



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, November 3, 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 7:40 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
Tracey Balint, Project Engineer
Ralph "Bud" Clark, Crew Leader
Scott Cope, Director of Building/Ordinance Enforcement
Paul Davis, City Engineer
Raymond "Bud" Leafdale, General Superintendent
William "Ed" Leafdale, General Foreman
Joe Snyder, Financial Analyst
Roger Rousse, Director of DPS/Engineering

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of November 3, 2004 as presented.

A motion was made by Barnett, seconded by Hill, to Approve the Agenda as Presented.

The motion carried by the following vote:

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

PUBLIC COMMENT

Mr. Paul Franklin, 2136 Elkhorn, expressed his disappointment that the road millage did not pass and praised the City staff for their efforts in researching solutions for the local road issue. He stressed that the problem still must be dealt with and "no new taxes is not the way this problem is going to solved." He challenged those residents who voted against the road millage to come forward with their solutions for solving the local road problem.

Ms. Mary Jo Dinha, 851 Dressler Lane, Chairperson of Zero New Taxes, stated that a "resounding 60%" of Rochester Hills residents had voted against the road millage and thanked the members of Zero New Taxes for their efforts in defeating the road millage.

Mr. Tom Stevenson, 708 River Bend Drive, expressed his opposition to a group of residents attempting to recall two (2) Council members. He noted that a special election necessitated by a recall vote would cost the taxpayers "a lot of money."

Mr. Lee Zendel, 1575 Dutton Road, stressed that the City's roads will continue to deteriorate, and the need for a road millage will increase over the coming years. He urged City Council to place the road millage proposal on "every future election until the residents are willing to solve the problem."

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton expressed his excitement at the number of voters who visited the polls for the General Election. He then noted his disappointment at the failure of the City proposals. He praised City Clerk Bev Jasinski and her staff for their work on the election.

Ms. Jasinski thanked the voters and praised her staff as well as staff members from other departments who assisted the Clerk's Department on Election Day.

Mr. Robbins also praised and congratulated Ms. Jasinski.

Ms. Raschke thanked Ms. Jasinski and the men and women of the armed forces "who fight for [our] right" to vote.

Ms. Hill praised City workers for their efforts on Election Day and expressed her disappointment that the proposals had failed. She announced that Jennifer Stein, a City Council Youth Representative serving on the Administration and Information Services Committee had won a scholarship to attend the National League of Cities conference in Indianapolis.

Mr. Duistermars explained that budget cuts suggested by those who opposed the road millage would not solve the problem because budget funds are separate and money cannot, by law, be shared among different funds. He also praised the Clerk's Department and those individuals who ran for office.

Mr. Barnett praised the poll workers at the different precincts throughout the City. He too expressed his disappointment at the failure of the road millage, noting that Council's "hands are tied as to how we can deal with" the roads issue.

Ms. Holder stressed that the "character" of the City will be damaged by the deterioration of the roads.

ATTORNEY MATTERS

Mr. John Staran, City Attorney, had nothing to report.

PRESENTATION

2004-0914

Proclamation in Honor of Ed Leafdale, 2004 Veteran of the Year

Attachments: Proclamation.pdf

President Dalton, Mayor Somerville and the entire City Council presented the following proclamation to **Mr. William "Ed" Leafdale** in praise of his efforts on behalf of military veterans in the Rochester Hills community.

Whereas, Ed Leafdale has volunteered his time and assistance to many people through his community service work; and

Whereas, Ed is a member of the VFW Post 3908 in the Utica/Rochester area and has been the Post Commander for the past five (5) years; and

Whereas, in May 2004, Ed received the VFW's Outstanding Commanders Award for the Fifth District, which covers forty-two (42) VFW Posts in Oakland and Macomb Counties; and

Whereas, in June 2004, Ed received the All-State Post Award and The White Commanders Hat for the second time in two (2) years; and

Whereas, on August 15, 2004, Ed was voted State Veteran of the Year for his humanitarian efforts on behalf of Veterans everywhere.

Now Therefore Be It Resolved, that on behalf of the Citizens of Rochester Hills, the Mayor and City Council are honored to express our admiration and thanks for your many years of service to our community.

Be It Further Resolved, that the Mayor and City Council hereby commend and congratulate Ed Leafdale, 2004 State of Michigan Veteran of the Year.

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.

2004-0871

Conveyance of a Right of Way Easement granted by the City of Rochester Hills to the Oakland County Drain Commissioner for construction of the Rewold Drain, for Parcel No. 15-24-326-007.

Attachments: Agenda Summary.pdf; Right of Way Easement.pdf; 0871 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby conveys a Right of Way easement granted by City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, MI 48309 to the Oakland County Drain Commissioner for the construction of the Rewold Drain, across a parcel of property located on the South Side of School Road, between John R and Dequindre Roads, for Parcel No 15-24-326-007.

Further Resolved that the City Clerk will send the easement to the Oakland County

Drain Commissioner for recording who will be responsible for recording the easment with the Oakland CCounty Clerk.

Enactment No: RES0356-2004

2004-0904

Request for Purchase Authorization - DPS: One (1) New Cargo Trailer to house steam generating unit, purchase order not-to-exceed \$4,140.00; Forbes Trailers, Waterford, MI

Attachments: Agenda Summary.pdf; Tabulation.pdf; 0904 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 Forbes Trailers, Waterford, Michigan, for one (1) new cargo trailer in the amount of \$4,140.00 as the lowest, responsive, responsible bidder that met all specifications.

Enactment No: RES0357-2004

2004-0921

Request for Purchase Authorization - MAYOR: Professional Legal Services, blanket purchase order not-to-exceed \$25,000.00; Seibert & Dloski, Mount Clemens, MI

Attachments: Agenda Summary.pdf; 0921 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council waives the Purchasing Ordinance requirement, Section 2-281, requiring a Request for Proposals or Quality Based Selection for professional services; and

Be It Further Resolved that the Rochester Hills City Council approves a blanket purchase order not-to-exceed \$25,000.00 for specialized legal professional services to Seibert & Dloski, Mount Clemens, Michigan.

Enactment No: RES0358-2004

2004-0473

Request for Purchase Authorization - DPS: Sewer Replacement Program - Change Order in the amount of \$31,731.35 for Sanitary Sewer Rehabilitation and in the amount of \$7,472.00 for Soil Boring Consultant; Spalding DeDecker Associates, Inc, Rochester Hills, MI

Attachments: Agenda Summary.pdf; drawing phase 1 task 3.pdf; 0473 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the City of Rochester Hills contracted with Spalding DeDecker Associates to provide design and construction services for the Phase I, Task III sanitary sewer pipe replacement and point repair project (City File No. #7-002); and

Whereas, the final costs for the design, inspection and construction administration of the project exceeded the contractual amounts originally approved by the City Council by a total of \$31,731.35; and

Whereas, the geotechnical services were subcontracted out as a pass-through cost of \$7,472.00 and handled as a reimbursable expense not included within the approved contract and scope of services.

Resolved that the Rochester Hills City Council hereby approves the additionally requested amount of \$39,203.35 towards the final payment to Spalding DeDecker

Associates for providing engineering services for the Phase I, Task III sanitary sewer pipe replacement and point repair project.

Enactment No: RES0359-2004

2004-0915

Confirmation of the Mayor's Appointment of Paul Rizzardi to the position on the Brownfield Redevelopment Authority vacated by the resignation of Gene Ferrera

Attachments: Agenda Summary.pdf; Ferrera resignation Brownfield.pdf; Rizzardi letter Brownfield.pdf; Rizzardi questionnaire.pdf; 0915 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Paul Rizzardi to fill the vacancy of Gene Ferrera on the Brownfield Redevelopment Authority for a term to expire on November 13, 2005.

Enactment No: RES0360-2004

2004-0851

Request from Brinker Michigan, Inc. to transfer ownership of 2004 Class C licensed business, located at 2735 S. Rochester, Rochester Hills, MI 48307, in Oakland County from Brinker Restaurant Corporation

Attachments: Agenda Summary.pdf; ChilisAISMtg.pdf; ChilisAIS1005.pdf; 0851 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the request from Brinker Michigan, Inc. to transfer ownership of 2004 Class C licensed business, located at 2735 S. Rochester, Rochester Hills, MI 48307, in Oakland County from Brinker Restaurant Corporation be considered for approval.

It is the consensus of the Rochester Hills City Council that the application be recommended for issuance.

Enactment No: RES0361-2004

2004-0853

Request from La Rocca & Williams, LLC to transfer ownership of 2004 Class C Licensed Business, located at 877 E. Auburn, Rochester Hills, MI 48307, Oakland County, Michigan from Kott, Inc.

Attachments: Agenda Summary.pdf; TappersAISMtg.pdf; TappersAIS1005.pdf; 0853 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the request from La Rocca & Williams, LLC to transfer ownership of 2004 Class C licensed business, located at 877 E. Auburn, Rochester Hills, MI 48309, Oakland County, Michigan from Kott Inc. be considered for approval.

It is the consensus of the Rochester Hills City Council that the application be recommended for issuance.

Enactment No: RES0362-2004

Passed The Consent Agenda

A motion was made by Raschke, seconded by Barnett, 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

PUBLIC HEARINGS

2004-0863 CDBG Program Year 2005/2006 Annual Application

Attachments: Agenda Summary.pdf; Public Hearing.pdf; 0863 Resolution.pdf

President Dalton Opened the Public Hearing at 8:20 p.m.

Ms. Susan Vidican, Executive Director of Rochester Area Neighborhood House, explained that they provide a food pantry, clothes closet, cancer support, counseling, emergency financial assistance, etc., to low-income residents of Rochester Hills. The money provided by the City of Rochester Hills the previous year was used toward the clothes closet.

Ms. Andrea Cooley and **Ms. Brandy Boyd** representing Rochester Area Youth Assistance (RAYA) and Rochester-Avon Recreation Authority (RARA), thanked Rochester Hills for its previous financial support of their youth camps, and asked that the City provide the same level of support for 2005.

Ms. Beth Morrison, Chief Executive Officer of HAVEN, explained that HAVEN treats domestic violence and child abuse. She thanked Rochester Hills for their financial support.

Mr. Gerry Sieh, Chairperson of Avondale Youth Assistance, thanked the City for their support and provided written information describing their youth tutoring programs.

Ms. Christina Lovgren representing the Women's Survival Center, explained that they serve low-income families through counseling programs, legal services, childcare, etc.

There being no further public comment, **President Dalton** Closed the Public Hearing at 8:30 p.m.

Mr. Joe Snyder, Financial Analyst, explained that the CDBG program was created by the Federal Government to provide money to low-income families. He described the distribution of Rochester Hill's portion of the funds as mandated by the CDBG program:

- * 50% - public service-type activities, such as the programs discussed above.
- * 30% - minor home repair program
- * 20% - planning services

In response to a request from **Mr. Robbins** for an explanation of the "planning services" allocation, **Mr. Snyder** explained that \$20,000 would be used towards the cost of the Master Thoroughfare Plan project, noting that it would indirectly benefit low-income individuals by saving taxpayer dollars.

Mr. Barnett clarified that this money is "dedicated down to the percentage point" for specific services and, thus, cannot be used for local roads.

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

Whereas, the City of Rochester Hills has duly advertised a Public Hearing for the purpose of receiving comments regarding the proposed use of 2005 Program Year Community Development Block Grant funds in the approximate amount of \$176,567.00; and

Whereas, a Public Hearing was held on November 3, 2004.

Resolved that at a regular meeting of the City of Rochester Hills City Council held on November 3, 2004 at 1000 Rochester Hills Drive, that the 2005 Program Year Community Development Block Grant Application in the approximate amount of \$176,567 be approved and submitted along with the required signature page and Subrecipient Agreement signed by the City of Rochester Hills Mayor as follows:

- \$53,284** Minor Home Repair (3188) - To assist approximately twenty (20) low-moderate-income households with a variety of necessary home repairs or improvements. Repairs will conform to Oakland County guidelines and State of MI Lead Based Paint requirements.
- \$35,000** Planning / Management (3304) - Planning Services including comprehensive Environmental Assessment, Thoroughfare Planning and Park Master Planning located within the City of Rochester Hills.
- \$43,283** Public Services / General (3384) - Home Chore Program to service approximately 120 low-moderate income senior citizens and disabled adult households including spring and fall yard clean-up services, bi-weekly lawn mowing services (May-Sept.), and snow plowing services.
- \$20,000** Public Services / Youth Services (3384) - Rochester Area Youth Assistance - Provide youth enrichment programs including summer camp and tutoring for approximately 100 youths from low-moderate income families.
- \$7,500** Public Services / Battered & Abused Spouses (3384) - HAVEN - Provide shelter and counseling services for approximately 150 abused spouses and their children who are residents of the City of Rochester Hills.
- \$7,500** Public Services / Battered & Abused Spouses - Legal Services (3384) - Provide legal and counseling services for approximately 100 abused spouses and their children who are residents of the City of Rochester Hills.
- \$5,000** Public Services / Emergency Clothing (3384) - Reimburse the administrative costs of one or more non-profit agencies that provide emergency clothing services to approximately 200 low-moderate income residents of the City of Rochester Hills.
- \$5,000** Public Services / Youth Services (3384) - Avondale Youth Assistance - Provide youth enrichment programs including summer camps and tutoring for approximately 50 youths from low-moderate income families.

The motion carried by the following vote:

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

Enactment No: RES0363-2004

2004-0861

CDBG - Waiver Request of Program Year 2002-2003 Funds in the amount of \$32,000.00

Attachments: Agenda Summary.pdf; 0861 Resolution.pdf

Mr. Joe Snyder, Financial Analyst, explained that CDBG money had been allocated in 2002 to be used for specific projects that have been delayed indefinitely. He indicated that, to prevent the City from losing those Federal Funds, the City Council must vote to waive the recapture of these funds so that they can be reallocated to the minor home repair program.

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

Whereas, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th); and

Whereas, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two (2) most recent program years to help comply with this regulation; and

Whereas, all unobligated 2002 and older funds are at risk of recapture December 31, 2004; and

Whereas, the City of Rochester Hills may protect unobligated 2002 funds from recapture for one (1) additional year by requesting a waiver; and

Whereas, a separate Waiver request form must be submitted for each 2002 line item to the Manager of the Oakland County Community and Home Improvement Division no later than Friday, November 26, 2004.

Resolved that the City of Rochester Hills hereby requests to waive Recapture of 2002 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
3616	Special Assessments	\$32,000

The motion carried by the following vote:

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

Enactment No: RES0364-2004

2004-0862

CDBG Reprogramming - \$32,000.00 from existing (3616) Special Assessments to proposed (3188) Minor Home Repair

Attachments: Agenda Summary.pdf; Public Hearing.pdf; 0862 Resolution.pdf

President Dalton Opened the Public Hearing at 8:45 p.m.

There being no public comment, **President Dalton** Closed the Public Hearing at 8:46 p.m.

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

Whereas, the City of Rochester Hills has been involved in the Oakland County Community Development Block Grant (CDBG) program since the program's inception in 1975. During this time period, over \$3.7 million has been expended; and

Whereas, the City's proposed CDBG activities must meet the Department of Housing and Urban Development (HUD) regulations; benefit low and moderate income populations; prevent or eliminate slum and blighted conditions; or meet an urgent community need where no other source of funding is available; and

Whereas, the City of Rochester Hills City Council held a public hearing on Wednesday November 3, 2004 on the reprogramming of program year 2002/2003 funds of \$32,000.00 from (3616) Special Assessments to (3188) Minor Home Repair;

Resolved that in keeping with the Department of Housing and Urban Development (HUD) regulations and as identified in the Rochester Hills Community Development objectives, the City of Rochester Hills City Council approves the reallocation of funding application as follows:

Reprogram from Existing:

- (3616) Special Assessments - \$32,000.00

Reprogram To:

- (3188) Minor Home Repair - \$32,000.00

The motion carried by the following vote:

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

Enactment No: RES0365-2004

(Recess 8:50 p.m. - 9:07 p.m.)

NEW BUSINESS

2004-0896

Request for Approval of Third Amendment to Amended and Restated Interlocal Agreement Avon Rochester Hills-Oakland-Rochester Older Persons' Commission between the City of Rochester Hills, the City of Rochester and the Charter Township of Oakland

Attachments: Agenda Summary.pdf; Letter Staran 092704.pdf; Proposed Agreement.pdf; Letter Ternan 020304.pdf; Letter Ternan 102903.pdf; Agreement 032885.pdf; Minutes City of Rochester 091304.pdf; Minutes Oakland Township 082404.pdf; 0896 Resolution.pdf

President Dalton explained that City Council would not be voting on the age limit for use of the Older Persons' Commission (OPC) facilities, but rather whether the OPC Board has the authority to set the age limit.

Mr. Staran further elaborated that an amendment to the interlocal agreement among Rochester Hills, Rochester and Oakland Township had been introduced which, if approved, would restrict use of the facility to individuals 60 years of age and older. He noted that while he had "approved the [legal] form of the proposed amendment," the decision whether to approve the concept of the amendment would be decided by City Council this evening.

Marye Miller, Director of the OPC, introduced **Mr. George Karas** and **Ms. Genevieve Burns**, both members of the OPC Board of Directors. She then indicated her opposition to the age restriction stating that no senior citizens had approached her requesting this change to the facility's policies, nor had she been informed that the other communities were

requiring this change to the interlocal agreement. She denied claims that the facility is experiencing over-crowding due to the inclusion of younger participants. Conversely, she indicated that, were the facility limited to participants of 60 years of age and older, they would likely be forced to close the building on nights and Saturdays when most of the under-60 individuals participate. Ms. Miller, Mr. Karas and Ms. Burns all agreed that, "If it ain't broke, don't fix it."

Ms. Hill and **Ms. Raschke**, both members of the OPC Board, confirmed that there is no indication of over-crowding at the facility. Furthermore, Ms. Hill expressed a fear that if this action were successful, other amendments could be introduced whenever there is a disagreement with the Board.

President Dalton, indicating the opposition of the rest of the Council to the proposed age restrictions, asked if there were any audience members who still wished to address the Council.

PUBLIC COMMENT:

Ms. Kathy White, 1939 Washington, thanked the City Council for showing their "human side" in opposing this proposed restriction.

Ms. Mira Bakhle, 630 Ashley Circle, praised and thanked City Council for their decision, as well as Marye Miller for her efforts on behalf of senior citizens.

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

Resolved that the Rochester Hills City Council rejects the Third Amendment to Amended and Restated Interlocal Agreement - Avon Rochester Hills-Oakland-Rochester Older Persons' Commission between the City of Rochester Hills, City of Rochester and Charter Township of Oakland.

The motion carried by the following vote:

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

Enactment No: RES0366-2004

(Recess 9:38 p.m. - 9:54 p.m.)

ORDINANCE FOR ADOPTION

2004-0918

Acceptance for First Reading - An Ordinance to Amend Chapter 70, Offenses, Article VI, Offenses concerning Underage Persons, of the Code of Ordinances for the City of Rochester Hills, Oakland County, Michigan, to amend section 70-232(e) ET. SEQ. to bring this Article up to date with the recent changes to the corresponding State Statute.

Attachments: Agenda Summary - Second Reading.pdf; Proposed Ordinance Amendment.pdf; Agenda Summary - First Reading.pdf; Letter 032204 Kragt.pdf; Letter 102104 Kragt.pdf; 0918 Resolution - First Reading.pdf; 0918 Resolution - Second Reading.pdf

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

Resolved that an Ordinance to Amend Chapter 70, Offenses, Article VI, Offenses concerning Underage Persons, of the Code of Ordinances for the City of Rochester Hills, Oakland County, Michigan, to amend Section 70-232(e) ET. SEQ. to bring this Article up to date with the recent changes to the corresponding State Statute is hereby accepted for First Reading.

The motion carried by the following vote:

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

Enactment No: RES0379-2004

UNFINISHED BUSINESS

2004-0609

Request for Purchase Authorization - DPS: Continuation of Architectural Services for DPS Facility, increase in contract/blanket purchase order in the amount of \$373,940.00 for a new not-to-exceed total of \$494,440.00; Yamasaki Associates, Troy, MI

Attachments: Agenda Summary.pdf; Yamasaki Deliverables Phase II.pdf; 0609 Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, introduced **Mr. Robert Szantner** of Yamasaki Associates, Inc., and **Mr. Matthew Hubbard** of DeMattia Group, and provided a brief history of the project to date.

Ms. Holder stated for the benefit of the viewing audience that, while Water and Sewer Funds have been proposed as a means of funding the new DPS Facility, these monies cannot, by law, be used for local roads.

Ms. Hill noted that she did not understand why this vote could not be delayed until the City Council and the City Administration had determined how this project would be funded. She stressed that the primary anticipated source of funding for the project--the sale of the Leticia property--had not "panned out."

Ms. Holder explained that City Grant Writer Linda Davis was currently pursuing approximately \$1.5 million in grant money for this project. Unfortunately, due to a scheduling error, Ms. Davis was not present at the meeting to provide more details.

Noting that the Administration was seeking approval for Architectural Services only, **Mr. Duistermars** inquired as to whether these plans, once completed, would still be valid were the project not initiated for as long as two (2) years.

Mr. Szantner explained that the plans may require modification following a delay of as much as two (2) years resulting from possible 'code changes or other building industry changes or upgrades in building technology."

Indicating that he would be voting yes on this matter, **President Dalton** stated, "I would like to go on record that until a funding source is identified, I will be opposed to starting any construction."

Mr. Rousse explained that approving the plans would indicate that the City is "serious" about this project, which would assist in the grant application process. He noted that there are three (3) funding options:

- 1) Increasing water and sewer rates
- 2) Bonding
- 3) Selling City assets

Mr. Rousse further explained that "Water and Sewer would own the building and other entities would rent space." He anticipated a breakdown of Water and Sewer at 70%, with "other entities" comprising the remaining 30%.

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

Resolved that the Rochester Hills City Council hereby authorizes the increase of an existing Blanket Purchase Order to Yamasaki Associates of Troy, Michigan, for the continuation of architectural services for the DPS Facility, by the increased amount of \$373,940.00 for the new total amount not-to-exceed total of \$494,440.00.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Holder, Raschke and Robbins

Nay: Barnett and Hill

Enactment No: RES0367-2004

NEW BUSINESS

2004-0911

Approval of Floodplain Use Permit Application for Great Oaks Country Club for the proposed Sargent Creek Stream Restoration and Soil Erosion and Sedimentation Control.

Attachments: Agenda Summary.pdf; Site plan.pdf; MDEQ Permit.pdf; SPM_Rochester Approval Letter_10-22-04.pdf; Sept 23 Spicerltr.pdf; 0911 Resolution.pdf

Mr. Paul Davis, City Engineer, explained that issuance of the proposed Flood Plain Use Permit would result in erosion and aesthetic improvements to this area. He noted that the request had received City staff approval and he did not see a "downside" to issuing the permit.

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

Whereas, Great Oaks Country Club, of 777 Great Oaks Boulevard, Rochester Hills, MI 48309 is the applicant for a Flood Plain Use Permit for the proposed Sargent Creek Stream Restoration and Soil Erosion and Sedimentation Control; and

Whereas, the Department of Public Services/Engineering Services has recommended approval of the Flood Plain Use Permit application as submitted.

Now Therefore Be It Resolved, that the Rochester Hills City Council finds, after reviewing supporting documentation, that the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 114, Article III, Division 2, Section 114-159, Approval, as submitted by Great Oaks Country Club, for approval of the permit application is consistent with the public's health, safety, and welfare, and authorizes the Mayor to issue the permit on behalf of the City of Rochester Hills.

Approval is recommended based on the following Findings and Conditions:

Findings:

- 1) The applicant has supplied a complete floodplain use permit that adequately addresses the thirteen (13) items as listed in Section 114-159.
- 2) The applicant has completed a detailed hydraulic study demonstrating that the resulting stream restoration will cause a negligible change in the 100-year flood plain elevation in the Sargent Creek. Great Oaks Country Club's engineer is still addressing a few comments in regards to the hydraulic model.
- 3) The applicant has applied for and received the necessary permit from the Michigan Department of Environmental Quality (MDEQ) for the proposed work within the flood plain. Minor modifications have been made to the plans since MDEQ approval but the permit will be modified prior to construction. The net excavation (excavation less fill) within the flood plain is 2,356 cubic yards of material to improve the basins and stream banks. Riprap will be installed along the waterway to improve streambank stability. Replacement of two water control structures and modifications to existing culverts are also a part of the project.
- 4) The proposed stream restoration will improve water quality downstream of the project area by reducing erosion of the streambanks on the property.

Conditions:

- 1) The applicant must adhere to all permit conditions and regulations outlined in the MDEQ Act 451, Part 301/Part 31, Permit No. 04-63-0124-P issued October 21, 2004.
- 2) The approval is subject to engineering approval for a few outstanding items pertaining to the Flood Plain Use Permit and the Wetland Permit.

To aid City Council in their determination for the issuance of a Flood Plain Use Permit, the applicable criteria as specified in Chapter 114, Article III, Division 2, Section 114-159, Approval, have been addressed. They are listed in the attached document dated October 22, 2004.

The motion carried by the following vote:

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

Enactment No: RES0368-2004

COUNCIL COMMITTEE REPORTS

Mr. Barnett noted that the Community Development and Viability (CDV) Committee would be examining the roadside stand issue and would bring their recommendations back to Council in the future. He also noted that the Committee would continue to address the issue of the local roads issue in light of the millage failure.

President Dalton recommended that the CDV Committee seek input from local homeowners associations with regard to the local roads issue.

Ms. Hill indicated that the Financial Services Committee and the CDV Committee were planning a joint meeting to examine the local roads issue. She asked that the two (2) Committees meet first, before seeking resident input. She announced that there would be a joint City Council and Planning Commission meeting held on Tuesday, November 16, 2004 at 7:30 p.m.

ANY OTHER BUSINESS

Mr. Barnett expressed his condolences to the family of **Craig Schroeder**, a long-time City employee who had passed away earlier in the week.

NEXT MEETING DATE

- Joint Meeting - City Council and Planning Commission - Tuesday, November 16, 2004 at 7:30 p.m.

- Regular Meeting - Wednesday, November 17, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 10:28 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.

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.