

NOTICE

At a REGULAR ROCHESTER HILLS CITY COUNCIL MEETING, held at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan, on Wednesday, January 13, 1988:

Present: President Kenneth Snell, Council Members Edmund Baron, Gerald Carvey, Carol Glass, Edgar Jolly, George Karas, Douglas Tull

Absent: None

Quorum Present.

MOTION by Glass, seconded by Jolly, Resolved, that Ordinance No. 215, an Ordinance to add Chapter 8-08, False Alarms, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit false alarms, require payment of a false alarm fee to the city, limit the duration of alarm signals, require an alarm system owner or lessee to identify at least one other person who can deactivate the system, prohibit automatic telephone alarms, provide for abatement of false alarm nuisances, regulate alarm system installation, repeal ordinances in conflict herewith and prescribe a penalty for the violation hereof, BE AND IS HEREBY ADOPTED and shall become effective on January 22, 1988, the day following its publication in the Rochester Clarion on January 21, 1988.

Ayes: Snell, Baron, Carvey, Glass, Jolly, Karas, Tull
Nays: None
Absent: None

MOTION CARRIED.

ORDINANCE NO. 215

AN ORDINANCE TO ADD CHAPTER 8-08, FALSE ALARMS, TO THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROHIBIT FALSE ALARMS, REQUIRE PAYMENT OF A FALSE ALARM FEE TO THE CITY, LIMIT THE DURATION OF ALARM SIGNALS, REQUIRE AN ALARM SYSTEM OWNER OR LESSEE TO IDENTIFY AT LEAST ONE OTHER PERSON WHO CAN DEACTIVATE THE SYSTEM, PROHIBIT AUTOMATIC TELEPHONE ALARMS, PROVIDE FOR ABATEMENT OF FALSE ALARM NUISANCES. REGULATE ALARM SYSTEM INSTALLATION, REPEAL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBE A PENALTY FOR THE VIOLATION HEREOF.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 8-08. False Alarms, shall be added to the Code of Ordinances of the City of Rochester Hills, as follows:

CHAPTER 8-08

FALSE ALARMS

8-08.01 Purpose

The prohibition of false alarms and regulation of alarm systems is necessary in order to preserve peace and tranquility in the community and to reduce the frequency and defray the cost of responses to false alarms by law enforcement and

fire department personnel. FURTHER, ELIMINATION OF FALSE ALARMS WILL ALLOW PUBLIC SAFETY PERSONNEL TO BE MORE AVAILABLE AND RESPOND MORE READILY TO ALARMS REQUIRING IMMEDIATE ATTENTION.

8-08.02 Definitions.

8-08.02 .01 Alarm System. A detection device or assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which law enforcement or fire department personnel are expected to respond.

8-08.02 .02 Alarm System Contractor. A person, firm, company, partnership, or corporation engaged in the installation, maintenance, alteration, or servicing of alarm systems or who responds to an alarm system. "Alarm system contractor" shall not include a business which only sells or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.

8-08.02 .03 False Alarm. The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or their employee or agent. "False alarm" does not include an alarm caused by storm, earthquake or other violent condition beyond the control of the owner or lessee of an alarm system or their employee or agent.

8-08.03 Prohibition of False Alarms.

False alarms are prohibited. Each occurrence shall be considered a separate offense chargeable to the owner or lessee of the alarm system.

8-08.04 False Alarm Fee.

Notwithstanding any penalties provided for in the event of a conviction for violation of this Chapter, and notwithstanding that prosecution for a violation of this Chapter has or has not been commenced, in order to defray the cost of responding to false alarms, a false alarm fee shall be charged. The alarm system owner or lessee shall be charged by the City a fee of twenty-five dollars (\$25) for the second false alarm responded to by law enforcement or fire department personnel, and registered with the City, within a calendar year, and one hundred dollars (\$100) for each false alarm responded to and registered thereafter within the same calendar year. There shall be no fee charged for the first occurrence of a false alarm during a calendar year, but the alarm system owner or lessee shall be advised, in writing, of both the false alarm and the existence of this Chapter.

8-08.04 .01 Payment Due. Payment of the false alarm fee shall be due within thirty (30) days after the City's mailing of an invoice for the fee to the address where the alarm system is located.

8-08.04 .02 Failure to Pay Fee. If the false alarm fee is not paid within the time specified in subsection .01. above, the Mayor or the

Mayor's designee, in conjunction with the City Attorney, is hereby authorized to commence the appropriate civil legal proceedings against the owner or lessee of the alarm system, in which event the owner or lessee will be responsible for the false alarm fee together with the City's costs of collection.

- 8-08.04 .03 Waiver of Fee. An alarm system owner or lessee desiring a waiver of the false alarm fee shall submit a written request to the Mayor, within ten (10) days of the invoice date, and shall include all documentation supporting the request. The Mayor may waive the false alarm fee under the following circumstances:
- A. Alarm System Malfunction. The fee may be waived if, prior to submittal of the waiver request, corrective measures to repair an alarm system malfunction causing the false alarm have been instituted, provided the alarm system owner or lessee presents documentation that repair service to correct the malfunction has been performed by an alarm system contractor licensed under the provisions of the Private Security Guard Act of 1968, as amended, being MCL 338.1051, et seq.; MSA 18.185(1), et seq.
 - B. Extenuating Circumstances. The fee may be waived where, in the Mayor's discretion, cause is shown that the false alarm was attributable to extenuating circumstances beyond the control of the alarm system owner or lessee, and did not result from neglect, disrepair, lack of maintenance or improper installation.

8-08.05 Alarm Duration Limited.

No person, firm or corporation shall operate, install or direct the installation of any alarm system that emits an audible or visible signal for a period exceeding fifteen (15) minutes. An owner or lessee of an alarm system shall, within 180 days from the effective date hereof, bring ~~the~~ PRESENTLY INSTALLED alarm systems AND ALARM SYSTEMS OFFERED FOR SALE into conformance with this section.

8-08.06 Deactivation of Alarm.

The owner or lessee of an alarm system shall immediately upon installation, with respect to a new system, or within thirty (30) days following the effective date of this Chapter, with respect to an existing system, provide the Rochester Hills Fire Department with the name, address and telephone number of one or more persons who can be called upon to deactivate the alarm system at any time. However, it shall not be considered a violation of this Chapter if such persons are not available to deactivate the alarm system when called upon to do so.

8-08.07 Automatic Telephone Alarms Prohibited.

No person, firm or corporation shall operate,

install or direct the installation of an alarm system that when activated will, BY TELEPHONE, by mechanical, electronic, or any other means, automatically call, dial or connect to any law enforcement agency, fire department, or any City department, office or official, for the purpose of delivering a prerecorded message.

8-08.08 Abating False Alarm Nuisances.

Law enforcement or fire department personnel responding to a false alarm shall have authority to undertake reasonable measures to deactivate the alarm system where necessary in order to abate a public nuisance created by the audible or visible signal being emitted by the alarm system.

8-08.09 Alarm System Contractors-State License Required.

Unless licensed pursuant to the Private Security Guard Act of 1968, as amended, being MCL 338.1051, et seq.; MSA 18.185(1), et seq., a person, firm, company, partnership, or corporation shall not engage in the business of alarm system contractor in the City of Rochester Hills.

8-08.10 Enforcement.

This Chapter shall be enforceable by the Oakland County Sheriff, the Sheriff's Deputies and the Chief of the Fire Department or his duly authorized representative, who shall have authority to issue and serve appearance citations.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

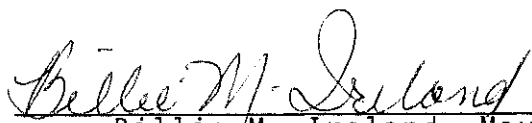
Section 3. Penalty. All violations of this ordinance shall be misdemeanors, and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the discretion of the court.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on January 22, 1988, the day following its publication in the Rochester Clarion on January 21, 1988.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on Wednesday, January 13, 1988.


 Billie M. Ireland, Mayor
 City of Rochester Hills

CERTIFICATE

I, KEITH SAWDON, ROCHESTER HILLS CITY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE, THE ORIGINAL OF WHICH IS ON FILE IN MY OFFICE, ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF HELD ON WEDNESDAY, JANUARY 13, 1988.



Keith Sawdon, Clerk
City of Rochester Hills

3/1/88:de
ord215.doc

NOTICE OF FALSE ALARM

The City of Rochester Hills, on January 13, 1988, adopted Ordinance No. 215 to prohibit false alarms and regulate alarm systems. Under the provisions of this ordinance, the owner or lessee of an alarm system responsible for two (2) or more false alarms in any one calendar year shall be charged \$25 for the second false alarm and \$100 for each subsequent false alarm responded to by law enforcement or fire department personnel, and registered with the City. In addition, violation of this ordinance is a misdemeanor punishable by ninety (90) days in jail and/or a \$500 fine. You may obtain a copy of the False Alarms Ordinance at the City Clerk's Office, located at 1000 Rochester Hills Drive, Rochester Hills, Michigan.

On _____, _____, at _____
 day date time

the _____ responded to
 agency

address

to investigate an alarm condition which was subsequently determined to be false.

This is your _____ false alarm in this calendar year.

It is your responsibility to take steps necessary to prevent false alarms. A state-licensed alarm system contractor can possibly assist you in this regard. If you have any questions regarding this ordinance or incidents of false alarms, you may contact the Rochester Hills Fire Department at 656-4650.

[The Notice should provide for Fire Chief Belkoff's signature at the bottom, with respect to notices to be distributed by the Fire Department, and that of an authorized representative of the Sheriff's Department, with respect to notices distributed by them. Once signed, the notices can be photocopied and given to fire and police personnel by their respective departments for distribution following false alarm runs.]

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Proposed Ordinance - Second Reading to amend Chapter 6-12, Special Assessments of the Code of Ordinances to clarify when objections to a special assessment improvement must be submitted - (copy of proposed ordinance forwarded to each Council member).

Attorney Ternan explained that the proposed ordinance to amend Chapter 6-12 was accepted for First Reading at the October 7, 1987 City Council meeting with the request that the language in Section 6-12.09 be clarified.

Council Member Tull asked whether Attorney Ternan felt that the new version had been clarified. Attorney Ternan said that in the first draft there was mention of signing of petitions which is not included in the second draft. Council Member Snell said that the concern at First Reading was that the meaning was not clear. Dr. Snell said that the second draft still does not make it clear that signatures must be obtained during the ten days following the public hearing. Dr. Snell suggested that the ordinance indicate that the City Clerk's Office shall provide upon request the proper petitions during that ten-day period.

Council Member Tull said that the language should be very specific. Mr. Tull suggested that language be included which precedes a specific requirement that the taking out of and the signing of petitions be during that ten-day period. Mr. Tull suggested the following language: "In order to ensure that all residents that are affected by the proposed special assessment district have an opportunity to attend the public hearing at which the assessment is discussed and details provided, petitions of objection, if any, shall only be permitted to be taken out and will only be valid if taken out after that public hearing and signed during that following ten-day period."

Council Member Snell said that care should be taken that the ordinance does not imply that use of the City's petitions is required. Dr. Snell suggested that the current language be discarded and new language provided. Dr. Snell suggested the following language: "If after the public hearing has been held by the City Council there is a desire by the owners to terminate the project, then petitions, letters or other written documentation may be signed and delivered to the City during the ten days immediately following that public hearing" with appropriate language to follow.

Mayor Ireland said the Staff is reworking the way petitions are handled. The Mayor said that when someone indicates they want to take out a petition, they are brought in for an informational meeting. The Mayor said the Staff would explain the whole procedure and petitions can be taken out at that time. Mayor Ireland said that everyone whose name is on the list for that area is notified of the informational meeting. In response to an inquiry by Council Member Jolly, the Mayor said that when someone requests a petition, the Clerk refers the matter to the Staff. Staff members who would attend the informational meeting are Keith Sawdon, Robert Lovell, John Schandavel and Len Kutschman.

MOTION by Carvey, supported by Jolly, to TABLE the Proposed Ordinance to amend Chapter 6-12, Special Assessments, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify when objections to a special assessment improvement must be submitted and referred to Legal Counsel for revisions to be brought back to City Council for Second Reading as soon as possible.

Ayes: Karas, Carvey, Jolly, Nowicki, Snell, Trimble, Tull
Nays: None
Absent: None

MOTION CARRIED

Proposed Ordinance - First Reading to amend Chapter 8-08, False Alarms - (copy of proposed ordinance forwarded to each Council member).

Sgt. Gerard Carlin, Oakland County Sheriff's Department, was present to answer questions of Council.

Mayor Ireland said that power failures or high humidity will set alarms off and, if the owner is unavailable, there is a problem in shutting the alarm off.

Sgt. Carlin said that the Sheriff's Department had requested the Mayor's Office to draft an alarm ordinance which would have some effect in reducing the number of false alarm calls to which the deputies must respond. Sgt. Carlin said the ordinance as written would also apply to false fire alarms. According to Sgt. Carlin, on an average day an officer in Rochester Hills will respond to approximately five false alarms in a twenty-four hour period. Sgt. Carlin said that many of the false alarms are from the same people with the alarms coming in on a regular basis. Sgt. Carlin said that the deputies must respond to any alarm.

Sgt. Carlin pointed out that the proposed ordinance would prohibit automatic dialing machines. According to Sgt. Carlin, when there is a power outage or storm many alarms will go off. If they are equipped with an automatic dialer, a call will go to the Sheriff's Department or the Fire Department and the lines will stay occupied until the recording is done. Sgt. Carlin said the ordinance is an attempt to reduce the number of calls the deputies must make. Sgt. Carlin also pointed out that the proposed ordinance addresses the duration of the alarm and would empower an officer to use reasonable methods to disable an alarm.

Council Member Trimble said that he feels the fines proposed under the ordinance are too high. Mr. Trimble said that the City of Troy's ordinance is set up on a quarterly basis; one false alarm per quarter is allowed without a fine, thereafter \$25 is charged for each false alarm if the owner is deemed to have been at fault. Mr. Trimble said that he does not believe the purpose of the fine is to cover the cost of the alarm call but to get the attention of the people and get them to take measures to avoid it happening again.

Council Member Jolly noted that the proposed ordinance requires the name and address of at least one other person who can be called upon to deactivate the alarm system at any time. Mr. Jolly asked what the obligation of that other person would be. Sgt. Carlin said that it was not necessarily an obligation but just another person who could be contacted to turn the alarm off. Sgt. Carlin said that, hopefully, that person would have been given some means to deactivate the alarm.

Council Member Snell commented that the ordinance makes it sound like the person would have a responsibility to respond to turn the alarm off if they were called. Sgt. Carlin said there is no enforcement action if the person refuses to deactivate the alarm. Council Member Snell suggested that the ordinance be clarified to show that the sole responsibility still lies with the owner of the property and not with the person whose name has been left with the Fire Department. Attorney Ternan said that he would add a sentence to clarify this portion of the ordinance.

Council Member Tull commented that the Fire Code does have certain requirements for fire alarm systems which are not mentioned in the proposed ordinance. Mr. Tull said that consideration could be given to not allowing outdoor alarms and requiring a permit prior to installation of an alarm. In reference to requiring a permit, Attorney Ternan said that state law provides for licensing of alarm installers or contractors and preemption is clear. Council Member Tull said that the City of Livonia presently has an ordinance requiring permits which is being challenged but has not been thrown out yet.

Council Member Tull said that he had spoken with ADT Security Systems and was told that there is a big difference between state licensed and unlicensed alarm installers. Mr. Tull said that Council should consider requiring persons installing alarm systems in the City to be licensed by the State.

President Karas asked whether there would be any security involved in having an outdoor alarm. Sgt. Carlin said it would provide security if the building is located in an area where the alarm could be heard. Sgt. Carlin said an outdoor alarm has a good deterrent effect. Sgt. Carlin said that,

because businesses are normally closed at night and traffic in the area is not heavy, the Sheriff's Department recommends businesses install silent alarms which would go to an alarm company. Sgt. Carlin said that with a silent alarm the chances of catching a burglar is greater, that an audible alarm scares the burglar away.

Council Member Trimble said that businesses are just as concerned with scaring burglars away as in catching them. Mr. Trimble said that the response time to an alarm in the City of Troy is approximately 30 minutes and by that time the burglar could have taken everything and left. Sgt. Carlin said that on the midnight shift in Rochester Hills the average response time to an alarm is four to five minutes.

Council Member Snell said that many people buy alarms because of the belief that the noise will scare intruders away. Sgt. Carlin said that he would not want a silent alarm in a house.

Council Member Snell suggested that 8-08.04 False Alarm Fee be rewritten for clarity. Attorney Ternan said that he would rewrite that section of the proposed ordinance. Dr. Snell questioned what the time requirement would be for people to comply with the new ordinance. Dr. Snell requested input from the Building Department on what would be a reasonable period of time for compliance.

Council Member Snell asked whether it was known if the alarm companies in the area have the equipment to install the automatic cut-off required by the ordinance. Council Member Tull said that John Williams of ADT Security Systems had indicated to him that almost all of the reputable alarm systems which have been installed within the last five to seven years are programable as to duration of the alarm. Council Member Snell said that he would like to know what costs would be entailed because he would not want to put a time frame in the ordinance which was unrealistic.

Council Member Snell asked Sgt. Carlin how many alarms received by the Sheriff's Department are repeats and how many turn out to be false. Sgt. Carlin said that of all that alarms that come in, the majority are false alarms from repeat customers.

Council Member Snell said he would support the suggestion that there be no fee for responding to a first false alarm. Dr. Snell suggested that the fee for the second false alarm be \$25 and all subsequent false alarms \$100.

Sgt. Carlin said that he would have each officer responding to a false alarm leave a copy of the ordinance. Sgt. Carlin said that great discretion would be used in enforcing the ordinance. Sgt. Carlin said that the Sheriff's Department does not care what the fee for a false alarm is, that what is wanted is a deterrent.

Council Member Tull asked whether violation of the ordinance should be a misdemeanor or whether it could be made a civil infraction. Attorney Ternan said that making this a civil infraction would raise policy questions in addition to legal questions and the policy aspects would need to be thoroughly reviewed.

Sgt. Carlin said that the ordinance provides for an individual to be assessed for a response to false alarm. Sgt. Carlin said that enforcement with a ticket could be saved for a serious violator.

Discussion was held on prohibiting automatic telephone alarms and it was agreed that the alarms would still be able to go directly to a central alarm system but not directly to any law enforcement agency. President Karas asked whether any of the alarms come in on 911. Sgt. Carlin said that the City does not have the 911 system yet but all the calls come in on the emergency line.

Rich Haggar, 304 Woodside Court, said he is in the alarm industry and very active in the Michigan Burglar and Fire Alarm Association. Mr. Haggar said he believes an ordinance is needed to have some type of regulation on the industry. Mr. Haggar said there is a list available from the State of

Michigan Department of State Police, Private Security and Investigator Section, of licensed alarm companies.

Mr. Hagggar said that there are devices available which can be installed on an outside alarm to shut it off after a pre-determined amount of time. Mr. Hagggar also said it would be a good idea to require a UL listing on the equipment that is installed.

Gary Mayo, 3309 S. Livernois, said that he is the owner of A & G Hardware on the corner of Auburn and Crooks. Mr. Mayo said he is concerned about the ordinance and about the definition of a false alarm. Mr. Mayo described problems he has had with his alarm system. Mr. Mayo said he had spoken with someone from an alarm company and had been told that a good ordinance would not impose a fine at least until after the third false alarm and would contain conditions whereby the fine could be waived if the owner was making every effort to keep the system in perfect working order.

Council Member Snell read the section of the proposed ordinance which defines a "False Alarm." Dr. Snell said that if nothing is found to be wrong with the alarm system and the alarm company can show that the system was in perfect working order, the owner would be in a position to argue that it was not a false alarm, that something had happened to cause the alarm. Dr. Snell said he believes the determination would be within the jurisdiction of the police officer who is responding to the alarm. Attorney Ternan said the definition is taken from the state law which pertains to contractors for alarms.

Tom Francis, 16761 Forestview Drive, Fraser, said that he is the vice president of Chet's Rent All located at 1626 Crooks Road. Mr. Francis said that commercial establishments have a great deal of money invested in their security systems and that he does not believe commercial establishments should be treated the same as residences.

Council Member Snell said that when Section 8-08.04 is being reworded a stipulation should be included that a alarm would not be considered as a false alarm until reported to the City as such by the deputy that was on the scene.

MOTION by Snell, supported by Carvey, Resolved, that Proposed Ordinance to amend Chapter 8-08, False Alarms, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit false alarms, regulate alarm systems, require the payment of a fee to the City to defray the cost of responding to false alarms, limit the duration of alarm signals, require the owner or lessee of an alarm system to provide the name, address and telephone number of at least one other person who can be called upon to deactivate the system at any time, prohibit automatic telephone alarms, provide for the abatement of false alarm nuisances, repeal ordinances in conflict herewith and prescribe a penalty for the violation hereof, BE INTRODUCED INTO THE RECORDED for First Reading with the following changes to be made before Second Reading:

- 1) Clarification of language in Section 8-08.4.
- 2) The first false alarm within a calendar year to be free, the second false alarm \$25 and all subsequent false alarms to be \$100.
- 3) Language added to Section 8-08.06 to make clear that the person whose name has been left with the Fire Department is not legally liable under the ordinance to respond.
- 4) Inserting preliminarily a six-month period in Section 8-08.05 with input to be received from Building Department and any other City staff the Mayor deems necessary.
- 5) Providing additional language for consideration as to under what conditions the fees might be waived.

Ayes: Karas, Carvey, Jolly, Nowicki, Snell, Tull
Nays: Trimble
Absent: None

MOTION CARRIED

It is recorded, Council Member Trimble voted against the motion because he feels the \$100 fine is excessive. It is further recorded that Council Member Tull's support of the motion is for the concept of going to second reading and not necessarily in support of the fine.

President Karas requested that the three speakers be advised when the ordinance is on the agenda for second reading.

Appointment to the Construction Board of Appeals/Fire Prevention Board of Appeals - (memo from Billie M. Ireland dated October 20, 1987, memo from Gene P. Ferrera dated October 15, 1987 and information sheet on Ralph M. Pisani forwarded to each Council member).

Mayor Ireland said she was recommending that Ralph M. Pisani be appointed to the Construction Board of Appeals/Fire Prevention Board of Appeals to fulfill the unexpired term to expire on December 31, 1987 and for the ensuing three-year term to expire December 31, 1990.

Council Member Tull said that he thought members of the Construction Board of Appeals had to be a licensed builder or architect. Attorney Ternan said that he would check the Ordinance.

MOTION by Nowicki, supported by Snell, Resolved, that Ralph M. Pisani be appointed to the Construction Board of Appeals/Fire Prevention Board of Appeals to fulfill an unexpired term to expire on December 31, 1987 and for the ensuing three-year term to expire December 31, 1990 with the understanding that Mr. Pisani qualifies for the appointment under the Ordinance.

Ayes: Karas, Carvey, Jolly, Nowicki, Snell, Trimble, Tull
Nays: None
Absent: None

MOTION CARRIED

Other Business

Labor Agreement - AFSCME Local #1917 - (Council members provided with memos from Billie M. Ireland dated October 9 and October 27, 1987).

Henry Bowers, Manager of Personnel/Purchasing, was present to answer questions of Council.

Henry Bowers said that compared to the contract for Local #2720, there are four basic differences. Mr. Bowers said that the differences are 1) clothing allowance, 2) wages, 3) bonus and 4) compensatory time. Mr. Bowers pointed out that the agreement covers 10 employees and the cost for the first year will be \$17,000.

Council Member Tull said that if it is not essential that Council act on the Agreement at this time, he would prefer to schedule it as the first item on the next agenda so that the citizens would be aware that it is being considered and would have the opportunity to be present. Council Member Nowicki said that he agreed that consideration should be postponed until the next Council meeting and that it could be made retroactive.

MOTION by Nowicki, supported by Jolly, Resolved, to take the Labor Agreement with AFSCME Local 1917 under advisement and make it an agenda item for the November 4, 1987 City Council meeting.

Ayes: Karas, Carvey, Jolly, Nowicki, Snell, Trimble, Tull
Nays: None
Absent: None

MOTION CARRIED

President Snell said the information is very thick to copy for everyone, but he will see that it is available to Council Members.

MOTION by Tull, seconded by Jolly, Resolved, that Ordinance No. 214, an Ordinance to amend Chapter 8-01 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the 1987 Edition of the B.O.C.A. National Fire Prevention Code, to make certain amendments, deletions and additions thereto, to repeal ordinances in conflict herewith and to prescribe a penalty for the violation hereof, BE AND IS HEREBY ADOPTED and shall become effective on January 22, 1988, the day following its publication in the Rochester Clarion on January 21, 1988.

Ayes: Snell, Baron, Carvey, Glass, Jolly, Karas, Tull
Nays: None MOTION CARRIED.

Proposed Ordinance Second Reading): To add Chapter 8-08, False Alarms, to the Code of Ordinances of the City of Rochester Hills. (Adopted for First Reading at the October 28, 1987 Council Meeting - copies of letter dated December 23, 1987 from Attorney Staran, Proposed Ordinance, memo dated November 19, 1987 from Mr. Gene Ferrera, memo dated December 01 from Chief Belkoff, excerpts of October 28 and September 16, 1987 Council Minutes and Troy Police Dept. Alarm Notification Form forwarded to each Council Member.)

Member Glass asked about the matter of a citation being issued when, in fact, an alarm may have been set off by a trespasser.

Dr. Snell said the Sheriff's deputies will have to use some discretion, and the ordinance does provide that a fee will not be charged until the second offense. Also, provision is made in the ordinance for a waiver of the fee due to alarm system malfunction and extenuating circumstances, so Dr. Snell said he believes there are options in the ordinance which allow for consideration on a case-by-case basis.

It is recorded the following revisions were made during review of the proposed ordinance:

Page 1: Paragraph 8-08.01 Purpose - Add the following sentence at the end of the Paragraph: "FURTHER, ELIMINATION OF FALSE ALARMS WILL ALLOW PUBLIC SAFETY PERSONNEL TO BE MORE AVAILABLE AND RESPOND MORE READILY TO ALARMS REQUIRING IMMEDIATE ATTENTION."

Page 3: Paragraph 8-08.05, Line 6: After the word, "bring" change the wording to read as follows: "...~~the~~ PRESENTLY INSTALLED alarm systems AND ALARM SYSTEMS OFFERED FOR SALE..."

Page 4: Paragraph 8-08.07, Line 3: After "activated will," insert BY TELEPHONE," to read, "...activated will, BY TELEPHONE, by mechanical, electronic, or any other means,..."

Member Baron asked that it be part of the record that he and some members of the audience feel the Council is trying to stall because they are here for Agenda Items 11 and 12.

President Snell advised that those items are listed on the agenda at that point because all of the other items were expected to involve public and staff input.

Member Baron asked that it also be part of the record that "we are spending 20 minutes discussing about some article in Troy."

Member Tull said he is sorry Mr. Baron would feel that way, because he feels the Council is discussing an important ordinance that affects the residents of Rochester Hills.

CONTINUED

It is recorded President Snell asked that Council return to the current item under discussion.

MOTION by Glass, seconded by Jolly, Resolved, that Ordinance No. 215, an Ordinance to add Chapter 8-08, False Alarms, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit false alarms, require payment of a false alarm fee to the city, limit the duration of alarm signals, require an alarm system owner or lessee to identify at least one other person who can deactivate the system, prohibit automatic telephone alarms, provide for abatement of false alarm nuisances, regulate alarm system installation, repeal ordinances in conflict herewith and prescribe a penalty for the violation hereof, BE AND IS HEREBY ADOPTED and shall become effective on January 22, 1988, the day following its publication in the Rochester Clarion on January 21, 1988.

Ayes: Snell, Baron, Carvey, Glass, Jolly, Karas, Tull
Nays: None MOTION CARRIED.

Update re: Traffic Consultant (copies of Memo dated January 7, 1988 from Mr. Jeffrey Cohee forwarded to each Council Member. Copies of a Press Release and Request for Proposal were distributed to each Council Member).

Mayor Ireland reported that a Request for Proposal (RFP) was sent out to 12 consultant services; the list was cut, interviews were held with Member Carvey as the Council representative on that Committee. The Firm of BRW, Inc. was chosen, and a meeting will be held next week to negotiate a contract, with Ken Johnson, Manager of City of Rochester, Bob Lovell and John Schandavel sitting in.

Discussion re: City Council "5-lane roads" resolution that was adopted at the August 20, 1986 Meeting. (Copies of certified resolution adopted at the August 20, 1986 meeting, Page 1 of the Petition submitted "For the Preservation of Rochester Hills as a Residential Community", excerpts of August 6, August 13, August 20, October 14 and November 11, 1987 Council Minutes and letter dated August 6, 1986 to Councilman George Karas from Carol Glass, President, Rochester Hills Inter-Association Council, - were forwarded to each Council Member.)

President Snell advised that this item is on the agenda this evening at the request of a number of Council Members. The issue raised to the Council has to do with the possible interpretations of the resolution adopted - whether it impacts upon recommendations that might be made or looked at by the Traffic Consultant when hired - and what the Council intends to do, if anything, with this particular issue.

President Snell advised that copies of an excerpt of the June 6, 1987 Council Minutes were provided to each Council Member this evening. At this meeting, Council adopted a resolution to hire a Traffic Consultant.

President Snell reported that he received copies this evening of telephone messages from Sue Meyer, Janet McCall, Robert McCall and Nancy McCulley requesting that the 5-lane road resolution not be rescinded.

Member Tull said the primary reason he wanted this resolution brought back was to enable Council to discuss it, not that he feels it needs to be changed. Mr. Tull said he was pleased to review the proposal from BRW, because they propose to consider the desires of all the persons in the city who have an interest in road improvements.

Mr. Tull said he did not believe the resolution adopted needs to be changed because he feels it clearly reflected how the Council Members who were present felt at the time, and added that it reflects his feeling although he, for one, believes it is important when doing the study, that