

(Continued)

Resolved, that the Special Record of the Closed Session held June 10, 1992 is approved as presented.

Yeas: Beaton, Buller, Funk, Jones, Peters, Roberts, Shepherd  
Nays: None

**MOTION CARRIED**

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**Approval of Special Record of Closed Session held June 17, 1992**

**MOTION** by Shepherd, seconded by Jones,

Resolved, that the Special Record of the Closed Session held June 17, 1992 is approved as presented.

Yeas: Beaton, Buller, Funk, Jones, Peters, Roberts, Shepherd  
Nays: None

**MOTION CARRIED**

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**Acceptance of Storm Water Basin Maintenance Agreement, Tree Contracting Services, Parcels 15-28-126-024 and 025.**

**MOTION** by Shepherd, seconded by Jones,

Resolved, that the Rochester Hills City Council approves the Storm Water Basin Maintenance Agreement by and between Daniel C. Homrich and Jean L. Homrich and the City of Rochester Hills, Parcel Numbers 15-28-126-024 and -025; and

Further Resolved, that the Mayor and Clerk are hereby authorized to sign and deliver the agreement on behalf of the City of Rochester Hills.

Nays: None

Discussion of Road Information Brochure - (copy of brochure was forwarded to Council and memorandum dated July 14, 1992 from Jeffrey W. Cohee was provided).

James Schmidt, Community Relations Officer, was present.

Mr. Jones expressed concern regarding the pictures printed on the brochure not representing four-lane, tree-lined boulevards. Mr. Jones requested that the pictures be changed. Ms. Roberts concurred.

Mr. Schmidt said the picture was generic clip art and the brochures have been printed.

President Beaton asked if a copy of the art work contained in the BRW report could be attached to the brochures prior to mailing.

Mr. Schmidt said he believes such an attachment is illegal because the road millage wording does not reference four-lane boulevards.

Ms. Roberts said Council did discuss the brochure and requested that trees be included in the picture. The pictures on the brochure looks like I-75.

Mr. Schmidt said his understanding was that Council wished to see the brochure before the mailing.

In response to Ms. Roberts' question, Mr. Schmidt said Council cannot make any changes to the brochure.

(continued)

Mr. Funk said he researched Council's discussion on June 6th regarding the brochure. The specific request was for Council to see the draft brochure before it was mailed so that additional insights may be offered regarding residents' concerns and questions. At an agenda session ten days ago, a xerox copy of the brochure was presented and discussion was held with the Mayor and Mr. Schmidt regarding the graphic, and it was stated it was too late to change the graphic.

Mr. Jones said the graphic is self-defeating because it looks like I-75, and many people will assume this is the city's intent. President Beaton said that, unfortunately, the same picture was used in last year's brochure. Ms. Roberts said Council members complained about the picture last year. Mr. Jones said the brochure has a losing history.

President Beaton asked if it is appropriate to attach a picture that represents a cross-section of a four-lane, residential boulevard with a 30' median, bikepaths and canopied trees on both sides and in the median, and wording which states the city's intent to build these types of roads. This would eliminate the necessity to spend tax dollars to reprint the brochure.

Mr. Schmidt stated that, from a practical standpoint, the brochures are pre-sorted, bundled and are at the printer who is waiting for permission to mail. Council is talking about hand-stuffing 28,000 brochures.

Mr. Ternan said public funds can be used for an information sheet that fairly presents the issue and is balanced, and an attachment or insert may present a question of undue balance and misuse of public funds. The brochure discussed the four-lane concept and shows a commitment to this concept as does the Master Thoroughfare Plan.

President Beaton suggested that the brochure be reprinted without pictures.

In response to President Beaton's question, Mr. Schmidt said he did not know the cost of the brochure; however, printing and sorting costs have been incurred. Mr. Schmidt said Mr. Ternan stated that inserting a picture could be seen as improper. If Council orders that the brochure be completely redone, a picture of a four-lane boulevard can be found.

In response to Mr. Schmidt's question, Mr. Ternan said the context of a brochure or an insert must be considered. The information must be a fair and balanced statement of the issues rather than a promotional piece by a governmental body that has public funds.

Mr. Schmidt said the other factor that must be considered is that Hamlin Road is included in the development list and it is not a four-lane boulevard.

President Beaton said he believes the question, "Do four-lane boulevards cost more than other types of roads?" should be included with the brochure. Above this question, an illustration of a four-lane boulevard could be included. The answer would be:

Yes, however, numerous studies as well as a petition drive by residents indicate that most Rochester Hills residents do not want additional five-lane roads in the city. The four-lane boulevards are more expensive but they are safer, better looking and easier for pedestrians to cross.

Ms. Roberts said she resents the way this issue was handled. The administration knew that Council was very involved in the brochure and had requested that the picture represent a tree-lined residential boulevard.

Mr. Schmidt said there is a statement in minutes provided this evening from Mr. Buller stating that Council would like to see the brochure before it is mailed. There was no request for input or approval.

Mr. Peters said he concurs with comments made this evening, and he is disappointed that the brochure was not presented to Council. It does not seem to make much sense to bring a brochure for Council to look at and not provide an opportunity for input. The brochure should be mailed

for the residents to read, and hopefully they will realize the graphic is conceptual. The message can be given to the media that the intent is to build four-lane boulevards.

President Beaton said many millions of dollars are riding on the .5 mill increase because the city's share is minimal in most cases. The federal, state and county funds will be given to the communities that are willing to contribute their share. A few thousand dollars spent wisely today is more important than losing millions over the next nine years.

Ms. Shepherd said she showed the brochure to a couple of people and a comment was made that the picture does look like the 50 mph design speed that was mentioned, and maybe the picture is more accurate than we realize.

Ms. Shepherd said that, when she raised questions earlier, she was told that she was not correct with regard to her memory about costs for different road segments. The brochure says that the money will be spent on Livernois, Walton to Hamlin; Crooks, Hamlin to South Boulevard; Hamlin, Rochester Road to Crooks; and Adams, Tienken to Hamlin. The costs indicated in memoranda provided to Council, either as part of the Road Committee or at the March 21st meeting, totaled approximately \$27 million with a city share of approximately \$5.7 million for Livernois, Crooks and Hamlin. Upgrading traffic signals as part of the SCATS was also discussed, but the costs were unknown.

Then, discussion was held regarding increasing the millage from .5 mill to 1 mill and include additional projects. The alternative recommendation includes three Adams Road segments, Tienken to Walton, Walton to Avon, and Avon to Hamlin. The city's share for these segments are \$557,000; \$763,000; and \$1,152,000. This total amount, combined with the \$5.7 million for the projects listed earlier, total approximately \$8,172,000.

The brochure indicates interest in supporting the SCATS systems as part of signalization improvements to move traffic, and it is noted that 80% of the cost will be funded from sources outside of the city. Mr. Cohee's memorandum reports that \$5 million is estimated to cover the costs of only the signals. If the city is responsible for 20%, an additional \$1 million is a gross estimate for the true project costs. The projected total for the projects represented in the brochure is now approximately \$9.2 million.

Ms. Shepherd said the brochure references that 1 mill will generate \$1.6 million; and because of uncertainty of the tax law changes that may become effective in 1993, this figure should be used as a basis for determining future years' revenues. One-half mill levied for nine years equals \$7.2 million, leaving a shortfall of \$2 million.

Ms. Shepherd expressed concern that the city will do one of three things: 1) either Council will not completely fulfill what is indicated; 2) Council will be placed in a position of having to prioritize projects and not complete all projects; or 3) Council may complete all projects as it sees fit but be unable to proceed in the manner in which the majority of Council desired because of inadequate funding.

Ms. Shepherd said she is trying to use the projections provided to Council and to be fair to the residents.

President Beaton asked if Ms. Shepherd considered the .5 mill currently being collected for major road improvements that will generate an additional \$7.2 million for a total of \$14.4 million over nine years to address the proposals in the brochures plus the signal system. These funds are used for projects such as the realignment of Star-Batt/Avon Industrial Drive and Orion/Tienken/Rochester Road as well as the Livernois project, Avon to Walton.

Ms. Shepherd said that the current .5 mill revenue could be accessed to fund improvements to Livernois, Walton to Avon, but it has also been indicated that the funds are targeted for local roads, collector roads and the city's share of special assessment districts. It was said that these funds would be set aside for these types of projects. It has been stated that the Local Road Fund

will be shortchanged if the millage is not adopted and funds are diverted to Livernois Road.

Mr. Schmidt said he believes this entire discussion is becoming an indictment of himself and his staff playing a game with the numbers.

Council members disagreed with Mr. Schmidt's statement.

Mr. Schmidt said that this City Council adopted ballot wording specifying the dollar amounts and the roads to be improved. If in fact, Council is considering removing the ballot question, then this is a legitimate topic. If not, the discussion is not relevant to the brochure and all it is doing is making the staff look as though they have played a game with Council's numbers.

Mr. Peters stated that Council has already reviewed the numbers, the construction figures are estimates and there is uncertainty regarding the SCATS program funding. In addition, the revenue will be raised over nine years. All projects cannot begin at once, and interest on the funds can be earned. Mr. Peters urged Council to move forward.

Mr. Jones said the people will decide the road millage issue, and it will not be removed from the ballot. Council contends that the funds will be available to make everyone's wishes come true. Misinformation abounds in this community, and it is time that the intelligent voter take a look at the progress and quality of life in this community and vote.

Mr. Jones said the only issue at the current time is that the graphic does not represent a four-lane boulevard; however, the taxpayer money is already invested in the printing. The residents should realize that Council is supporting four-lane, tree-lined boulevards and the picture is not what Council has in mind for the city's future.

Ms. Shepherd said that Mr. Cohee's memorandum includes two segments of Adams, but the third segment from Avon to Hamlin is not included. This difference may be the cause of the cost discrepancy, as it was projected that the city's portion of the segment cost will be \$1.152 million. Ms. Shepherd expressed concern that Council may have acted on figures that may not have been accurate and representative of what can be done.

Ms. Shepherd said she was not being critical of Mr. Schmidt or his staff, and the discussion is directed to Council.

Helen Sergott, 2574 Dorfield, said that people are able to read the ballot question and the brochure and realize that the picture is conceptual. Tax dollars should not be wasted to reprint the brochure.

Hope Sadowski, 837 John R, said she understands that trees are not included in the ballot question, and to give the voters this impression is incorrect.

President Beaton said the trees are included in the ballot question. All road improvements in Rochester Hills will only be accepted by City Council if a landscaping plan is presented with the contract. The medians will be planted with ground cover, grass and trees.

Ms. Sadowski said Council will have to move quickly to promote the millage for the August 4 election, and she is surprised that a subcommittee was not formed to work with the administration on the brochure.

Ms. Roberts said Council was told it was not necessary to include trees in the ballot question.

Ms. Shepherd said she believes Ms. Sadowski's point is that, in fact, the wording in the millage request does not include the words "boulevard design" and it makes no commitment to this design. Council has said it is supportive of this design; however, the bottom line is that Council is bound to what is written in the language on the ballot. People are asking these questions because two years from now no one here can predict who will be sitting on Council making these decisions.

Council is not legally bound to provide landscaping or boulevard designs. If the city is \$2 million short on funding the first thing to go will be the landscaping.

Mr. Funk asked Ms. Shepherd if it would be helpful to have a November ballot issue, provided the August millage is approved, to clarify the issue before money is collected and spent.

Ms. Shepherd asked if Mr. Funk would be willing to put the entire issue on the ballot about whether the funding is available.

Mr. Funk said he is suggesting that the people can state clearly that, as has been done in the surveys and other dialogue, boulevards are preferred.

Ms. Shepherd said she appreciated Mr. Funk's suggestion; however, Council would be asking residents to gamble by voting now and assuming that the November vote would support Council's intent.

Mr. Buller said that the city's SEV has increased by nearly 3% because of new construction. The cap will be taken off property assessments in the near future, and the proposed "cap and cut" refers only to school tax. There will be increased SEV as there is more development. Ms. Shepherd's calculations are accurate based on the current SEV; however, the SEV will increase and additional revenue will be generated. Construction costs also will increase. Council's intent was to get something going and move the issue off-center realizing that there is a "window of opportunity" to raise money to take advantage of federal and state grants. Council was advised that there is a likelihood that grant money would not be available if the matching funds were not available. The city would have to pay the entire cost of any road improvements. Also, the request was scaled back hoping that the voters would accede to the improvements rather than look at a 1 mill increase.

Mr. Buller said he believes that Council supporting the issue may be the impetus to overcome the 154 votes that were between passage and failure on the last issue. The picture on the brochure is probably insignificant in the bigger picture, and talking about the issue is the most important thing. Council was provided with a copy of a memorandum apologizing for the delays in preparing the brochures. It is unfortunate that Council was not provided with the opportunity to review the draft. The essential information is in the brochure and it is not worth reprinting.

Pat Somerville, 47091 Dequindre, asked the amount of the city's SEV. Ms. Shepherd reported that the SEV is approximately \$1.7 billion. Ms. Somerville stated that when the SEV reaches \$2 billion, .5 mill will generate \$1 million.

MOTION by Peters, seconded by Jones,

Resolved, that the City Council adopts the road information brochure as presented and requests that the brochure be mailed at the best available time.

Discussion

President Beaton said he does not like the picture and he is surprised that the ballot wording is not on the brochure.

Ms. Shepherd said it is unfortunate that Council has scheduled tentatively August 19th for the millage increase resolution for the city, it is too bad that this happens after residents are asked to vote on a millage increase for roads. On August 19th Council will be acting on a resolution regarding a proposed millage increase for the city.

Council voted on Mr. Peters' motion.

Ayes: Buller, Funk, Jones, Peters  
Nays: Beaton, Roberts, Shepherd

MOTION CARRIED

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**Joint Resolution in Support of Road Millage** - (copy of proposed resolution forwarded to Council members).

**MOTION** by Peters, seconded by Jones,

Whereas, the Mayor and the City Council of the City of Rochester Hills have determined that the public safety and the efficient movement of traffic require certain improvements to selected major roads in this city; and

Whereas, the Mayor and Council have determined that the presentation of a one-half road improvement property tax to the voters at the August Primary Election is the most economical way of funding such improvements; and

Whereas, adoption of this millage by the voters will provide the needed funds to attract grants and other significant outside funding to assist in making the needed improvements;

Now, Therefore, Be It Resolved that the Mayor and City Council of the City of Rochester Hills do here declare their support and endorsement of the 1992 Road Improvement Millage question that will appear on the August Primary Ballot.

Ayes: Beaton, Buller, Funk, Jones, Peters, Roberts  
Nays: Shepherd

**MOTION CARRIED**

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**Resolution Opposing Five-Lane Roads** - (copy of proposed resolution and excerpt from the June 10 and May 6, 1992 Council Meeting minutes forwarded to Council).

**MOTION** by Funk, seconded by Roberts,

Whereas, the City Council has previously adopted, and then renewed, a resolution opposing additional five-lane roads in this community; except as an absolute last resort; and

Whereas, the City Council is in full agreement with the residents of this city that the combination of public safety, efficient movement of traffic and the overall aesthetics of the community must all be considered in the design of future roads and the improvement of existing roads;

Now, Therefore, Be It Resolved by the Rochester Hills City Council that this Council declares the design concept of landscaped, four-lane residential boulevards to be the primary design concept of choice for road development and improvements in Rochester Hills; and

Be It Further Resolved that the City Council declares its intent to utilize the design concept of landscaped, four-lane residential boulevards for the improvement of designated roads specified in the City Road Improvement proposal to be presented to the voters on the Primary Election Ballot in August 1992.

Discussion

Ms. Shepherd requested that the motion on the floor be amended to prohibit the use of gabian baskets and retaining walls greater than ten feet.

Mr. Funk said he empathizes with Ms. Shepherd's concerns; however, he is not certain Council can at this time design the roads. All road designs are reviewed by the Council's Road Committee, the administration and brought forward for Council for review and approval. The minutes should reflect these points, and Council will deal with these points in accordance with normal staff, engineering and consulting review rather than cloud this issue. The resolution is a policy resolution that points to the fact that Council is adamant about boulevards when appropriate.

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President Beaton said the public should understand clearly that Council, not the administration, approves all contracts including road improvement contracts.

Mr. Peters requested that the motion on the floor be amended to include a statement that Council will not approve any construction plan until a fully developed landscaping plan has been incorporated into the plan.

Hearing no objection from Council, the motion on the floor was amended.

Mr. Buller said he agrees with the amendment, and Council should have been more adamant when Council discussed M-59 improvements with MDOT. An article in the June 21st *Free Press* reported on federal money for noise abatement on expressways, and abatements along M-59 may never be constructed because the money is no longer available. Council has to be very careful in declaring its resolve and insisting that its intent is carried through. Council should be strong when dealing with other jurisdictions.

President Beaton said he concurs with Mr. Buller, and hopefully by including the statement in the resolution, Council will be morally tied to not accepting any contract to improve the M-59/Adams interchange unless the contract is accompanied with a landscaping plan.

President Beaton read a portion of a letter from the RHIAC supporting his recommendations to MDOT regarding M-59 and to encourage the use of sound deadening techniques as well as aesthetic landscaping on all future road improvements within the city.

Ms. Shepherd said she brought her documents about the Adams Road Corridor Study, and in reviewing the document again she found a memorandum indicating that there are unresolved issues. Residents should be aware that, just because Council is voting on this resolution and on the millage resolution, there are other parameters that do not guarantee that we are able to proceed without problems.

Ms. Shepherd said she has a memorandum from the Road Commission for Oakland County listing ten items of concerns and comments about Adams Road, three of these are significant and relate to property problems. One item is that the plan assumes 120' of ROW but gives no indication as to how the 60' will be obtained from the condo projects on Adams Road and from Oakland University. Another item is that the significant cuts and fills will require additional ROW and/or easements from Oakland University and other property owners. The topography is a problem. The third concern relates to the possibility of archeological sites near the Clinton River and also Oakland University is a historic site and any impacts will have to be addressed in the environmental impact study and also with concerned citizens.

Ms. Shepherd stated that the Road Commission identified ten substantial concerns following completion of the Adams Road study. People need to be aware that we cannot just pass the millage and proceed, there are constraints. Oakland University does have property that cannot be condemned. These limitations have not been represented fairly. It is unfortunate that Oakland University has not been able to address these items. Ms. Shepherd expressed concern that Oakland University is being boxed into a situation and the community is attempting to force the issue without having fairly presented this to the Board of Trustees who will have to make the decision.

Mr. Funk said he was a member of the Planning Commission during the Adams Road Corridor Study and he chaired a subcommittee that held several meetings. The committee included Ms. Shepherd, and representation from the administration, RCOC and Oakland University. The issues brought forward by Ms. Shepherd fall well within the constraints of the motion adopted by the Planning Commission to place Adams Road back in the city's traffic plan. During the course of the meetings, Oakland University representatives did take materials back to their Board of Trustees and they encouraged the city, through its administration, Planning Commission and Council, to continue an open dialogue. They were extremely complimentary about having been asked to be involved in the process early.

Mr. Funk stated that Adams Road is a county road and if the city is not allowed to participate in the design process by adding its pennies in the project up front, then the city will get what the county wants to give. The county clearly expressed their intent to run a five-lane road down Adams Road. Council clearly wishes to move forward and present the residential boulevard options. The Planning Commission's motion regarding Adams Road calls for detailed landscaping plans, environmental impact studies and other conditions. The design plans will come before the administration and Council. Council is not interested in putting a bad road in front of the people.

Ms. Shepherd said it would be nice to guarantee all of the residents that this will occur; however, no one knows who will be the Council members in the future.

Helen Sergott, address previously stated, said the SCATS system does not work well in moving the traffic east and west of Rochester Road in Troy and the commercial areas are suffering. Road improvements should be the primary concern.

Council voted on Mr. Funk's motion as amended.

Whereas, the City Council has previously adopted, and then renewed, a resolution opposing additional five-lane roads in this community; except as an absolute last resort; and

Whereas, the City Council is in full agreement with the residents of this city that the combination of public safety, efficient movement of traffic and the overall aesthetics of the community must all be considered in the design of future roads and the improvement of existing roads;

Now, Therefore, Be It Resolved by the Rochester Hills City Council that this Council declares the design concept of landscaped, four-lane residential boulevards to be the primary design concept of choice for road development and improvements in Rochester Hills; and

Be It Further Resolved that the City Council declares its intent to utilize the design concept of landscaped, four-lane residential boulevards for the improvement of designated roads specified in the City Road Improvement proposal to be presented to the voters on the Primary Election Ballot in August 1992.

Be it Further Resolved that the City Council will not approve any construction plan until a fully developed landscaping plan is incorporated into the plan.

Ayes: Beaton, Buller, Funk, Jones, Peters, Roberts, Shepherd  
Nays: None

MOTION CARRIED

Authority - (copy of SB 936, Regional Water and Sewer Authority Act, forwarded to Council)

Mr. Robert Fredericks, Deputy Drain Commissioner for Oakland County, was present.

Mr. Fredericks distributed a copy of a resolution adopted by the Oakland County Board of Commissioners at its June 11, 1992 meeting supporting Senate Bill 936.

Mr. Fredericks said he worked with Mr. [redacted] office and the Mayor when the resolution was submitted to Council at a previous meeting. The resolution was not adopted and he was provided with a copy of the videotape of the meeting. There were many inaccuracies and errors in that discussion and he requested the opportunity to discuss the county perspective on the bill.

Mr. Fredericks provided background information on his position with the county and stated that he supervises the county's relationship with the City of Detroit for the three sewer districts in the county. The county has been involved in litigation with the City of Detroit in both state and federal courts since shortly after Mr. Kuhn was elected Drain Commissioner. Problems were identified relating to rate issues and litigation was pursued. At that time, the City of Detroit was arguing a differential

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