



Rochester Hills Minutes City Council

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

Wednesday, April 20, 2005

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Hill called the Regular Rochester Hills City Council Meeting to order at 7:33 p.m. Michigan Time.

ROLL CALL

Present: Melinda Hill, Bryan Barnett, John Dalton, Jim Duistermars, Barbara Holder and Gerald Robbins

Absent: Linda Raschke

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Jane Leslie, City Clerk
Dan Casey, Economic Development Manager
Susan Galeczka, City Council Liaison
Mike Hartner, Director of Parks & Forestry
Deborah Millhouse, Deputy Director of Planning/Development
Roger Rousse, Director of DPS/Engineering*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council Amends the Agenda for its Regular Meeting of Wednesday, April 20, 2005 with the following additions:

PRESENTATIONS

2005-0304 - City of Rochester Commendation for the City of Rochester Hills Fire Department

2005-0299 - Proclamation - Jane Leslie, Certified Municipal Clerk

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

The motion carried by the following vote:

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

Absent: Raschke

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, expressed his disapproval of the land swap aspect of the recent sale of the City-owned Meadowfield property, noting that the funds from an out-right sale of that property could have been used to alleviate the local roads funding problem. He suggested that the City staff and Council had acted in a financially inappropriate manner and tendered his resignation on the Financial Services Committee.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hill made the following announcements:

** Plans to honor Army First Lieutenant Adam Malson at Veteran's Memorial Park on Memorial Day. Lt. Malson was a Rochester Hills resident killed while serving in Iraq. President Hill noted that contributions can be made to the Community Foundation of Greater Rochester.*

** The Oakland County Department of Planning and Economic Development was holding various workshops for Oakland County residents regarding how to start a business. She suggested contacting Oakland County for more information.*

** Reminded residents to fill out a budget survey available at City Hall or on the City's website.*

** Indicated a list of upcoming meetings and conferences that had been distributed to all Council members. President Hill encouraged her colleagues to attend the upcoming MML conference in particular, noting that the City has the opportunity to host this event in 2006.*

** Advised Council members to notify her if they experience any computer difficulties, at which time the meeting will be recessed while the Recording Secretary assists them.*

Ms. Holder expressed her regret that Mr. Zendel had tendered his resignation, noting his financial expertise. She stressed that the Council represents 70,000 residents and when she voted for the Meadowfield land-swap option, she was looking towards the future, rather than a short-term financial gain.

Mr. Barnett urged residents and the Council to oppose Michigan House Bill 4082, which, according to the Road Commission for Oakland County, would "raid" the Michigan Transportation Fund resulting in a loss of tax dollars to repair and maintain local roads. He requested that Council pass a resolution of opposition. Mr. Barnett reminded residents about various activities sponsored by the Rochester-Avon Recreation Authority (RARA).

Mr. Dalton expressed his support for Mr. Barnett's call for a resolution of opposition to House Bill 4082.

Mr. Duistermars, in response to Mr. Zendel's comments and resignation, described the Meadowfield land swap as "basically swapping one asset for another asset." He stressed that this was an opportunity that would come before Council "only once" and that he has a "more optimistic view" that the economy will improve.

Mr. Robbins expressed his opposition to the land swap noting that Council showed a lack of fiscal responsibility by purchasing land when the City is unable to plow roads.

(Ms. Raschke Entered at 7:45 p.m.)

Present: Melinda Hill, Bryan Barnett, John Dalton, Jim Duistermars, Barbara Holder, Linda Raschke and Gerald Robbins

ATTORNEY MATTERS

City Attorney John Staran indicated that he is preparing proposed ballot language for the renewal of the Older Persons' Commission (OPC) millages and the Rochester-Avon Recreation Authority (RARA) millage. He also noted that he will be reviewing the City Ordinance that regulates adult businesses due to changes in State law.

PRESENTATIONS

2005-0304 City of Rochester Commendation for City of Rochester Hills Fire Department

Attachments: Commendation.pdf

Mayor Somerville read the proclamation from the City of Rochester Mayor and City Council.

**Commendation
City of Rochester Hills Fire Department**

Whereas, in the early evening on March 30, 2005 the City of Rochester experienced a fire at 425 Main Street in our core downtown; and

Whereas, our Fire Chief exercised the option of requesting the "mutual aid" assistance from the City of Rochester Hills, the City of Auburn Hills, and the Charter Township of Oakland; and

Whereas, with the assistance of your department and the other two departments, the fire was contained at 425 Main Street with only water and smoke damage to the buildings abutting the fire scene.

Now, Therefore, Be It Resolved, that the Rochester City Council commends Acting Chief Ron Crowell and your firefighters for their courage and dedication in helping others.

Be It Further Resolved, that a copy of this commendation be forwarded to Acting Chief Ron Crowell; Mayor Patricia Somerville; and to the Rochester Hills City Council.

Made and passed this 11 day of April 2005.

Karen M. Lewis, Mayor

**David Beck, Mayor Pro Tem
Penny M. Crissman, Councilmember
David L. Katulic, Councilmember**

**Stuart A. Bikson, Councilmember
William J. Gray, Councilmember
Thomas L Werth, Councilmember**

Presented

2005-0299 Proclamation in Honor of City Clerk Jane Leslie who Earned the Designation of Certified Municipal Clerk

Attachments: Proclamation.pdf

President Hill read the proclamation.

City of Rochester Hills Office of the Mayor Proclamation in Honor of Jane Leslie, Certified Municipal Clerk

Whereas, Jane Leslie, City Clerk of the City of Rochester Hills, Michigan has earned the designation of Certified Municipal Clerk, which is awarded by the International Institute of Municipal Clerks, Inc. (IIMC); and

Whereas, IIMC grants the Certified Municipal Clerk designation only to those municipal clerks who complete demanding education requirements, and who have a record of significant contributions to their local government, their community and state; and

Whereas, the International Institute of Municipal Clerks founded in 1947, has 10,300 members throughout the United States, Canada and ten other countries, and the mission of this global non-profit corporation is to enhance the education opportunities and professional development of its diverse membership.

Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Jane Leslie for her educational accomplishments, and congratulate Jane on her achievement of earning the designation of Certified Municipal Clerk.

Presented

2005-0296

Proclamation in Recognition of the Rochester College Warriors Basketball Team, 2004-2005 USCAA - Division I Basketball National Champions

Attachments: Agenda Summary.pdf; Proclamation.pdf

The City of Rochester Hills Congratulates the Rochester College 2004-2005 USCAA - Division I Basketball National Champions

Whereas the Rochester College Warriors Basketball Team won the USCAA - Division I Basketball National Championship for the 2004-2005 school year.

Now, Therefore, Be It Known, that the Mayor and City Council of the City of Rochester Hills hereby express our community's admiration for the teamwork, skill and talent of the Rochester College Warriors and the dedication of their coaching staff; and

Be It Further Known, that on behalf of the People of Rochester Hills, we express our pride in the accomplishments of the following Athletes:

Odai Baylor	Francis Ramirez
Andrew Clark	Mike Tobin
Derek Evans	Andy Topie
Pierre Ellis	Mike Upshur
William Goree	Ty Warczinsky
Vaughn Gray	Josh Welton
Adam Hacias	Colin Wilkinson
Jon Horst	Eric Wilson
Tyler Leipprandt	Geoff Zimmerman
Scott Ode	

Head Coach
Garth Pleasant

Special Asst. Coach
George Beaudoin

Assistant Coaches
George Evjen Luke Fleer

Eric Sims Joel Schroeder
Scott Samuels Adam Demorest

Athletic Trainer
Ron Keen

Manager
Craig Mevers

Presented

2005-0295

Proclamation in Recognition of the Rochester High School Competitive Cheerleading Team, Michigan High School Athletic Association 2005 State Champions

Attachments: Agenda Summary.pdf; Proclamation.pdf

The City of Rochester Hills Recognizes the Rochester High School Competitive Cheerleading Team Michigan High School Athletic Association 2005 State Champions

Whereas, the Citizens of Rochester Hills are proud of the successes achieved by the students in our local schools; and

Whereas, the Rochester High School Competitive Cheerleading Team proved to be the best in the State of Michigan in their sport for the 2005 school year.

Now, Therefore, Be It Known, that the Mayor and City Council of the City of Rochester Hills hereby express our community's admiration for the teamwork, skill and talent of the Rochester High School 2005 Falcons and the dedication of their coaching staff; and

Be It Further Known, that on behalf of the Citizens of Rochester Hills, we express our pride in the accomplishments of these athletes:

Kimberly Bonk	Erin Mozer
Caitlin Burzynski	Alison Raetzke
Kelly Brumagin	Amy Raffa
Cassie Clem	Nicole Seyburn
Michelle Durmisevich	Siehara Sorrell
Lindsay Evanson	Adrienne Szymanski
Katrina Gettinger	Alissa Van Slembrouck
Kendilyn Hood	Liz Vickers
Elizabeth Main	Marissa Wintermantle
Shannon Marconi	Kelly Winters
Dara Miller	Alyssa Young
Holly Mihelic	Katie Ziegeler
Claire Mozer	

Varsity Coach
Susan Wood

Assistant Coach
Ginny Ames

Assistant Coach
Elyse Lohrer

Presented

2005-0298

Presentation on "Parents Who Host, Lose the Most" Campaign - Rochester/Auburn Hills Community Coalition

Attachments: Agenda Summary.pdf

Mr. Barnett, noting that April is Alcohol Awareness Month, introduced the Director of the Rochester/Auburn Hills Community Coalition who asked to speak before Council regarding underage drinking.

Ms. Katrina McGuire, Director of the Rochester/Auburn Hills Community Coalition, discussed the legal consequences that parents face when they host teen parties and allow underage drinking. She read the following proclamation and asked Council members to sign it as a reaffirmation of their commitment as City leaders to curb underage drinking.

Proclamation

We hereby express our commitment to address underage drinking. We will encourage and support the efforts of our local substance abuse prevention coalitions to educate parents in our community about the health and safety risks and legal responsibility of providing alcohol at teen parties.

Presented

(Recess 8:12 p.m. - 8:23 p.m.)

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.

2005-0234 Acceptance of the Sanitary Sewer Easement granted by G. Evangelista Incorporated, a Michigan Corporation, for The Summit Condos at Kings Cove, City File #93-399, for Parcel Nos. 15-03-326-016 & 15-03-326-018

Attachments: Agenda Summary.pdf; Sanitary Sewer Easement.pdf; 0234 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 accepts a sanitary sewer easement granted by G. Evangelista Incorporated, 29437 Ryan Road, Warren, Michigan 48092, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel Nos. 15-03-326-016 and 15-03-326-018.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0115-2005

2005-0242 Acceptance of a Watermain Easement granted by G. Evangelista Incorporated, a Michigan Corporation, for The Summit Condos at Kings Cove, for Parcel Nos. 15-03-326-016 & 15-03-326-018

Attachments: Agenda Summary.pdf; Watermain Easement.pdf; 0242 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 accepts a Watermain easement granted by G. Evangelista Incorporated, a Michigan Corporation, 29437 Ryan Road, Warren, Michigan 48092, for the construction, operation, maintenance, repair and/or replacement of a Watermain Easement over, on, under, through and across land more particularly described as Parcel Nos. 15-03-326-016 and 15-03-326-018.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0116-2005

2005-0247

Approval of the Agreement for Maintenance of Storm Water Detention System between G. Evangelista Incorporated, a Michigan Corporation and the City of Rochester Hills, for Parcel Nos. 15-03-326-016 & 15-03-326-018

Attachments: Agenda Summary.pdf; Storm Water Detention Agreement.pdf; 0247 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 approves the Agreement for maintenance of a Storm Water Detention System between the City of Rochester Hills and G. Evangelista Incorporated, a Michigan Corporation, 29437 Ryan Road, Warren, Michigan 48092, for land more particularly described by Parcel Nos. 15-03-326-016 and 15-03-326-018.

Further Resolved that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

Enactment No: RES0117-2005

2005-0262

Acceptance of Warranty Deed for Part of Kings Cove Drive rights of way granted by G. Evangelista Incorporated, a Michigan Corporation, for The Summit Condos at Kings Cove for part of Parcel No. 15-03-326-016

Attachments: Agenda Summary.pdf; Warranty Deed.pdf; 0262 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 accepts a Warranty Deed granted by G. Evangelista Incorporated, a Michigan Corporation, 29437 Ryan Road, Warren, Michigan 48092, to the City of Rochester Hills, a Municipal Corporation, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, for Part of Parcel No. 15-03-326-016.

Further Resolved that the City Clerk is directed to record the Warranty Deed with the Oakland County Register of Deeds.

Enactment No: RES0118-2005

2005-0269

Acceptance of the Pedestrian-Bicycle Pathway Easement granted by Abiding Presence Evangelical Lutheran Church, a Michigan Corporation, for Abiding Presence Lutheran Church

Attachments: Agenda Summary.pdf; Pedestrian-Bicycle Pathway Easement.pdf; 0269 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 accepts a Pedestrian-Bicycle Pathway Easement granted by Abiding Presence Evangelical Lutheran Church, 1550 Walton Boulevard, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of a Pedestrian-Bicycle Pathway Easement over, on, under, through and across land more particularly described as Parcel No. 15-09-378-022.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0119-2005

2005-0248

Request for Purchase Authorization - DPS/Facilities: Lawn Mowing & Landscaping Services 2005 Season Blanket Purchase Order in the not-to-exceed amount of \$52,000.00; Lead Outdoor Services, LLC, Warren, MI

Attachments: Agenda Summary.pdf; RFP-RH-05-008_Tab.pdf; 0248 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Lead Outdoor Services, LLC, of Warren, Michigan, as the lowest, responsive, responsible proposer for the purchase of lawn mowing and landscaping services, in the amount not-to-exceed \$52,000.00 through December 31, 2005, with the option to renew for an additional one (1) year period.

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

Enactment No: RES0120-2005

2005-0268

Request for Purchase Authorization - DPS/Engineering, Facilities Division: Blanket Purchase Order for citywide janitorial products in the not-to-exceed total amount of \$34,900.00; HP Products, Indianapolis, IN

Attachments: Agenda Summary.pdf; 0268 Resolution.pdf

This matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to HP Products, of Indianapolis, Indiana, and Industrial Cleaning Supplies (ICS), of Waterford, Michigan, for the purchase of citywide janitorial products in the total not-to-exceed amount of \$34,900.00, from May 20, 2005, through May 20, 2006.

Enactment No: RES0135-2005

2005-0289

Adoption of Resolution in Support of Energy Conversion Devices', Inc., Appropriation Request for Metal Hydride Fuel Cells and Solid Hydrogen Storage Systems; Energy Conversion Devices, Inc. (ECD), 2956 Waterview Dr., Rochester Hills, MI; applicant

Attachments: Agenda Summary.pdf; 0289 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Energy Conversion Devices, Inc. (ECD) is a corporate citizen of excellent standing in Rochester Hills; and

Whereas, ECD employs 187 people in the development and manufacture of advanced energy technologies; and

Whereas, certain ECD technologies have unique applications in the national defense arena; and

Whereas, ECD has been developing a unique non-noble metal fuel cell technology and has been working closely with the U.S. Army's Tank-Automotive and Armaments Command (TACOM) in the area of hydrogen infrastructure for vehicular refueling, off-grid energy storage and mobile power; and

Whereas, ECD, with the support of TACOM, has proposed a project in the Fiscal Year 2006 Department of Defense appropriations bill that would fund needed testing and development of new fuel cell and hydrogen storage technologies, in partnership with Lawrence Technological University; and

Whereas, U.S. Senator Debbie Stabenow has graciously agreed to support said project in the context of the Department of Defense appropriations legislation.

Resolved, that the City Council fully supports said project and expresses appreciation to Senator Stabenow for her efforts; and

Be It Further Resolved that the Council respectfully urges Senator Carl Levin and local Congressman Joe Knollenberg to support the projects as the federal appropriations process moves forward; and

Be It Further Resolved that the Council will be honored to lend any necessary assistance to the Michigan congressional delegation in securing federal support for said project; and

Be It Finally Resolved that a copy of this resolution be forwarded to the attention of Senator Stabenow, as well as Senator Levin and Congressman Knollenberg.

Enactment No: RES0121-2005

2005-0290

Adoption of Resolution in Support of Energy Conversion Devices', Inc., efforts to seek a Department of Energy appropriation for the development of the Ovonic Cognitive Computer

Attachments: Agenda Summary.pdf; 0290 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Energy Conversion Devices, Inc. (ECD) is a corporate citizen of excellent standing in Rochester Hills; and

Whereas, ECD employs 187 people in the development and manufacture of advanced energy technologies; and

Whereas, certain ECD technologies have unique applications in advanced computing; and

Whereas, ECD has proposed a project in the Fiscal Year 2006 Department of Energy appropriations bill that would fund needed research and development of a new generation of cognitive computing technologies; and

Whereas, Congressman Sander Levin has graciously agreed to sponsor said project in the context of the Department of Energy appropriations legislation.

Resolved that the City Council fully supports said project and expresses appreciation to Congressman Levin for his efforts; and

Be It Further Resolved that the Council respectfully urges Senator Carl Levin and Senator Debbie Stabenow to support the project as the federal appropriations process moves forward; and

Be It Further Resolved that the Council will be honored to lend any necessary assistance to the Michigan congressional delegation in securing federal support for said project; and

Be It Finally Resolved that a copy of this resolution be forwarded to the attention of Congressman Levin, as well as Senator Levin and Senator Stabenow.

Enactment No: RES0122-2005

2005-0291

Adoption of Resolution supporting Energy Conversion Devices', Inc., request to Congressman Knollenberg for a federal appropriation to fund an advanced energy technology project

Attachments: Agenda Summary.pdf; 0291 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Energy Conversion Devices, Inc. (ECD) is an outstanding corporate citizen of Rochester Hills, with headquarters and production units employing 187 in the area of advanced clean energy and information technologies; and

Whereas, ECD has proposed a local project for funding in the U.S. Department of Defense Fiscal Year 2006 appropriations bill, i.e. military research and development support in the area of new fuel cell technologies for on-board ship use by the United States Navy; and

Whereas, said projects will create new, high-paying jobs in Rochester Hills, promote a planned research partnership between ECD and Lawrence Technological University, and continue to establish ECD as a supplier of choice for the U.S. military; and

Whereas, the Honorable Joe Knollenberg is a senior member of the U.S. House Committee on Appropriations with a strong history of support for economic development in Rochester Hills and Oakland County.

Resolved that the Council of the City of Rochester Hills respectfully urges Congressman Knollenberg to sponsor said project and utilize his good offices to secure funding in the Fiscal Year 2006 federal legislative appropriations process; and

Be It Further Resolved that the Council respectfully urges U.S. Senators Carl Levin and Deborah Stabenow to support said project when the Department of Defense appropriations bill is considered in the U.S. Senate; and

Be It Further Resolved that the Council stands ready to lend any required assistance to our Congressional delegation in securing federal support for said project; and

Be It Finally Resolved that the City Clerk forward a copy of this resolution to the attention of Congressman Knollenberg, as well as Senators Levin and Stabenow.

Enactment No: RES0123-2005

2005-0256

Adoption of Resolution to the State of Michigan in support of Local Control of Liquor Licenses

Attachments: Agenda Summary.pdf; Orion Sample Resolution.pdf; RH Proposed Resolution.pdf; 0256 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas Michigan liquor law allocates quota liquor licenses to municipalities based on population figures derived from the latest census; and

Whereas quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality indicating approval or disapproval of the request for a license; and

Whereas applicants are awarded quota liquor licenses for which they have paid no monies to the local municipality, except for an application processing fee; and

Whereas current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local municipality; and

Whereas cities, villages, and townships are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses in their communities; and

Whereas allowing a quota liquor license to be transferred from a local municipality in which it was originally issued without the consent of that municipality has the effect of weakening the economic viability of that municipality and being counter-productive to the best interests of the State of Michigan; and

Whereas the City of Rochester Hills is a growing community desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety, and welfare of the local citizenry; and

Whereas the City of Rochester Hills is a local government that has lost local control of several quota liquor licenses no longer in use in the City of Rochester Hills through placement into escrow or transfer to another municipality.

Now, Therefore, Be It Resolved that the Rochester Hills City Council supports the principle of local control by local municipalities of quota liquor licenses; and

Be It Further Resolved that the Rochester Hills City Council petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local municipality, whether city, village, or township, when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued; and

Be It Further Resolved that copies of this resolution, once certified, be forwarded to the Liquor Control Commission; Craig De Roche, the Speaker of the House; Ken Sikkema, Majority Leader of the State Senate; Senator Michael Bishop; Senator Gilda Jacobs; State Representative John Garfield; Governor Jennifer Granholm, and to each of the municipalities in Oakland County.

Enactment No: RES0124-2005

2005-0163 Approval of the City of Rochester Hills Revised Liquor License Application

Attachments: Agenda Summary.pdf; Liquor License Application 2005.pdf; Draft Min AIS 030105.pdf; Revised Liq License App.pdf; 0163 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council approves the revised liquor license application for immediate use.

Enactment No: RES0125-2005

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

The following Consent Agenda Item was discussed and adopted by separate Motion:

2005-0267 Request for Purchase Authorization - DPS/Engineering: One digital printer/copier/fax machine for Clerk's Office, one digital printer/copier for DPS/Engineering and one digital copy machine for the DPS/Garage, purchase order not-to-exceed \$30,460.41; Albin Business Centers, Farmington, MI

Attachments: Agenda Summary.pdf; Memo, Farris 040105.pdf; Copy Machine Replacment.pdf; 0267 Resolution.pdf

Mr. Dalton stated that he saw no justification for adding a printer at the DPS Facility.

Mr. Rousse indicated that the plan to shift copiers to different departments and provide the DPS Facility with a second copier was part of the standard replacement cycle.

Ms. Hill noted that these actions were approved in the City budget.

Ms. Holder stressed that, with only one copier, the DPS Facility has no "back up" when their copier is inoperable and in need of repair.

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

Resolved that the Rochester Hills City Council hereby approves a purchase order to Albin Business Centers, Farmington, Michigan, for one digital printer/copier/fax machine for Clerk's Office, one digital printer/copier for DPS/Engineering and one digital copy machine for the DPS/Garage in the amount of \$30,460.41 as best value and the lowest, responsive, responsible bidder through a MITN cooperative purchase.

The motion carried by the following vote:

Aye: Hill, Holder, Raschke and Robbins

Nay: Barnett, Dalton and Duistermars

Enactment No: RES0126-2005

UNFINISHED BUSINESS

2005-0040

Approval of Expanded Local Development Finance Authority Boundaries

Attachments: Agenda Summary.pdf; 021605 Agenda Summary.pdf; TIF New Dev Chart.pdf; TIF Existing Chart.pdf; Properties Eligible for Capture by Jurisdiction.pdf; Capture by Jurisdiction.pdf; 021605 Public Hearing Notice.pdf; 021605 Master Report ver 2.pdf; 011905 Adopte

Mr. Dan Casey, Economic Development Manager, explained that this approval is the final step in expanding the boundaries of the Local Development Finance Authority (LDFA) to match those of the SmartZone.

PUBLIC COMMENT:

Mr. Dalton read a letter from ***Mr. Henry Ware***, 433 Maryknoll Road, who questioned whether the LDFA will have the authority to rezone property within its boundaries.

Mr. Casey stated, "The LDFA has no authority to zone or rezone property."

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

Whereas, Public Act 281, MCL 125.2154, Section 4(5) provides that the governing body of a city or municipality may alter or amend the boundaries of an authority district; and

Whereas, City Council passed a Resolution of Intent to Hold a Public Hearing to consider the expansion of the boundaries of the Rochester Hills Local Development Finance Authority District on January 19, 2005; and

Whereas, the taxing jurisdictions and property owners within the existing District and proposed expansion area received notice of the Public Hearing as required by Act 281; and

Whereas, two (2) notices announcing the Public Hearing were printed in a paper of general circulation within the City of Rochester Hills in accordance with the requirements of Act 281; and

Whereas, City Council held a public hearing on February 16, 2005 to consider the expansion of the boundaries of the Rochester Hills Local Development Finance Authority district; and

Whereas, a required 60-day referendum period, as required by PA 281, MCL 125.2154, Section 4 (4), has expired.

Resolved that the boundaries of the Rochester Hills Local Development Finance Authority District are expanded and further defined as:

Part of sections 17, 18, 19, 21, 28, 29 and 30, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan.

More particularly described as being all of section 18 and that part of sections 17 and 19, described as beginning at the northwest corner of said section 18; thence easterly along the north line of said section 18, also being the centerline of Walton Boulevard, to the northeast corner of said section 18; thence southerly 2044.63 feet along the east line of said section 18, also being the centerline of Adams Road, to the southwest corner of Spring Hill Subdivision; thence easterly 1491.99 feet along the south line of said Spring Hill Subdivision to the southeast corner of said Spring Hill Subdivision, said point being on the west line of Spring Hill Subdivision No.2; thence southerly 820.73

feet to the southwest corner of said Spring Hill Subdivision No.2;thence easterly 727.90 feet along the south line of said Spring Hill Subdivision No.2 to the northwest corner of Meadowbrook Valley Sub No.2; thence southerly 1076.05 feet along the west line of said Meadowbrook Valley Sub No.2 to the southwest corner of said Meadowbrook Valley Sub No.2, said point being the northwest corner of Meadowbrook Valley Sub No.1; thence continuing southerly 698.07 feet along the westerly line of said Meadowbrook Valley Sub No.1; thence westerly 407.80 feet along the north line of lots 15, 16, 17 and 18 of said Meadowbrook Valley Sub No.1 to a point on the westerly line of said Meadowbrook Valley Sub No.1; thence southerly 1036.25 feet along said westerly line of Meadowbrook Valley Sub No.1 to the southwest corner of said Meadowbrook Valley Sub No.1 and the south line of said section 17, also being the centerline of Avon Road; thence westerly along said south line of section 17 to the southwest corner of said section 17; thence southerly along the east line of said section 19, also being the centerline of Adams Road, to the centerline of Butler Road; thence westerly and southwesterly along said centerline of Butler Road to the west line of said section 19; thence northerly along said west line of section 19 and along the west line of said section 18 the point of beginning.

Also that part of section 19, 21, 28, 29 and 30 described as beginning at the southwest corner of said section 30; thence northerly along said west line of section 30 to the northwest corner of said section 30; thence North 00 degrees 22 minutes 28 seconds West, 225 feet along the west line of said section 19; thence North 52 degrees 09 minutes 50 seconds East, 260 feet; thence North 74 degrees 23 minutes 50 seconds East, 580 feet; thence North 64 degrees 33 minutes 42 seconds East 277.28 feet; thence southerly, in part along the west line of Rookery Woods Subdivision No.2 to a point on the centerline of Hamlin Road; thence easterly along said centerline of Hamlin Road to the centerline of Adams Road; thence continuing easterly along said centerline of Hamlin Road to the centerline of Crooks Road; thence continuing easterly along the centerline of Hamlin Road to the centerline of the Trail Corridor (formally Grand Trunk Western Railway); thence northeasterly along the centerline of said Trail Corridor to the centerline of Livernois Road; thence southerly along said centerline of Livernois Road to the centerline of Hamlin Road; thence continuing southerly along said centerline of Livernois Road to the centerline of Auburn Road; thence westerly along the centerline of said Auburn Road to the centerline of Crooks Road; thence continuing westerly along said centerline of Auburn Road to the point of beginning; and

Be It Further Resolved that the City Clerk should forward a certified copy of this Resolution to the Secretary of State no later than April 29, 2005; and

Be It Finally Resolved that the City Clerk is further directed to publish a copy of this Resolution in a newspaper of general circulation within the City of Rochester Hills no later than May 1, 2005.

The motion carried by the following vote:

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

Nay: Dalton

Enactment No: RES0127-2005

PUBLIC HEARINGS

2005-0191

Approval of Restated Rochester Hills Local Development Finance Authority TIF and Development Plans

Attachments: Agenda Summary.pdf; 0191 Restated Developpe Plan LDFA.pdf; LDFA Resolution Amended Plan.pdf; Public Hearing Notice.pdf; 031605 Agenda Summary to set PH.pdf; 031605 Resolution to set PH.pdf; 0191 Resolution.pdf

Mr. Dan Casey, Economic Development Manager, explained that the act governing Local Development Finance Authorities does allow for plan updates; thus, he noted the following changes to the restated LDFA plan under consideration:

- * In addition to the existing projects, two new projects were added:
 - Demolition of existing buildings on City property.
 - Extension of Austin Drive to Devondale.
- * Construction schedules were updated.
- * Assessment rolls were revised.
- * Capture area was revised.
- * Millage rate charts were updated to current millage rates.
- * The entire LDFA district was redefined as a business development area.
- * Revenue captured anywhere in the district can now be used to fund projects anywhere in the district.

As for concerns regarding tax capture from residential properties, Mr. Casey referenced a color-coded map identifying the capture areas and noted that "none of the residential properties are included."

Mr. Casey detailed some of the differences between the LDFA plan and the SmartZone plan:

- * The SmartZone plan only identifies projects associated with Oakland University and the development of a business incubator.
- * The capture jurisdictions have been segmented between the LDFA and SmartZone plans.
- * Division of mills:
 - The LDFA plan only uses local mills (City, County and Oakland Community College).
 - The SmartZone only uses mills captured from the school district, intermediate school district and state education.
- * The SmartZone plan only captures 50% of the mills for fifteen years.
- * The purpose of two separate plans is to accommodate the possibility that another municipality (such as Auburn Hills) may choose to join the LDFA in the future.

Mr. Casey stressed that the State Treasurer wrote the amendments to the LDFA Act and "feels very strongly that public infrastructure projects should be in an LDFA plan."

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

Whereas, on April 20, 2005, the boundaries of the Authority District were expanded by Resolution of City Council to conform with those of the certified technology park; and

Whereas, the Rochester Hills Local Development Finance Authority (RHL DFA) was established on May 4, 1994; and a Development Plan and Tax Increment Financing Plan, "the Plan", were approved by City Council on May 3, 1995; and

Whereas, the Plan was amended and adopted by the City Council on July 15, 1998; and

Whereas, the board of a Local Development Finance Authority may amend a development plan and financing plan, pursuant to Public Act 281 of 1986, as amended, Section 17 [MCL 125.2167]; and

Whereas, the RHL DFA has amended the Plan, as permitted by Act 281 of 1986, and the Plan meets the requirements as set forth in the Act; and

Whereas, the Council has found that the RHL DFA's Development Plan and Tax Increment Financing Plan meet the requirements set forth in the Local Development Financing Act, Act 281 of 1986; and

Whereas, the Council has found that the proposed method of financing the public facilities is feasible and the Authority has the ability to arrange the financing; and

Whereas, the Council has found that the proposed development is reasonable and necessary to carry out the purposes of the Plan and the purposes of said Act; and

Whereas, the Council has found that the amount of captured assessed value estimated to result from the adoption of the SmartZone Plan is reasonable; and

Whereas, the Council has found that the land to be acquired under the development plan is reasonably necessary to carry out the purposes of the Plan and the purposes of said Act; and

Whereas, the Council has found that the development is in reasonable accord with the approved Master Plan of the City of Rochester Hills; and

Whereas, the Council has found that public services are adequate to service the property in the development plan; and

Whereas, the Council has found that the proposed improvements are reasonably necessary for the project and for the City of Rochester Hills; and

Whereas, a public hearing has been held to elicit comments and concerns of the public.

Resolved that the Council determines that both said development plan and tax increment financing plan constitute a public purpose; and

Be It Further Resolved that the Council approves the Restated Rochester Hills Local Development Finance Authority Development Plan and Tax Increment Financing Plan; and

Be It further Resolved that the Council redefines the entire District as a business development area, as permitted by Act 281 of 1986, as amended; and

Be It Further Resolved that all resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby rescinded; and

Be It Finally Resolved that the City Clerk is directed to inform the taxing jurisdictions of the fiscal impact of the Development Plan and Tax Increment Financing Plan by forwarding a copy of the Plans to the chief financial officer of each jurisdiction.

The motion carried by the following vote:

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

Nay: Dalton

Enactment No: RES0128-2005

2005-0162

Approval of Rochester Hills Local Development Finance Authority TIF and Development Plans (SmartZone Plan)

Attachments: Agenda Summary.pdf; SmartZone Development Plan and TIF.pdf; LDFA SZ Resolution.pdf; Public Hearing Notice.pdf; 031605 Agenda Summary to Schedule PH for SZ Plan1.pdf; 0162 Resolution to Set PH.pdf; 0162 Resolution.pdf

President Hill Opened the Public Hearing at 9:02 p.m.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, asked the following questions:

- 1) Does the overlay for the SmartZone include Rochester Hills, Auburn Hills, the Rochester School District, the Avondale School district, as well as the Oakland University property?
- 2) How many tax dollars will we lost to support a SmartZone?
- 3) Why in would the City build new roads and create further development to contribute to more of a traffic jam on the roads?

Mr. Paul Funk, 2176 Rochelle Park Drive, Treasurer of Rochelle Park Condominiums, acknowledged that neither the LDFA nor SmartZone plans will capture tax dollars from residential properties, however, he questioned whether residents would be noticed and a public hearing held if the plans changed in the future to include residential capture.

There being no further public comment, **President Hill** Closed the Public Hearing at 9:06 p.m.

COUNCIL DISCUSSION:

Responding to Council questions as well as those raised during Public Comment, **Mr. Dan Casey**, Economic Development Manager, noted the following:

* The SmartZone plan relates to the development of a business incubator on the campus of Oakland University and, thus, is not anticipated to generate any additional traffic on the local road system.

* *The LDFA plan will only be able to capture taxes from eligible properties such as manufacturing, high-tech, research and development, prototype development, etc.*

* *Residential properties are not in the capture area.*

* *Any changes to the SmartZone plan would be required to go through the amendment process, which includes Public Hearings.*

Mr. Casey then introduced Oakland University President **Dr. Gary Russi** who provided a brief history of the incubator process noting that during the time the City has been considering implementing a SmartZone the University has acquired seven patents resulting in two licenses and two spin off companies. He described one spin off company that has located in Rochester Hills and has grown from two employees to 25, with plans to double that number in the near future. He stressed that this type of business development is the purpose of the SmartZone business incubator.

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

Whereas, the Rochester Hills Local Development Finance Authority (RHL DFA) was established on May 4, 1994; and

Whereas, the Michigan Economic Development Corporation, RHL DFA and City of Rochester Hills entered into agreement on December 18, 2002, establishing a certified technology park within the City; and

Whereas, on April 20, 2005, the boundaries of the Authority district were expanded by Resolution of City Council to conform with those of the certified technology park; and

Whereas, the Council has found that the RHL DFA's Development Plan and Tax Increment Financing Plan (the "SmartZone Plan") meet the requirements set forth in the Local Development Financing Act, Act 281 of 1986; and

Whereas, the Council has found that the proposed method of financing the public facilities is feasible and the Authority has the ability to arrange the financing; and

Whereas, the Council has found that the proposed development is reasonable and necessary to carry out the purposes of the plan and the purposes of said Act; and

Whereas, the Council has found that the amount of captured assessed value estimated to result from the adoption of the SmartZone Plan is reasonable; and

Whereas, the Council has found that the land to be acquired under the development plan is reasonably necessary to carry out the purposes of the plan and the purposes of said Act; and

Whereas, the Council has found that the development is in reasonable accord with the approved Master Plan of the City of Rochester Hills; and

Whereas, the Council has found that public services are adequate to service the property in the development plan; and

Whereas, the Council has found that the proposed improvements are reasonably necessary for the project and for the City of Rochester Hills; and

Whereas, a public hearing has been held to elicit comments and concerns of the public.

Resolved that the Council determines that the SmartZone Plan constitutes a public purpose; and

Be It Further Resolved that the Council approves the SmartZone Plan; and

Be It Further Resolved that all resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby rescinded; and

Be It Finally Resolved that the City Clerk is directed to inform the taxing jurisdictions of the fiscal impact of the SmartZone Plan by forwarding a copy to the chief financial officer of each jurisdiction.

The motion carried by the following vote:

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

Enactment No: RES0129-2005

2005-0251

Second Quarter 2005 Budget Amendments

Attachments: Agenda Summary.pdf; 2nd Quarter BA Memo.pdf; 2nd Qtr Budget Amendments.pdf; Public Hearing Notice.pdf; 0251 Resolution.pdf

Mr. Dalton indicated that the proposed budget amendments had been thoroughly discussed and unanimously recommended for approval by the Financial Services Committee.

Ms. Julie Jenuwine, Director of Finance, was available to answer questions from Council.

President Hill Opened the Public Hearing at 9:17 p.m.

There being no Public Comment, President Hill Closed the Public Hearing at 9:18 p.m.

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

Whereas, a Public Hearing was held on April 20, 2005 to amend and adopt new fund totals for fiscal year 2005.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2005 fund totals as amended:

101 - General Fund	\$23,446,390
202 - Major Road Fund	\$8,162,240
203 - Local Road Fund	\$2,907,440
206 - Fire Fund	\$7,155,480 *
207 - Special Police Fund	\$7,537,300
226 - Solid Waste Fund	\$76,050
232 - Tree Fund	\$212,050
402 - Fire Apparatus Fund	\$884,570
420 - Capital Improvement Fund	\$1,436,270
470 - Municipal Building Const. Fund	\$889,870
592 - Water & Sewer Fund	\$52,083,910
631 - Facilities Fund	\$6,297,940

The motion carried by the following vote:

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

Enactment No: RES0130-2005

(Recess 9:20 p.m. - 9:38 p.m.)

ORDINANCE FOR INTRODUCTION

2005-0282 Acceptance for First Reading - An Ordinance to Re-Adopt Section 98-61 of Chapter 98, Traffic and Vehicles, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to include and adopt by reference all Amendments to the Michigan Vehicle Code

Attachments: Agenda Summary.pdf; 0282 and 0283 Agenda Summary.pdf; Letter, Kragt J 040105.pdf; Ordinance Amendment to Chapter 98-61 (02[1].17.05).pdf; First Reading Resolution.pdf; 0282 Resolution.pdf

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

Resolved that an Ordinance to Re-Adopt Section 98-61 of Chapter 98, Traffic and Vehicles, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to include and adopt by reference all Amendments to the Michigan Vehicle Code is hereby accepted for First Reading.

The motion carried by the following vote:

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

Enactment No: RES0145-2005

2005-0283 Acceptance for First Reading - An Ordinance to Amend Chapter 70, Offenses, Article III, Offenses against Public Peace, Division 2, Disorderly Conduct, Section 70-117, Prohibited Conduct, by Adding a New Subsection (15) Prohibiting Urinating in Public

Attachments: Agenda Summary.pdf; Chapter 70, Offenses, urinating in public[1].pdf; First Reading Resolution.pdf; 0283 Resolution.pdf

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

Resolved that an Ordinance to Amend Chapter 70, Offenses, Article III, Offenses against Public Peace, Division 2, Disorderly Conduct, Section 70-117, Prohibited Conduct, by Adding a New Subsection (15) Prohibiting Urinating in Public is hereby accepted for First Reading.

The motion carried by the following vote:

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

Enactment No: RES0146-2005

NEW BUSINESS

2005-0065 Tentative Approval of the Preliminary Plat - City File No. 04-011 - Grace Parc, a

proposed subdivision located north of South Boulevard between Rochester and Livernois Roads, zoned R-4, One Family Residential, known as Parcel Numbers 15-34-402-035 and -057, Grace Street Development, Inc., applicant.

Attachments: Agenda Summary.pdf; 031505 Staff Report.pdf; 012805 Staff Report.pdf; Memo Depp 20050405.pdf; Memo Dinkins 20050407.pdf; Memo Millhouse 20050211.pdf; Survey Memo.pdf; Plans - Grace Parc.pdf; 0065 Resolution.pdf

Ms. Deborah Millhouse, Deputy Director of Planning/Development, briefly explained that the applicant had first appeared before the Planning Commission in February and the Planning Commission proposed several changes to the plan. The applicant complied with the suggestions and, hence, the Planning Commission recommended approval to the City Council.

Mr. Frank Mancini, 47858 Van Dyke, Shelby Township, appeared on behalf of the applicant and was available for questions.

President Hill, City Council representative to the Planning Commission, confirmed that the Planning Commission was "very pleased" with the applicant's revised layout.

Mr. Barnett asked for and received reassurance that the planned detention pond would be screened and landscaped in a way that would be aesthetically pleasing to residents and passersby.

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

Resolved that the Rochester Hills City Council hereby grants Tentative Approval of the Preliminary Plat for Grace Parc Subdivision (City File No. 04-011), based on the plat dated received by the Department of Planning and Development on March 22, 2005, with the following six (6) findings and subject to the following ten (10) conditions. The affected property is zoned R-4, One-Family Residential, and identified as Parcel Numbers 15-34-402-035 and 15-34-402-057.

Findings:

- 1. Upon compliance with the following conditions, the preliminary plat meets all applicable requirements of the Zoning Ordinance and Subdivisions Ordinance.**
- 2. Adequate utilities are available to properly service the proposed development.**
- 3. The preliminary plat represents an acceptable comprehensive plan for future development to the west.**
- 4. The preliminary plat represents a reasonable street and lot layout and orientation.**
- 5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.**
- 6. The City acknowledges that Shortridge is the only access point for Lots 3 through 16 until such time as the stub street is extended westerly to a second access point.**

Conditions:

- 1. Provide a performance guarantee in the amount of \$8,085, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation**

of replacement trees. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.

2. Tree protective fencing must be in place, inspected, and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit for this development.
3. Indicate all trees on adjacent properties that will be affected by construction operations, including any trees with branches that overhang the limits of this development, prior to approval of the Tree Replacement Plan (Sheet 5 of 5) by staff.
4. Show tree protective fencing at the actual dripline of all trees on adjacent properties that will be affected by construction operations prior to approval of the Tree Replacement Plan (Sheet 5 of 5) by staff.
5. If necessary, relocate the storm drain lines further away from the adjacent properties to avoid any grading, digging, trenching or boring within the dripline of trees located on adjacent properties, as approved by staff.
6. Determine and correct the proposed lot averaging table (Sheet 1 of 5) to accurately reflect the "lot width" at the setback line of all lots, as defined by Section 138-3 (Page CD138:15) of the City's Zoning Ordinance.
7. Correct the width of Lot 11 at the right-of-way line on the lot averaging table (Sheet 1 of 5).
8. Correct the name of the stub street to the west to read Verona Drive on Sheet 1 of 5.
9. Address the applicable geometric concerns referenced by the City's Survey Technician in his memorandum dated April 5, 2005.
10. Refer to Grace "Avenue" on all sheets of the preliminary plat.

The motion carried by the following vote:

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

Enactment No: RES0131-2005

2005-0288

Request for Sidewalk Variance - City File No. 04-011 - Grace Parc, a proposed subdivision on approximately six (6) acres located north of South Boulevard between Rochester and Livernois Roads, zoned R-4, One Family Residential, known as Parcel Nos. 15-34-402-057 & -035, Grace Street Development, Inc., applicant

Attachments: Agenda Summary.pdf; Staff Report.pdf; 031505 PC Minutes.pdf; 0288 Resolution.pdf

Ms. Deborah Millhouse, Deputy Director of Planning/Development, noted that while the City, by ordinance, requires sidewalks in all plats, there are no sidewalks on either side of Grace Avenue and, furthermore, if sidewalks are included in this plan, there will be no other sidewalks to which they can connect.

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

Resolved that the Rochester Hills City Council hereby approves a variance of the sidewalk requirement along the north side of Grace Avenue in front of Lot 1, Lot 2,

and the detention pond area in accordance with the provisions of the Subdivisions Ordinance for Grace Parc (City File No. 04-011), a sixteen-lot subdivision on 5.958 acres located north of Grace Avenue and south of McComb, zoned R-4 (One Family Residential) and known as Parcel Numbers 15-34-402-057 and 15-34-402-035, based on the preliminary plat dated received by the Department of Planning and Development on March 22, 2005 with the following findings.

Findings:

1. Since the proposed sidewalk would not currently connect with any established sidewalk, there are special circumstances and conditions affecting the property.
2. The petitioner would not be required to construct a sidewalk that does not connect to any established sidewalk nor is likely to connect to any sidewalk in the future.
3. Granting of the variance would eliminate a possible hazard at both unconnected ends of the sidewalk and would be consistent with the nature of the existing properties along Grace Avenue.
4. The variance would further the objectives and policies of the City.

The motion carried by the following vote:

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

Enactment No: RES0132-2005

2004-0671

Request for Purchase Authorization - PARKS: Parks & Recreation Master Plan Update for the City of Rochester Hills, purchase order increase in an amount not to exceed \$25,000.00; McKenna Associates, Inc., Northville, MI

Attachments: Agenda Summary.pdf; McKenna Quote - Parks & Recreation Master Plan.pdf; 081804 Agenda Summary.pdf; Bid Sheet.pdf; Contract McKenna MLUP.pdf; Revised Scope of Services.pdf; 0671 Resolution.pdf; 041805 LAC Draft Minutes.pdf

President Hill explained that because McKenna Associates, Inc., was already contracted to provide the Master Land Use Plan update for the City, it made sense to include the Parks & Recreation Master Plan update in that same contract.

Mr. Mike Hartner, Director of Parks & Forestry, agreed with President Hill's comments, further noting that the City can take advantage of the economies of scale by using the data already gathered for the Master Land Use Plan update for the Parks & Recreation Master Plan update. He also noted that, in addition to being the lowest qualified bidder, McKenna Associates, Inc., has performed the previous Parks & Recreation Master Plan updates.

Mr. Duistermars noted that an updated Parks & Recreation Master Plan is often necessary to qualify for certain grand funds.

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

Whereas, the Parks & Recreation Master Plan update is an integrated component of the City's Master Land Use Plan; and

Whereas, McKenna Associates of Northville, Michigan, was the lowest

responsive, responsible bidder for the City's Master Land Use Plan update; and

Whereas, combining the two (2) master plans under McKenna Associates would avoid duplication of workshops and public meetings; and

Whereas, portions of the Master Land Use Plan will be incorporated into the Parks & Recreation Plan update.

Resolved that the Rochester Hills City Council hereby approves an increase to the purchase to McKenna Associates, Inc., 235 East Main Street, Suite 105, Northville, Michigan 48167, in the amount of \$25,000.00, for a new total not-to-exceed amount of \$175,000.00, to update the City of Rochester Hills' Parks & Recreation Master Plan as an added component to the Master Land Use Plan.

The motion carried by the following vote:

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

Enactment No: RES0133-2005

2005-0265

Request for Purchase Authorization - DPS: One (1) new M318C Excavator, purchase order not-to-exceed \$139,950.00; Michigan Cat, Shelby Township, MI

Attachments: Agenda Summary.pdf; Tabulation.pdf; Replacement Schedule.pdf; 0265 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that the excavator under discussion was due for replacement according to the replacement schedule adopted by City Council.

Following questions by various Council members regarding the necessity of this purchase, it was determined that the excavator in question was operating sufficiently and its replacement should be delayed.

A motion was made by Robbins, seconded by Dalton, that this matter be Postponed by Resolution.

Resolved that the Rochester Hills City Council hereby Postpones approval of a purchase order to Michigan Cat, Shelby Township, Michigan, for one (1) new M318C Excavator in the amount of \$139,950.00 as the lowest, responsive, responsible bidder that met all specifications until a future date determined by the Council President and/or the Mayor/DPS Director.

The motion carried by the following vote:

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

2005-0154

Approval of the Agreement for Oakland County Water Supply and Sewage Disposal Systems for Rochester Hills - Extension No. 5A between the Oakland County Drain Commissioner (OCDC) and the City of Rochester Hills

Attachments: Agenda Summary.pdf; Contract.pdf; BLOOMFIELD-#669345-v1-Notice of Adoption of Resolution[1].pdf; 0154 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that the request before Council was to authorize the sale of bonds for Contract 4 of the Oakland County Drain Commission's Extension 5A project.

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

At a regular meeting of the City Council of the City of Rochester Hills, Oakland

County, Michigan (the "City Council"), held on the 20th day of April, 2005.

PRESENT: Melinda Hill, Bryan Barnett, John Dalton, Jim Duistermars, Barbara Holder,
Linda Raschke and Gerald Robbins

ABSENT: None

The Clerk presented to the City Council a form of contract between the County of Oakland (the "County") and the City of Rochester Hills (the "City"), relative to acquisition, construction and financing of the Oakland County Water Supply and Sewage Disposal Systems for Rochester Hills - Extension No. 5A Project (the "Project"), and the plans, estimates of the cost and period of usefulness thereof as prepared and submitted by the consulting engineers. The Clerk also presented, for publication if the contract is approved, a form of notice.

The following resolution was offered by Dalton and seconded by Robbins:

BE IT RESOLVED by the City Council of the City of Rochester Hills, Oakland County, Michigan, that:

1. The City Council hereby approves the contract between the County and the City providing for the acquisition and construction of the Oakland County Water Supply and Sewage Disposal Systems for Rochester Hills - Extension No. 5A Project (the "Contract"); providing for the payment of the cost thereof by the City to the County in annual installments with interest and expenses; providing for the financing of all or part of the cost by the issuance of County bonds secured by the obligation of the City and payable primarily from the annual installments to be paid by the City to the County; providing for the pledging of the full faith and credit and the limited taxing power of the City for the making of such payments; and providing for other matters relating to the Project and the acquisition, construction, financing and operation thereof, all under and pursuant to Act No. 342, Public Acts of Michigan, 1939, as amended.
2. The City Council also hereby approves the plans for the Project, and the estimates of the cost and period of usefulness thereof, as prepared and submitted by the consulting engineers.
3. The Mayor and the Clerk are authorized and directed to execute and deliver the contract for and on behalf of the City in such number of counterparts as may be desirable.
4. The City Clerk is authorized and directed to publish the notice hereunto attached in the Rochester Eccentric and so as to be prominently displayed therein. It is found and declared that said newspaper is a qualified newspaper of general circulation in the City and that said notice contains information which is sufficient to adequately inform all interested persons as to the nature and extent of the full faith and credit obligations of the City under the Contract.
5. A copy of the Contract as presented to the City Council and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the City Clerk and made available for examination by any interested person during normal business hours.
6. The Project shall consist of the improvements described in Exhibit A to the Contract. The maximum amount of obligations expected to be issued for the Project is \$5,913,000. The City hereby declares that it expects the County to issue bonds in one or more series to finance all or part of the cost of the Project and hereby declares that it reasonably expects to reimburse advances of the City to the Project as anticipated by this resolution.

7. The City Clerk is authorized to approve the circulation of a preliminary and final official statement for any series of County bonds, to cause the preparation of those portions of such preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The City Clerk is authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of any County bonds.
8. The City Clerk is authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of the holders of any County bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

RESOLUTION DECLARED ADOPTED.

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

NAYS: None

ABSTENTIONS: None

The motion carried by the following vote:

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

Enactment No: RES0134-2005

COUNCIL COMMITTEE REPORTS

Administration & Information Services (AIS) Committee

Ms. Holder, Chairperson, noted the following items currently under discussion:

* Approval of the new liquor license agreement to be ratified by Council.

* Annual salary discussions.

Public Safety Committee

Ms. Raschke, Chairperson, noted the following items currently under discussion:

- * Sent surveys to other area communities with regard to their police and fire services.
- * Examined the possibility of a City policy that addresses the issue of false alarms.

Planning Commission

President Hill, City Council representative to the Planning Commission, noted the following items currently under discussion:

- * Approval of the Rochester College PUD agreement.
- * Revisions to the City's PUD Ordinance.
- * New contract zoning law.

President Hill noted there would be a joint meeting between the Planning Commission and the City Council regarding the Master Land Use Plan update on Tuesday, April 26th at 7:30 p.m.

ANY OTHER BUSINESS

2005-0318

Adoption of a Resolution Opposing House Bill 4082

Attachments: HB 4082.pdf

Mr. Barnett requested that the City Clerk draft a resolution expressing the City Council's opposition to House Bill 4082 that would result in a reduction in county road funding.

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

Whereas the adoption of Michigan House Bill 4082 would likely result in a reduction of approximately \$10 million to the Michigan Transportation Fund (MTF); and

Whereas this likely reduction in MTF funding would result in a reduction of road maintenance funds for County roads.

Be It Resolved that the Rochester Hills City Council hereby opposes passage of House Bill 4082 and urges all members of the Michigan Senate to defeat this bill.

Be It Further Resolved that the Rochester Hills City Clerk is directed to forward a certified copy of this resolution to State Senator Mike Bishop, as well as the leaders of the State Senate and Governor Jennifer Granholm.

The motion carried by the following vote:

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

Enactment No: RES0136-2005

NEXT MEETING DATE

*Joint Meeting with Planning Commission - Tuesday, April 26, 2005 at 7:30 p.m.
Work Session - Wednesday, April 27, 2005 at 7:30 p.m.*

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 10:21 p.m.

*MELINDA HILL, President
Rochester Hills City Council*

*JANE LESLIE, 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.