities Committee to review the daily vehicle entry fees currently charged for all City Parks and recommend whether or not those fees could be slightly increased in order to help offset future Park improvements. The Leisure Activities Committee shall provide recommendations to City Council no later than December 31, 2004.

The motion carried by the following vote:

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

Nay: Dalton

Enactment No: RES0246-2004

2004-0211

2005 Salary Recommendation for Directors' General Adjustment Recommendation

Attachments: 20040728 Agenda Summary.pdf; 0211 Staran Opinion.pdf; 20040618 Agenda Summary.pdf; Salary History-Directors.pdf; Memo Somerville 033104.pdf; Memo Lee 022704.pdf; MML Director Survey DataUPDATE.pdf; Revenue Reductions 2004.pdf; Res Directors Gen Adjustment

Mr. Robbins suggested that City Council modify its salary policy to require the Mayor provide written justification to City Council with regard to the annual compensation, both salary and bonuses, awarded to the Council appointed positions of City Clerk and City Treasurer.

It was determined through Council discussion that this information be provided at the same time that the Mayor's City Clerk and City Treasurer performance appraisals are provided to Council.

Mayor Somerville clarified that, contrary to a statement made by Ms. Pam Lee, Director of Human Resources, at a previous meeting, City Directors have received bonuses during her administration.

President Dalton requested that Mayor Somerville provide a list of those bonuses to Council by their next regular meeting.

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

Resolved that the Rochester Hills City Council shall modify their Department Director Salaries and Bonuses Policy to allow the Mayor to determine the amount of compensation and performance bonuses (if any) for the City Clerk and Treasurer. Justification for or against the increase/bonus (if any), the amount of the proposed increase/bonus and a copy of the City Clerk and Treasurer's performance appraisal shall be provided to the Council prior to the proposed increase/bonus (if any) taking effect.

The motion carried by the following vote:

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

Enactment No: RES0248-2004

Attachments: 20040728 Agenda Summary.pdf; 0211 Staran Opinion.pdf; 20040618 Agenda Summary.pdf; Salary History-Directors.pdf; Memo Somerville 033104.pdf; Memo Lee 022704.pdf; MML Director Survey DataUPDATE.pdf; Revenue Reductions 2004.pdf; Res Directors Gen Adjustment

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

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves a two percent (2%) increase to budgeted funds for Department Director salaries for Fiscal Year 2005, bringing the budget for base salaries for Directors to \$902,486.

Further Resolved, that wage increases greater than 2% received by non-union, Local 2491 or Local 3472 employees for 2005 will also be received by Directors, provided agreement is reached prior to December 31, 2005 with respect to bargaining units.

The motion carried by the following vote:

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

Enactment No: RES0248-2004

NEW BUSINESS

2004-0503

Revised Conditional Land Use - City File No. 87-829.2 - Abiding Presence Lutheran Church Addition, a proposed 5,700 square foot addition to the existing church located on the north side of Walton Blvd., west of Livernois, Parcel No.

15-09-378-022, zoned R-2, One Family Residential, Abiding Presence Lutheran Church, Applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Report Staff 20040615.pdf; Minutes pc 20040615.pdf; Site Plans Abiding Pres.pdf; 0503 Resolution.pdf

Mr. Derek Delacourt, Planner, gave a brief history of the issue before Council, noting that the Planning Commission recommended approval of the Revised Conditional Land Use for the proposed addition.

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

Resolved, that the Rochester Hills City Council hereby approves the Revised Conditional Land Use for the Abiding Presence Lutheran Church, Parcel No. 15-09-378-022, zoned R-2, One Family Residential, with the following findings:

FINDINGS:

- 1. Since churches are permitted in any zoning district, the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.**
- 2. The proposed development has been designed to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land.**
- 3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.**
- 4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.**
- 5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.**

The motion carried by the following vote:

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

Enactment No: RES0249-2004

2004-0626

Discussion regarding Oakland County's commitment to the NO HAZ Consortium

Attachments: Agenda Summary.pdf; Letter Oak Cty 20040618.pdf; Consortium Succession Plan.pdf; PowerPoint Presentation.pdf; 0626 Resolution.pdf

Mr. John Sage, Ordinance Inspector, explained that, in anticipation of the difficult transition of succession, Oakland County has extended its commitment to the NO-HAZ program until January 2006, one year longer than originally planned. To that end, Oakland County has requested that all participating communities identify their organizational plan and level of participation following Oakland County's eventual departure from the program. Mr. Sage stressed that City staff does not know how many communities will continue their involvement in the plan, thus the finances are unknown as well, and recommended that the issue be referred to the Community Development & Viability Committee for further evaluation. He presented the following information in a PowerPoint presentation:

NO-HAZ Succession Planning
-----*Why Succession Planning?*

* *NO-HAZ organized with the understanding that the consortium would form a group independent of Oakland County.*

* *To begin the process of identifying the best options now.*

* *Alternative governance options provide new opportunities.*

NO-HAZ Function Areas:

* *Legal*

- *Formation of a successor organization*
- *Contract management*

* *Operational*

- *Site selection*
- *Collection event management*

* *Administrative*

- *Appointment taking / report preparation*
- *Billing and record keeping*
- *Hotline & website maintenance*

* *Education & Outreach*

- *Design and production of marketing materials*
- *Distribution of materials to membership / media*
- *Communication with media outlets for press releases, interviews, etc.*

Level of Service:

* *As Is - Household Hazardous Waste only*

* *Household Hazardous Waste PLUS electronics*

* *Add other services (i.e. recycling, waste, yard waste, composting, etc.)*

The Options:

* *Do Nothing - Disband*

* *Continue NO-HAZ Consortium*

- *Interlocal Approach or Authority Formation*
 - * *One municipality takes the lead*
 - * *Several municipalities split function areas*
 - * *Hire consulting or management firm to handle function areas*

Options: Do Nothing - Disband

- * *Determine end date*
- * *Fulfill all contract obligations*
- * *Pull all education / outreach materials from public areas*
- * *Finalize administrative / operational responsibilities*
- * *Finalize invoice / reimbursement process*

Options: Interlocal Agreement

* *One municipality takes the lead to handle duties performed by Oakland County now*

** Several municipalities split responsibilities according to strongest assets available*

** Hire consulting / management firm to handle operational, administrative and education duties*

Pros of Interlocal Agreement:

** Use framework of existing agreement*

Cons of Interlocal Agreement:

** Cumbersome*

** Costs incurred without value (i.e. annual legal costs for review of agreement)*

** Potential for control issues*

Options: Authority Formation:

** Authority formation allowable under Act 179 & Act 223*

- Act 233 allows authority to handle multi-county service areas

** Must have minimum of two (2) units of government*

** All participating units of government approve and sign final documents*

** Creation of Board of Directors*

** Non-voting or expert advisory input allowed*

Pros of Authority Formation:

** Allocates power and responsibility*

** Bylaws clearly detail administrative procedures*

** Long-term stability*

** Insulated from political legislative process*

** Create own identity, mission, momentum*

** Act 233 allows authority to handle multi-county service areas*

** Access to bond financing*

** Use of member units own public sector funding mechanism*

** Access to private sector finance and funding methods through public/private sector agreements*

Cons of Authority Formation:

** Potential for authority to grow too independent of local units of government*

** Representation challenges*

** Lack of experience or expertise*

Community Resource Identification: NO-HAZ Function Areas

** Legal*

- Formation of a successor organization

- Contract management

** Operational*

- Site selection

- Collection event management

- * *Administrative*
 - *Appointment taking / report preparation*
 - *Billing and record keeping*
 - *Hotline & website maintenance*

- * *Education & Outreach*
 - *Design and production of marketing materials*
 - *Distribution of materials to membership / media*
 - *Communication with media outlets for press releases, interviews, etc.*

Oakland County Assistance - Similar to NO-HAZ Formation Process:

- * *Assist in decision making process to determine in what direction Consortium wants to go*
- * *Facilitate informational meetings*
- * *Provide models / case studies*
- * *Serve as advisor to Management Subcommittee*

Succession Timeline:

- * *June-July 2004*
 - *Consortium members complete Memo of Intent*

- * *August 2004*
 - *Management Subcommittee drafts legal documents*

- * *September 2004*
 - *Presentation of legal documents to Consortium*

- * *October 2004*
 - *Place legal documents before community boards for approval*

- * *January 2005*
 - *Finalize legal documents for successor organization*

Net Steps:

- * *Review Memo of Intent*

- * *Timeline for Decision Making*
 - *June 18th - RSVP of Memo of Intent review date*
 - *July 23rd - Deadline for return of Memo of Intent*
 - *August 4th - Next Meeting (Memo of Intent results)*

Ms. Hill noted that this program was originally to be paid for via the single waste hauler plan, however, since that plan was rejected by Council, she questioned how this program would be funded in the future. She stressed that she would be very hesitant to continue paying for the NO-HAZ program from the City's General Fund.

A motion was made by Barnett, seconded by Duistermars, that this matter be Referred by Resolution to the Community Development & Viability Committee.

Resolved that the Rochester Hills City Council refers this matter to the Community Development and Viability Committee for further discussion, review and to bring forward a recommendation to City Council.

The motion carried by the following vote:

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

2004-0434

Recommendation from the Administration and Information Services Committee regarding Elimination of the Primary Election for City Elections

Attachments: 081804 Agenda Summary.pdf; Primary Ballot Amendment.pdf; 071404 Agenda Summary.pdf; Letter Staran 20040723.pdf; Report City Elections.pdf; Information from Farmington Hills.pdf; Information from Novi.pdf; Memo Jasinski to AIS 070804.pdf; AIS Resolution 07

Ms. Holder indicated she objected to the elimination of the Primary Election, noting that it would be an additional burden to voters if there are multiple candidates for one position in the General Election.

Ms. Hill acknowledged this argument, but stressed the financial benefits of eliminating the Primary Election, and noted that several other Michigan communities have already eliminated their Primary Elections.

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

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 9.9, Primary Election, to eliminate the requirement for a City Primary Election for Mayoral and City Council candidates.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to delete Charter Section 9.9, Primary Election, in its entirety.

2. Provisions of existing Section 9.9 of the City of Rochester Hills Charter to be deleted if the proposed amendment is adopted now read as follows:

The City primary election shall be held on the Tuesday after the second Monday in September of each odd-numbered year. If there are not more than twice the number of candidates for each office to be filled as there are persons to be elected, the primary election shall not be held, and those persons filing valid petitions shall be declared the nominees.

3. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal by the Rochester Hills City Council to amend the City Charter by deleting Section 9.9 in its entirety to eliminate the City Primary Election for the nomination of candidates for Mayor and Council. If the proposal is adopted, there will be no City Primary Election.

4. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

5. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 2, 2004, and the City Clerk is hereby directed to give notice of

the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

6. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CITY CHARTER AMENDMENT TO ELIMINATE CITY PRIMARY ELECTION

A proposal by the Rochester Hills City Council to amend the City Charter by deleting Section 9.9 in its entirety to eliminate the City Primary Election for the nomination of candidates for Mayor and Council. If the proposal is adopted, there will be no City Primary Election.

Shall the City of Rochester Hills Charter be amended to delete Charter Section 9.9 to eliminate the City Primary Election?

YES NO

7. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

8. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

The motion carried by the following vote:

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

Nay: Holder

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Mr. Robbins asked that the issue of advisory ballot questions be added to the agenda of an upcoming Council meeting for discussion.

President Dalton indicated that he had received information on this matter from City Attorney John Staran and he would have it distributed to all Council members.

NEXT MEETING DATE

Regular Meeting - Wednesday, August 4, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 10:07 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 (insert date, or dates) Regular City Council Meeting.