



Rochester Hills Minutes City Council Regular Meeting

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*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, August 2, 2006

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:34 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning/Development
Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Enforcement
Paul Davis, City Engineer
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council approves the Agenda for the Regular Meeting of Wednesday, August 2, 2006 with the following amendments:

CONSENT AGENDA

Delete:

Legislative File 2006-0267: Conveyance of a Highway Easement granted by Elro Corporation, for T-turn Easements in Clear Creek No. 5

Legislative File 2006-0508: Approval of the Agreement for Maintenance of the Storm Water Detention System, between the City of Rochester Hills and Gulf Meadow Creek, L.L.C.

NEW BUSINESS

Delete:

Legislative File 2005-0107: Request for approval of the 2005/2006 Master Land Use Plan Distribution Draft as required to be sent to adjacent communities, schools and required State agencies for a 95-day review and comment period

A motion was made by Raschke, seconded by Yalamanchi, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

Mr. Dave Kibby, 558 Whitney, noted his appreciation for the efforts of the City Council members who he acknowledged spend a great deal of time reviewing the issues that are brought before them during Council meetings. However, he did note that Council meetings should not be a time for Council members to attempt to embarrass the Mayor.

President Rosen requested that Mr. Kibby not engage in personal criticism of Council members.

Mr. Kibby again expressed his appreciation for the hard work of Council members, but noted that he found it "offensive" that one Council member did not ask any questions during the recent Council discussion regarding a Wal-Mart being constructed in the City.

Mr. John Anderson, Director of the Rochester Avon Recreation Authority (RARA), thanked Council for their support of the upcoming RARA Millage renewal and reminded Rochester Hills residents to vote in the upcoming Primary Election.

Mr. Lee Zindel, 1575 Dutton Road, questioned how the anti-tax organizations in the City can justify their stance on taxes when none of their members has ever attended a single Council budget meeting, nor any Financial Services Committee meetings. He also questioned whether these groups ever oppose the millage requests for school spending that has resulted in \$271 million dollars spent over the past eight years on school remodeling and construction.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Holder spoke in support of the Rochester Avon Recreation Authority (RARA) Millage proposal, noting that it represents a very minor increase in tax dollars.

Mr. Ambrozaitis also voiced his support for the RARA Millage proposal. He requested that the City administration look into the policy that prohibits charitable organizations from selling items on City streets to raise money. He assured residents that he does not want to increase bureaucracy as a means of dealing with the City's blight issue.

Ms. Raschke also expressed her support for the RARA Millage and thanked Mr. Anderson for his work with the youth of the community.

Mayor Barnett also noted his support of the RARA Millage and encouraged residents to vote in the upcoming election. He then congratulated the first winners of his Families First Initiative: the Szasna family.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

- 2006-0549** Approval of Minutes - Special City Council Work Session Meeting - March 8, 2006
- Attachments:** CC Min 030806.pdf; 0549 Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Minutes of a Special Rochester Hills City Council Work Session Meeting held on March 8, 2006 be approved as presented.**
- Enactment No:** RES0252-2006
- 2006-0564** Approval of Minutes - Regular City Council Meeting - March 15, 2006
- Attachments:** CC Min 031506.pdf; 0564 Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on March 15, 2006 be approved as presented.**
- Enactment No:** RES0253-2006
- 2006-0565** Approval of Minutes - Special City Council Meeting - March 23, 2006
- Attachments:** CC Min 032306.pdf; 0565 Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on March 23, 2006 be approved as presented.**
- Enactment No:** RES0254-2006
- 2006-0566** Approval of Minutes - Special City Council Meeting - March 29, 2006
- Attachments:** CC Min 032906.pdf; 0566 Resolution.pdf
- This Matter was Adopted by Resolution on the Consent Agenda.**
- Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on March 29, 2006 be approved as presented.**
- Enactment No:** RES0255-2006
- 2006-0267** Conveyance of a Highway Easement granted by Elro Corporation, for T-turn Easements in Clear Creek No. 5, for Part of Parcel No. 15-02-200-014
- Attachments:** Agenda Summary.pdf; Map.pdf; Easement.pdf; 0267 Supplemental Info.pdf; 0267 Resolution.pdf
- Removed from Agenda**
- 2006-0507** Acceptance of an Amendment to a Watermain Easement granted by BRG Associates, for Mastercraft Leather, for Parcel No. 15-29-300-006
- Attachments:** Agenda Summary.pdf; Map.pdf; Easement.pdf; 0507 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 an amended watermain easement granted by BRG**

Associates, 2930 West Auburn Road, Auburn Hills, Michigan 48057, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-29-300-006.

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

Enactment No: RES0256-2006

2006-0508

Approval of the Agreement for Maintenance of the Storm Water Detention System, between the City of Rochester Hills and Gulf Meadow Creek, L.L.C., a Michigan limited liability company, for Parcel Nos. 15-32-426-022, 15-32-426-023, 15-32-426-004 & 15-32-426-005

Attachments: Agenda Summary.pdf; Map.pdf; Agreement.pdf; 0508 Supplemental Info.pdf; 0508 Resolution.pdf

Removed from Agenda

2006-0512

Acceptance of an Off-Site Sanitary Sewer Easement granted by Northridge Apartments II, LTD, a Michigan limited partnership, for Sheffield, for Parcel No. 15-22-201-003.

Attachments: Agenda Summary.pdf; Map.pdf; Easement.pdf; 0512 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 an off-site sanitary sewer easement granted by Northridge Apartments II, LTD, a Michigan limited partnership located at 7125 Orchard Lake Road, Suite 300, West Bloomfield, Michigan 48325 for the construction, operation, maintenance, repair and/or replacement of an off-site sanitary sewer easement over, on, under, through and across land more particularly described as Parcel No. 15-22-201-003.

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

Enactment No: RES0257-2006

Passed The Consent Agenda

A motion was made by Yalamanchi, 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: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

ORDINANCE FOR INTRODUCTION

2006-0567

Acceptance for First Reading - An Ordinance to Amend Sections 54-744 and 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Water and Sewer Rates and Fees, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations

Attachments: Agenda Summary.pdf; First Reading Agenda Summary.pdf; OCDC Letter 070606.pdf; Ordinance Amendment Chapter 54 Fees.pdf; First Reading Resolution.pdf; 0567 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, and Mr. John Staran, City Attorney, explained to Council that typically this non-residential portion of the water and sewer rates is included along with the approval of the residential rates; however, this year the information was received at a later date. They assured Council that these were basically pass-through charges and would have no impact on the residential rates approved by City Council during a previous meeting.

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

Resolved that an Ordinance to Amend Sections 54-744 and 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Water and Sewer Rates and Fees, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

UNFINISHED BUSINESS

2006-0436 Authorization to place the Pathway Millage proposal on the November 7, 2006 General Election Ballot

Attachments: Agenda Summary.pdf; Current Pathway Ballot Language.pdf; 080206 Agenda Summary.pdf; Referral Pathway Millage Resolution.pdf; Referral Pathway Millage Notice.pdf; 0112 Agenda Report.pdf; 0436 Agenda Report.pdf; 080206 Resolution.pdf; 0436 Supplemental Info

Mr. John Staran, City Attorney, explained that if the Pathways Millage dollars are to be used in a different manner than how they were utilized for the expiring millage then the new millage cannot be considered and identified as a strict renewal.

Council members in support of the new millage language that would allow more flexibility in spending requested the ballot language make it clear to voters that the new millage request does not represent a tax increase.

President Rosen and Mr. Ambrozaitis both spoke in support of a strict renewal of the expiring millage, noting that residents will be confused by the change and it will jeopardize the ballot proposal's success on election day.

PUBLIC COMMENT:

Mr. Tom Zelinski, 1127 Kingsview, suggested that the ballot language identify the new millage as "replacing the old millage" with no tax increase.

Council consensus was to remove the word "renewal" from the resolution to place the millage request on the upcoming General Election ballot, and Mr. Staran was directed to return to Council with ballot language options for their approval.

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

Resolved that the Rochester Hills City Council hereby approves the placement of

a millage proposal for up to 0.1858 mills over the next ten (10) years on the November 7, 2006 General Election ballot for the purpose of continuing the Non-Motorized Pathway Plan, for completing the next group of major sections and to link pathways to major uses.

Further Resolved that the City Council directs City Attorney John Staran to prepare the proposed ballot language to be reviewed and approved by City Council at a subsequent regular meeting.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke and Yalamanchi

Nay: Ambrozaitis and Rosen

Enactment No: RES0276-2006

2006-0416

Appointment of Council Members to the Environmental Clean-up and Oversight Committee

Attachments: Agenda Summary.pdf; Memo Mayor Barnett 072506.pdf; 060706 Agenda Summary.pdf; Proposed Committee Parameters.pdf; 0416 Resolution.pdf; 0416 Resolution.pdf

President Rosen opened the floor for nominations to the Environmental Clean-Up and Oversight Committee:

Mr. Yalamanchi nominated himself.

President Rosen nominated himself.

Mr. Ambrozaitis nominated himself.

As the number of nominees was sufficient to fill the Council appointed positions on the Committee, **Mr. Yalamanchi**, **President Rosen** and **Mr. Ambrozaitis** were appointed.

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

Resolved that the Rochester Hills City Council appoints **Jim Duistermars**, **James Rosen** and **Ravi Yalamanchi** to serve as the Council representatives to the Environmental Clean-up and Oversight Committee.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0260-2006

NEW BUSINESS

2006-0562

Proposed 2007 Budget

a. Mayor's Presentation

b. Adoption of Resolution acknowledging receipt of 2007 Proposed Budget and setting the Budget Public Hearing for Wednesday, September 20, 2006

Attachments: Agenda Summary.pdf; 0562 Resolution.pdf

Mayor Barnett noted several 2006 Accomplishments relating to the following issues/goals:

- *Maintaining the City's infrastructure*
- *Strengthening the City's tax and employment base*
- *Improving operational processes and efficiencies*
- *Maintaining an excellent level of governmental services*
- *Maintaining superior recreational opportunities*

Mayor Barnett then discussed the highlights of the fiscal year 2007 Budget, noting it proposes to keep the City's total millage rate at 9.6681; the same millage rate as 2006. He further noted that this millage rate represents the third lowest of the 31 communities in Oakland County. He stressed that this is the eighth consecutive year the millage rate has remained constant with the exception of voter-approved millages.

Mayor Barnett announced that the recommended total budget for Rochester Hills would be \$124.4 million, noting the following specific funds:

- *General Fund* \$26.7 million
- *Sewer & Water Fund* \$42.2 million
- *Major Road Fund* \$8.4 million
- *Special Police Fund* \$8.2 million
- *Fire Operating Fund* \$7.7 million
- *Special Police Fund* \$8.2 million
- *Drain Fund* \$1.8 million
- *Pathway Fund* \$679,080

Transfers from General Fund

- *Special Police Fund* \$2.8 million
- *Capital Improvement Fund* \$884,750
- *Drain Fund* \$811,620
- *Municipal Building Debt Fund* \$667,580
- *Major Road Fund* \$353,900

The Mayor then discussed several Capital Projects proposed in the 2007 Budget, including the following:

- *Four Fire Department administrative vehicles (\$112,000) and self-contained breathing apparatus replacement (\$532,000)*
- *Vehicle emission extraction systems for all five fire stations (\$175,000) and additional fire station improvements/upgrades (\$180,000)*
- *Road construction for Van Hoosen Jones Cemetery and Chapel (\$86,000) and the Perpetual Care Fund (\$169,200)*
- *Technology improvements including a City-wide records management review, as well as financial and legislative software enhancements (\$74,000)*
- *Storm sewer improvements for East Ferry Drain (\$800,000)*
- *Pathway rehabilitation and improvements (\$705,900)*
- *Water main improvements (\$1,235,250)*
- *Proposed sanitary sewer rehabilitation (\$300,000)*

- The completion of the DPS Facility (\$8,600,000)
- Large sewer video camera and software (\$60,000)
- Radio read technology for water meters (\$845,000)
- Ground radar (\$20,000)
- Eight general vehicles, one fork lift, six dump trucks, one loader, one excavator, one air compressor, one field rake, two mowers, one utility vehicle, one rotary broom (\$1,395,340)
- Major road improvements (\$5,777,400)
- Local road improvements (\$5.9 million) with \$2.5 million dedicated to the rehabilitation of Shadow Woods subdivision

Mayor Barnett acknowledged that, "The problem of local street funding remains our biggest priority" and he called upon the elected leadership of City Council and the collective wisdom of the community to seek a City-wide solution. However, in the case of Shadow Woods, he stressed, "I feel the streets in Shadow Woods have reached a point at which they can no longer be ignored and can no longer be subjected to the passage of a millage."

Mayor Barnett thanked the City Council for recognizing the importance of reevaluating City policies and participating in numerous strategy sessions. He noted that he looked forward to continued collaboration with Council. In closing, he stated, "We continue to strive to enhance the livability of our community by offering desired amenities for the public's enjoyment and benefit; and to sustain its foundation by ensuring that our citizens receive the services, facilities and infrastructure necessary for health, safety and welfare."

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

Whereas, the City of Rochester Hills City Council and the Administration have worked together to develop major City goals for the Fiscal Year 2007 and beyond; and

Whereas, based on these major City goals, the Fiscal Year 2007 Mayor's Proposed Budget was developed; and

Whereas, at the August 2, 2006 City Council meeting, the Mayor presented the 2007 Proposed Budget Plan for the Fiscal Year ending December 31, 2007.

Be It Resolved that the Rochester Hills City Council acknowledges receipt of the 2007 Proposed Budget Plan and hereby gives notice of Public Hearing to be held at 7:30 p.m. on Wednesday, September 20, 2006, at the Rochester Hills City Hall, 1000 Rochester Hills Drive, for the purpose of presenting the 2007 Budget and providing opportunity to all interested parties to present comments thereon prior to the adoption by the Rochester Hills City Council.

Be It Further Resolved that the publication of the Notice of Public Hearing is hereby authorized.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

2005-0107

Request for Approval of the 2005/2006 Master Land Use Plan Distribution Draft as required to be sent to adjacent communities, schools and required State agencies for a 95-day review and comment period

Attachments: Agenda Summary.pdf; Letter McKenna 02-02-05.pdf; Executive Summary.pdf; MLUP Distribution Copy.pdf; 0107 Supplemental Info.pdf; 0107 Resolution and PC Minutes.pdf

Removed from Agenda

(Recess 8:43 p.m. - 8:58 p.m.)

2006-0405

Request for Approval of an Extension of Tentative Preliminary Plat - City File No. 04-011 - Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 and -057, Grace Street Development, applicant

Attachments: Agenda Summary.pdf; Site Plans.pdf; Anzek memo 07-18-06 .pdf; 0406 Reolution and PC Minutes.pdf

Mr. Ed Anzek, Director of Planning/Development, explained to Council that the developer has worked in good faith with the City to correct "glitches" in his engineering plans; however, he did not meet the deadline to complete the plans and is now requesting an extension. He stressed that the Planning Commission had approved the requested extension unanimously.

Mr. Frank Mancini, Grace Street Development, 47858 Van Dyke, Shelby Township, was present to answer Council's questions.

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

Resolved that the Rochester Hills City Council hereby approves an extension of the Tentative Preliminary Plat until April 20, 2007 for Grace Parc, City File No. 04-011, a 16-lot subdivision to be located north of South Boulevard, between Livernois and Rochester Roads, zoned R-4, One Family Residential, Parcel Nos. 15-34-402-035 and -057.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0262-2006

2006-0550

Request for Purchase Authorization - DPS/Engineering: Increase to an existing Continuing Engineering Design contract for the engineering design and right-of-way document preparation in the amount of \$50,000.00 for the associated cost with the Adams Road relocation project; ARCADIS G&M, Inc., Denver, CO

Attachments: Agenda Summary.pdf; Request Arcadis 06-15-06.pdf; 0550 Resolution.pdf

Mr. Paul Davis, City Engineer, explained that this purchase represents the final payment for the engineering design plans for the Adams Road relocation project. He indicated that the Second Quarter Budget Amendment had included this \$50,000 increase and that it had also been approved at a recent LDFA meeting. He assured Council that this would complete the expenses for the design phase of this project; however, this did not relate to the actual construction phase.

Mr. Yalamanchi questioned whether there were plans to move the utility poles in the middle of the interchange.

Mr. Davis stated he would look into that matter.

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to ARCADIS G&M, Inc. for the engineering design and right-of-way document preparation costs associated with the Adams Road relocation project by the increased amount of \$50,000.00 for the new total amount not-to-exceed \$1,118,754.47 and authorizes the Mayor and Clerk to execute an amended contract on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0263-2006

COUNCIL COMMITTEE REPORTS

Planning Commission

Mr. Hooper, the Council representative on the Planning Commission, indicated that the Commission discussed a request from Outback Steakhouse for outdoor seating at their restaurant on Rochester Road. The Steep Slope Ordinance was also discussed.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Wednesday, August 16, 2006 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 9:12 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

MARGARET A. MANZ
Administrative Secretary
City Clerk's Office

Approved as presented at the (insert date, or dates) Regular City Council Meeting.