



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, September 22, 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 7:34 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
Scott Cope, Director of Building/Ordinance Enforcement
Julie Jenuwine, Interim Finance Director
Greg Walterhouse, Fire Chief*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Agenda for the Rochester Hills City Council Regular Meeting of Wednesday, September 22, 2004 be approved with the addition of the following item under "ATTORNEY MATTERS":

File No. 2004-0803 Adoption of Resolution to convene to Closed Session at the conclusion of tonight's meeting (September 22, 2004) for the purpose of discussing a Client/Attorney Privileged Communication.

A motion was made by Holder, 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. Lee Zendel, 1575 Dutton Road, referenced an advertisement in the Wall Street Journal for home defibrillators, noting it represents "quite an improvement in public safety."

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Somerville reminded residents that flu (\$17) and pneumonia (\$25) shots would be available in the City Hall Auditorium October 1st and 4th between the hours of 10:00 a.m. and 2 p.m. and urged interested parties to contact 248-656-4664 for more information.

Ms. Raschke announced that October 4th is the final day to register to vote for the November election. She urged residents to visit the Clerk's section of the City's website at www.rochesterhills.org for more information.

Ms. Holder urged residents to visit the City's webpage for important information on disaster preparedness, as well as contacting the Oakland County Sheriff's Department, the City's Fire Department and the Mayor's office for more information.

ATTORNEY MATTERS

Mr. John Staran, City Attorney, updated Council on the following matters:

* Still awaiting a decision by Judge Kuhn regarding motions of sanction the City filed regarding the REI/Madison Park Development.

* Developments regarding the Older Persons Commission (OPC) contract will be brought before Council soon.

* Will return before Council with considerations regarding the issue of the City's ordinance with regards to displaying political signs.

2004-0803

Adoption of Resolution to convene to Closed Session at the conclusion of tonight's meeting (September 22, 2004) for the purpose of discussing a Client/Attorney Privileged Communication

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

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Wednesday, September 22, 2004 at the close of tonight's meeting. The purpose of the Closed Session is to discuss Attorney/Client Privileged Communications. Council will not convene to open session at the conclusion of the Closed Session.

The motion carried by the following vote:

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

Enactment No: RES0310-2004

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.

2004-0767

Approval of Minutes - Regular City Council Meeting - August 18, 2004

Attachments: Min CC 081804.pdf; 0767 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 August 18, 2004 be approved as presented.

Enactment No: RES0311-2004

2004-0793

Approval of Minutes - Regular City Council Meeting - September 1, 2004

Attachments: Min CC 090104.pdf; 0793 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 1, 2004 be approved as presented.

Enactment No: RES0312-2004

2004-0752

Approval of Traffic Control Order YS-92 "Yield Sign" for streets within Supervisor's Plat of Brooklands Park Subdivision, Section #25 - Eastern Avenue yield to Clovelly

Attachments: Agenda Summary.pdf; TCO YS-92.pdf; Map, Eastern .pdf; ATSB Cancellation Notice.pdf; 0752 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. YS-92 has been issued by the Acting City Traffic Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

YS-92 "Yield Sign" Eastern Avenue yield to Clovelly, Section 25

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;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order No. YS-92 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: RES0313-2004

2004-0715

Amendments to Administration & Information Services Committee (AIS) Bylaws and Rules of Procedure

Attachments: Agenda Summary.pdf; 0715 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby agrees to amend the Administration & Information Services Committee (AIS) Bylaws and Rules of Procedure as follows:

ARTICLE VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

- 1.—Call to Order
- 2.—Roll Call
- 3.—Approval of Minutes
- 4.—Communications
- 5.—Unfinished Business
- 6.—New Business

YOUTH COMMENTS

- 7.—Any Other Business
- 8.—Next Meeting Date
- 9.—Adjournment

Enactment No: RES0314-2004

2004-0780

Amendments to Community Development & Viability Committee (CDV) Bylaws and Rules of Procedure

Attachments: Agenda Summary.pdf; 0780 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby agrees to amend the Community Development & Viability Committee (CDV) Bylaws and Rules of Procedure as follows:

ARTICLE VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

- 1.—Call to Order
- 2.—Roll Call
- 3.—Approval of Minutes
- 4.—Communications
- 5.—Unfinished Business
- 6.—New Business

YOUTH COMMENTS

- 7.—Any Other Business
- 8.—Next Meeting Date
- 9.—Adjournment

Enactment No: RES0315-2004

2004-0781

Amendments to Financial Services Committee (FSC) Bylaws and Rules of Procedure

Attachments: Agenda Summary.pdf; 0781 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby agrees to amend the Financial Services Committee (FSC) Bylaws and Rules of Procedure as follows:

ARTICLE VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

- 1.—Call to Order**
- 2.—Roll Call**
- 3.—Approval of Minutes**
- 4.—Communications**
- 5.—Unfinished Business**
- 6.—New Business**

YOUTH COMMENTS

- 7.—Any Other Business**
- 8.—Next Meeting Date**
- 9.—Adjournment**

Enactment No: RES0316-2004

2004-0782

Amendments to Leisure Activities Committee (LAC) Bylaws and Rules of Procedure

Attachments: Agenda Summary.pdf; 0782 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby agrees to amend the Leisure Activities Committee (LAC) Bylaws and Rules of Procedure as follows:

ARTICLE VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

- 1.—Call to Order**
- 2.—Roll Call**

~~3.~~—Approval of Minutes

~~4.~~—Communications

~~5.~~—Unfinished Business

~~6.~~—New Business

YOUTH COMMENTS

~~7.~~—Any Other Business

~~8.~~—Next Meeting Date

~~9.~~—Adjournment

Enactment No: RES0317-2004

2004-0783

Amendments to Public Safety Committee (PSC) Bylaws and Rules of Procedure

Attachments: Agenda Summary.pdf; 0783 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that Rochester Hills City Council hereby amends the Public Safety Committee Bylaws and Rules of Procedure as follows:

ARTICLE VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

~~1.~~—Call to Order

~~2.~~—Roll Call

~~3.~~—Approval of Minutes

~~4.~~—Communications

~~5.~~—Unfinished Business

~~6.~~—New Business

YOUTH COMMENTS

~~7.~~—Any Other Business

~~8.~~—Next Meeting Date

~~9.~~—Adjournment

Enactment No: RES0318-2004

Passed The Consent Agenda

A motion was made by Barnett, seconded by Hill, 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

UNFINISHED BUSINESS

2004-0763 Adoption of 2004 Millage Rates

Attachments: Budget Millage Rates Summary Adobe.pdf; Agenda Summary Budget.pdf; Public Hearing Notice.pdf; 0763 Master Report.pdf; 0763 Resolution.pdf

Ms. Hill indicated that she could not support the proposed millage rate and requested that the dedicated Fire Millage be lowered slightly as well as the General Fund. She indicated that the Fire Fund can operate appropriately with this slight reduction. She acknowledged that it is a minimal amount, but it would be an indication to tax payers that the City does not need the funds in these areas, but rather does need them in other areas such as local roads.

President Dalton stressed that the overall millage rate will remain the same as the previous year, and that Rochester Hills boasts the third (3rd) lowest millage rate in Oakland County.

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

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 4, 2004 meeting City Council acknowledged receipt from the Mayor of the Proposed 2005 Budget Plan and set a Public Hearing to be held September 15, 2004 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Whereas, at its September 15, 2004 meeting City Council held said Public Hearing on the proposed Budget Plan; and

Now Therefore Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millages Limitation, to be levied in December 2004 to provide the tax revenues included in the Proposed 2005 Budget:

City General Tax	3.1130 Mills
Fire Fund	1.9000 Mills
Special Police I	0.7942 Mills
Special Police II	0.4326 Mills
Public Improvement Fund (Drains)	0.3980 Mills
Pathway (voted)	0.1888 Mills
R.A.R.A. (voted)	0.1596 Mills
Older Persons Millage (voted)	0.2441 Mills
Older Persons Transportation (voted)	0.0224 Mills
Library Operating	0.7942 Mills
Special Drain Fund	0.6020 Mills
General Obligation Refunding Bond - (GORB) series 1998	0.0580 Mills

General Obligation 2002 Refunding Bond - (GORB) series 2002	0.4293 Mills
Older Persons Building Bond (voted)	0.2319 Mills
Total City Millages	9.3681 Mills

per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and further, Special Lighting (Christian Hills) be levied at the rate of \$10.33 per lot or description,

Be It Further Resolved, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2004 Tax Rolls.

The motion carried by the following vote:

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

Nay: Hill

Enactment No: RES0319-2004

NEW BUSINESS

2004-0766

Request for Purchase Authorization: DPS/Facilities: Fire Station #4 Parking Lot Improvements, contract in the amount of \$78,833.00; Peake Contracting, Inc., Utica, MI

Attachments: Agenda Summary.pdf; Bidtab.pdf; 0766 Resolution.pdf; 0766 Supplemental Information.pdf

Fire Chief Greg Walterhouse explained that the Facilities Department had determined that the parking lot in question has deteriorated to the point that the requested improvements are necessary. Chief Walterhouse further explained that, in addition to the repairs, nineteen (19) parking spaces would be added to the vacant land east of the parcel. He noted that this would provide needed space for apparatus training, explaining that the station is currently using the parking lot of the neighboring church.

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

Whereas, on Thursday, September 2, 2004, the City received eight (8) sealed bids for the Fire Station #4 Parking Lot Improvements. Peake Contracting, Inc. submitted the lowest responsive, responsible bid in the amount of \$78,833.00; and

Resolved, that the Rochester Hills City Council awards the contract for the Fire Station #4 Parking Lot Improvements to Peake Contracting, Inc. of Utica, Michigan as the lowest responsive, responsible bidder in the amount of \$78,833.00 and to authorize the Mayor and Clerk to execute a contract on behalf of the City.

The motion carried by the following vote:

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

Enactment No: RES0320-2004

2004-0554

Approval of the 2004-2005 Police/School Liaison Budget

Attachments: Agenda Summary.pdf; 2004-2005 Budget.pdf; Memo, Jenuwine.pdf; 0544 Resolution.pdf

Addressing questions posed by Mr. Robbins and Ms. Hill, President Dalton and Julie Jenuwine, Interim Finance Director, explained that the Council would be approving the current contract with the changes discussed during budget meetings to be negotiated by City Administration for the 2005/2006 school year.

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby approves the 2004-2005 Police/School Liaison Budget in the amount of \$512,093.00 of which as a member agency, the City of Rochester Hills contribution is \$296,440.00 (72% of \$411,723.00);

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

The motion carried by the following vote:

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

Nay: Robbins

Enactment No: RES0321-2004

2004-0758

Designation of Delegate and Alternate to National League of Cities' Annual Business Meeting to be held on Saturday, December 4, 2004 at the Congress of Cities in Indianapolis, IN

Attachments: Agenda Summary.pdf; Letter NLC.pdf; 0758 Resolution.pdf

The vote to designate a delegate and alternate was postponed to the next regular Council meeting as no Council members had yet determined whether they would be attending this meeting.

Discussed

2004-0794

City Council Member Website Biographical Information

Attachments: Agenda Summary.pdf; Memo & Survey.pdf; 0794 Master Summary Report.pdf

Council members expressed hesitance to include more biographical information on the new City website, particularly personal information. The consensus of Council was to maintain the current information: name, picture, contact number(s) and email, term in office and district served.

Discussed

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Ms. Hill questioned why the Mayor's office has added a full-time position for a Media Specialist to the proposed 2005 budget during the budget meeting process. Ms. Hill also questioned the organizational chart in the proposed budget that places the Finance Department directly under the Mayor, as opposed to the City Administrator. She expressed her belief that this change violates the City's Charter.

Several Council members described difficulties they are experiencing with excessive junk email in their City email accounts. They requested that the City's MIS Department address the matter and Mr. Robbins offered several remedies.

Mr. Barnett questioned whether the City Administration could assist area businesses in

the matter of appropriately flying their American flags at half-staff. Mayor Somerville explained that currently she contacts Fire Chief Walterhouse and Oakland County Sheriff's Department Captain Smith when flags are to be flown at half-staff and the information is also conveyed by local news affiliates. Mr. Robbins suggested that interested parties visit www.usflag.org for all information regarding the appropriate display of the American flag.

NEXT MEETING DATE

Regular Meeting - Wednesday, October 6, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 8:36 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*

Complete proceedings recorded in the Official Minutes Book on file in the office of the City Clerk and by this reference is made a part hereof.