



# Rochester Hills Minutes City Council Regular Meeting

1000 Rochester Hills Drive  
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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

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

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Wednesday, September 6, 2006

7:30 PM

1000 Rochester Hills Drive

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**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, Barbara Holder, Linda Raschke, James Rosen and Ravi Yalamanchi

**Absent:** Jim Duistermars and Greg Hooper

## Others Present:

*Bryan Barnett, Mayor  
Dan Casey, Manager of Economic Development  
Ron Crowell, Fire Chief  
Kurt Dawson, Director of Assessing/Treasurer  
Julie Jenuwine, Director of Finance  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
Joe Snyder, Senior Financial Analyst  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**Resolved that the Rochester Hills City Council hereby approves the Agenda for the September 6, 2006 Regular City Council Meeting with the following amendment:**

**Remove from NEW BUSINESS at the request of the applicant:**

**2006-0632 - Consideration of Proposed Road Vacation - The 20-foot wide alley north of Auburn Road between Dequindre Road and Hessel Avenue; Erich D. Becker and Peter C. Clauw, applicants**

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

**The motion carried by the following vote:**

**Aye:** Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

**Absent:** Duistermars and Hooper

## PUBLIC COMMENT

*Mr. David Kibby, 558 Whitney, noted that Council would soon be reviewing their "Rules of Procedure" and encouraged them to focus on the issue of personal conduct during Council meetings.*

*Mr. Lee Zendel, 1575 Dutton Road, noted that he has learned that a Council member had requested the biographies of the two law firms utilized by the City's insurance company MMRMA. He stated that Council cannot determine which attorneys this insurance firm uses. He further questioned this Council member's qualification to evaluate these legal firms.*

### (Mr. Duistermars Entered at 7:39 p.m.)

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

**Absent:** Greg Hooper

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Ms. Holder explained that she had reviewed the previous week's special Budget Work Session wherein two Council members requested that the City's EMS be evaluated by an outside consultant. Ms. Holder described in detail the "top notch care" provided by the Rochester Hills Fire Department, as well as the superior service provided by the City's Dispatch Office. She encouraged her fellow Council members to ride along with a Fire unit to learn more about the services they provide.*

*Mr. Ambrozaitis suggested that perhaps City Council could adopt a practice utilized by the Farmington Hills City Council to take calls from residents and answer two or three questions during Council meetings. He also noted that Dearborn has a City Beautiful Commission and suggested that Rochester Hills consider a similar program. He then announced he had recently been elected as a precinct delegate and thanked those residents who voted for him. He assured his constituents that he did not intend to run for State office. Finally, Mr. Ambrozaitis noted that he had been contacted by two residents who expressed concern that cars are able to turn right and left onto Rochester Road out of the new Papa Joe's development. He noted that it was his understanding the exit would be right-turn only.*

*Mr. Roger Rouse, Director of DPS/Engineering, noted that Rochester Road is a State highway and, thus, he is not familiar with the agreement between Papa Joe's and the State. He offered to research the issue.*

*Ms. Raschke echoed Ms. Holder's remarks regarding the quality of service of the City's Fire Department. She reminded everyone that the anniversary of 9/11 was approaching.*

*Mayor Barnett noted the administration would provide a response to Mr. Ambrozaitis' question regarding the exit at Papa Joe's and that the City is working to reactivate the City Beautification program.*

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## RECOGNITIONS

2006-0605

Proclamation in Recognition of Nathan Klomp for his willingness to selflessly put his own life in jeopardy to assist in the rescue of another citizen

**Attachments:** Agenda Summary.pdf; Proclamation.pdf

*A brief video was shown detailing the circumstances of Mr. Nathan Klomp's heroic efforts, followed by **Mayor Barnett** reading the following proclamation.*

**Whereas, on July 13, 2006, the City of Rochester Hills Fire Department and Parks Department conducted a simulated water rescue drill. A certified diver from the Fire Department fell from a boat on Spencer Lake as a victim.**

**Whereas, Nathan Klomp, while visiting the park and jogging around the lake, observed the man falling out of the boat; and**

**Whereas, Nathan, having no knowledge of the rescue drill, jumped into the water to assist the victim; and**

**Whereas, Nathan, believing a fellow citizen was in danger of drowning, put his own life in jeopardy to rescue another person; and**

**Whereas, Nathan reached the victim and was able to keep him from going underwater until the lifeguards arrived.**

**Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Nathan Klomp for his willingness to selflessly put his own life in jeopardy to assist in the rescue of another citizen.**

**Presented**

**2006-0604**

**Proclamation in Recognition of David Betts for his quick action, professionalism, and the assistance he provided in saving the life of Jim Males**

**Attachments:** Agenda Summary.pdf; Proclamation.pdf

***Fire Chief Ron Crowell discussed the circumstances of the rescue.***

***Mr. Jim Males thanked the Fire Fighters for saving his life.***

***Mayor Barnett read the following proclamation.***

**Whereas, on May 1, 2006, while working out at Life Time Fitness, Jim Males went into sudden cardiac arrest. Mr. Males fell to the floor, did not have a pulse and was not breathing; and**

**Whereas, Rochester Hills Firefighter/EMT David Betts and Sterling Heights Firefighter/Paramedic Robert Young were at Life Time Fitness; and**

**Whereas, Firefighters Betts and Young took immediate action to begin lifesaving efforts to revive Mr. Males; and**

**Whereas, Firefighters Betts and Young, using their training and an on scene Automatic Defibrillator, were successful in their lifesaving efforts; and**

**Whereas, Jim Males was transported to the hospital and later released, having survived this life threatening incident; and**

**Whereas, it is highly expected that without the immediate intervention of Firefighters Betts and Young, Mr. Males may not have survived this emergency.**

**Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Firefighter/EMT David Betts for his quick action,**

professionalism, and the assistance he provided in saving the life of Jim Males.

Presented

2006-0603

Proclamation in Recognition of Robert Young for his quick action, professionalism, and the assistance he provided in saving the life of Jim Males

**Attachments:** Agenda Summary.pdf; Proclamation.pdf

***Mayor Barnett read the following proclamation.***

**Whereas, on May 1, 2006, while working out at Life Time Fitness, Jim Males went into sudden cardiac arrest. Mr. Males fell to the floor, did not have a pulse and was not breathing; and**

**Whereas, Sterling Heights Firefighter/Paramedic Robert Young and Rochester Hills Firefighter/EMT David Betts were at Life Time Fitness; and**

**Whereas, Firefighters Young and Betts took immediate action to begin lifesaving efforts to revive Mr. Males; and**

**Whereas, Firefighters Young and Betts, using their training and an on scene Automatic Defibrillator, were successful in their lifesaving efforts; and**

**Whereas, Jim Males was transported to the hospital and later released, having survived this life threatening incident; and**

**Whereas, It is highly expected that without the immediate intervention of Firefighters Young and Betts, Mr. Males may not have survived this emergency.**

**Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Firefighter/Paramedic Robert Young for his quick action, professionalism, and the assistance he provided in saving the life of Jim Males.**

Presented

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2006-0587

Approval of Minutes - Special City Council Work Session Meeting - April 12, 2006

**Attachments:** CC Min Spec WS 041206.pdf; 0587 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 April 12, 2006 be approved as presented.**

**Enactment No:** RES0286-2006

2006-0588

Approval of Minutes - Special City Council Meeting - April 12, 2006

**Attachments:** CC Min Spec 041206.pdf; 0588 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 April 12, 2006 be approved as presented.

Enactment No: RES0287-2006

2006-0600

Approval of Minutes - Special City Council Meeting - April 13, 2006

Attachments: CC Min Spec 041306.pdf; 0600 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 April 13, 2006 be approved as presented.**

Enactment No: RES0288-2006

2006-0606

Approval of Minutes - Regular City Council Meeting - April 19, 2006

Attachments: CC Min Reg 041906.pdf; 0606 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 April 19, 2006 be approved as presented.**

Enactment No: RES0289-2006

2006-0642

Approval of Minutes - Regular City Council Meeting - May 3, 2006

Attachments: CC Min Reg 050306.pdf; 0642 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 May 3, 2006 be approved as presented.**

Enactment No: RES0290-2006

2006-0643

Approval of Minutes - Special City Council Meeting - May 4, 2006

Attachments: CC Min Spec 050406.pdf; 0643 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 May 4, 2006 be approved as presented.**

Enactment No: RES0291-2006

2006-0659

Approval of Minutes - Special City Council Meeting - May 6, 2006

Attachments: CC Min Spec 050606.pdf; 0659 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 May 6, 2006 be approved as presented.**

Enactment No: RES0292-2006

2006-0629

Request for Approval to Add Delinquent Charges to 2006 Winter Tax Roll

Attachments: Agenda Summary.pdf; 0629 Resolution.pdf; Supplemental Information Amended Resolution.pdf

**This Matter was Adopted by Resolution on the Consent Agenda.**

Resolved that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2006 winter tax roll; and

Further Resolved that the City Assessor be and is hereby authorized to spread said amount on the 2006 winter tax roll:

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$539,077.97	Ch. 102-92.(b)
Delinquent Weed Control General Fund	\$12,510.54	Ch. 106-125.(e)
Delinquent SAD Local Road Funds	\$16,195.01	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$918.20	Ch. 90-30.(d)
Delinquent Street Lighting Local Roads	\$1,392.96	Lighting Agreement

Enactment No: RES0293-2006

2006-0522

Confirmation of Mayor's Appointment of Allan Schneck to the Advisory Traffic and Safety Board to fill the unexpired term of Kenneth Zendel; term to expire on June 30, 2007

Attachments: Agenda Summary.pdf; Candidate Questionnaire Schneck.pdf; 0522 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Allan Schneck to fill the unexpired term of Kenneth Zendel on the Advisory Traffic and Safety Board for a term to expire on June 30, 2007.

Enactment No: RES0294-2006

**Passed The Consent Agenda**

A motion was made by Duistermars, 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, Raschke, Rosen and Yalamanchi

**Absent:** Hooper

**ORDINANCE FOR ADOPTION**

2006-0581

Acceptance for Second Reading and Adoption - An Ordinance to Amend Section 102-479, Contractor's License, Article IV, Sewer Service, of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to delete prerequisite requirements of City application and

Drainlayer's License exam formerly administered by the City of Pontiac, repeal conflicting ordinances, and prescribe a penalty for violations

**Attachments:** Agenda Summary.pdf; First Reading Agenda Summary.pdf; Plumbing Act 733.pdf; Ordinance Amendment.pdf; 0581 First Reading Resolution.pdf; 0581 Resolution.pdf

**A motion was made by Duistermars, seconded by Yalamanchi, that this matter be Accepted for Second Reading and Adoption by Resolution.**

**Resolved that an Ordinance to Amend Section 102-479, Contractor's License, Article IV, Sewer Service, of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to delete prerequisite requirements of City application and Drainlayer's License exam formerly administered by the City of Pontiac, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, September 15, 2006, the date following its publication on Thursday, September 14, 2006 in the Rochester Eccentric Newspaper.**

**The motion carried by the following vote:**

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

**Absent:** Hooper

**Enactment No:** RES0295-2006

## **PUBLIC HEARINGS**

**2006-0607**

Reprogramming of Community Development Block Grant (CDBG) Funds from Planning Services to Minor Home Repair for Program Years 2004/2005, 2005/2006 and 2006/2007

**Sponsors:** Mayor's Office

**Attachments:** Agenda Summary.pdf; Public Hearing Notice.pdf; 0607 Resolution.pdf

*President Rosen **Opened the Public Hearing at 8:14 p.m.***

*There being no Public Comment, President Rosen **Closed the Public Hearing at 8:15 p.m.***

***Mr. Joe Snyder**, Senior Financial Analyst, briefly described the Community Development Block Grant program and assured Council members that very stringent auditing procedures are followed to prevent any misuse of the funds.*

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

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

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

**Whereas, the City of Rochester Hills City Council held a public hearing on**

Wednesday September 6, 2006 on the reprogramming of Program Year 2004/05, 2005/06 and 2006/07 funds.

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

Reprogram from existing 2004/2005 Program Year:

- (3304/731360) Planning Services \$35,313

Reprogram to 2004/2005 Program Year:

- (3188/731227) Minor Home Repair \$35,313

Reprogram from existing 2005/2006 Program Year:

- (3304/731360) Planning Services \$33,405

Reprogram to 2004/2005 Program Year:

- (3188/731227) Minor Home Repair \$33,405

Reprogram from existing 2006/2007 Program Year:

- (731360) Planning Services \$30,000

Reprogram to 2004/2005 Program Year:

- (731227) Minor Home Repair \$30,000

The motion carried by the following vote:

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

**Absent:** Hooper

**Enactment No:** RES0296-2006

**2006-0609**

Public Hearing of Necessity on the advisability of proceeding to establish a Special Assessment District for the purpose of maintaining and operating the existing public improvement of street lighting on an ongoing basis in Section 27 for Denison Acres and Rochester Hills Heathers Subdivisions to be located at Harrington and West Auburn Road, and at Walbridge and West Auburn Road

**Attachments:** Agenda Summary.pdf; Public Hearing Notice - SAD Roll.pdf; Assessor's Certificate.pdf; 101806 Agenda Summary.pdf; SAD Roll - 2006.pdf; 081606 Agenda Summary.pdf; 090206 Agenda summary.pdf; 092806 Agenda Summary.pdf; 1984 Lighting Agreements.pdf; Denison Le

*President Rosen **Opened the Public Hearing at 8:19 p.m.***

**PUBLIC COMMENT:**

***Mr. George Burkett**, 616 Sarsfield, President of the Denison Acres Homeowners Association, noted that the subdivision had attempted to have these payments placed on the tax rolls when the street lights were originally installed 25 years ago, but were told that it could not be done at that time. He described the difficulty in collecting these fees from each individual homeowner and asked Council to approve the SAD.*

*There being no further Public Comment, President Rosen **Closed the Public Hearing at 8:20 p.m.***

**COUNCIL DISCUSSION:**

***President Rosen** explained that this was another step in the SAD process, but not yet the final step.*



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

Whereas, the Rochester Hills City Council has, on September 6, 2006, held a Public Hearing on the advisability of proceeding to establish a Special Assessment District for the purpose of maintaining and operating the existing public improvement of street lighting on an ongoing basis in Section 27 and more particularly described as:

Denison Acres and Rochester Hills Heathers  
Subdivisions located at Harrington and West Auburn  
Road, and at Walbridge and West Auburn Road, in the  
City of Rochester Hills, Oakland County, Michigan in  
accordance with Section 90-64 of the Code of  
Ordinances

Now, Therefore, Be It Resolved, that the Rochester Hills City Council determines to continue the Special Assessment District process and defers making a final determination on whether to proceed with the establishment of a Special Assessment District for the purpose of maintaining and operating the existing public improvement of street lighting on an ongoing basis in Section 27 and more particularly described as Denison Acres and Rochester Hills Heathers Subdivisions located at Harrington and West Auburn Road, and at Walbridge and West Auburn Road, in the City of Rochester Hills, Oakland County, Michigan, for at least twenty-eight (28) days to allow time for receipt of any written objections to the proposed public improvement.

Be It Further Resolved, that, if within the time period for filing objections following the public hearing of necessity, the owners of more than fifty percent (50%) of the 110 parcels within the proposed Special Assessment District object in writing to the proposed public improvement, the City shall not make the improvement without a four-fifths (4/5) vote of the Members of the City Council then serving in office.

The motion carried by the following vote:

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

**Absent:** Hooper

**2006-0657**

Adoption of 2006 Millage Rates/Levy for the Fiscal Year 2007 Proposed Budget

**Attachments:** Agenda Summary.pdf; Public Hearing Notice.pdf; 0657 Resolution.pdf

President Rosen **Opened the Public Hearing at 8:23 p.m.**

There being no Public Comment, President Rosen **Closed the Public Hearing at 8:24 p.m.**

**Mr. Ambrozaitis** questioned how the General Charter Levy millage rate was reached.

**Ms. Julie Jenuwine**, Director of Finance, explained that there were various factors including a 1/10th reduction in the Fire Department Millage, as well as the Headlee rollback of various other millages, an increase due to the voter-approved RARA Millage and the Drain Maintenance Millage being moved to the General Charter Levy.

**Mr. Ambrozaitis** stressed that the reduction in the Fire Department Levy is primarily the reason the City's General Charter Levy did not increase substantially. He further noted that he could not approve the Millage Rates as he did not approve of the dedicated millage process as dictated by the City's Charter, noting specifically that the Fire Department has enough money to lower its levy, while police services are under funded.

**Mayor Barnett** reminded Council that all of the dedicated millages were passed by a vote of the people. He further indicated that, outside of voter approved millages, the City has not raised taxes in eight years, while maintaining the third lowest millage rate in Oakland County.

**Mr. Duistermars** stressed that Council members swear an oath to uphold the City Charter and if a Council member opposes any aspect of the Charter he or she must follow specific processes to change the Charter, rather than voting against millage rates that adhere to the process.

**Ms. Holder** suggested that the larger discussion regarding changes to the City Charter should take place at the next joint meeting of Council's Communication Committees.

**Mr. Duistermars** asked the City's Attorney whether the tax structure within the Charter could be changed via a Charter amendment.

**City Attorney John Staran** noted that such a drastic change to the City Charter would likely require the election of a Charter Commission as well as voter approval to open the Charter.

**President Rosen** stated that Council would discuss scheduling a joint Communications Committee meeting under "Any Other Business."

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

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 2, 2006 meeting City Council acknowledged receipt from the Mayor of the Proposed 2007 Budget Plan and set a Public Hearing to be held September 20, 2006 at 7:30 p.m. to hear comments on the proposed budget plan; and

Whereas, at its September 6, 2006 meeting City Council held said Public Hearing on the proposed millage rates.

Now, Therefore, Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millages Limitation, to be levied in December 2006 to provide the tax revenues included in the 2007 Budget:

City General	3.7220 Mills
Fire Fund	1.8000 Mills
Special Police I	0.7823 Mills
Special Police II	0.4260 Mills
R.A.R.A.	0.1950 Mills
Older Persons Operating Millage	0.2403 Mills
Older Persons Transportation	0.0891 Mills
Library Operating	0.7823 Mills
Open Space	0.2972 Mills
Drain Debt Fund	0.6055 Mills
General Obligation Refunding Bond – (GORB) series 1998	0.0501 Mills
General Obligation 2002 Refunding Bond – (GORB) series 2002	0.3292 Mills
Older Persons Building Bond	0.2012 Mills
<b>Total City Millages</b>	<b>9.5202 Mills</b>

per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and further, Special Lighting (Christian Hills) be levied at the rate of \$12.04 per lot or description; and

Be It Further Resolved that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2006 Tax Rolls.

Be It Further Resolved that the City Council hereby adopts the following proposed tax rate in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millages Limitation, to be levied in December 2006 to provide the tax revenues included in the 2007 Proposed Budget pending voter approval on November 7, 2006:

Pathways 0.1858 Mills

for a revised Total City Millage Rate to be levied of **9.7060 Mills**

The motion carried by the following vote:

**Aye:** Duistermars, Holder, Raschke, Rosen and Yalamanchi

**Nay:** Ambrozaitis

**Absent:** Hooper

**Enactment No:** RES0298-2006

**2006-0597**

Request to Establish an Industrial Development District by Energy Conversion Devices for 2923 Technology Drive

**Attachments:** Agenda Summary; Map.pdf; 081606 Agenda Summary.pdf; 081606 Set Public Hearing Resolution.pdf; Public Hearing Notice.pdf; 0597 Resolution.pdf

**Mr. Dan Casey**, Manager of Economic Development, noted the following information regarding the request before Council:

- There is a good possibility of expansion in Rochester Hills for Energy Conversion Devices (ECD) in the future, as one of their subsidiaries has been expanding substantially in Michigan.

- ECD will lease a 50,000 square foot building for five years with a five-year renewal option.

- Forty (40) existing Rochester Hills' jobs will be retained with the intention of creating 28 new positions within the first two years.

- The minimum investment will be \$1 million dollars, with a maximum investment of \$2.43 million within two years.

- ECD is requesting an eight (8) year tax abatement for real and personal property for the expansion.

- This abatement would not impact existing taxes on the building.

**Mr. Paul Ryznar**, Vice President of Manufacturing for Energy Conversion Devices, 2956 Waterview Drive, provided the following information regarding ECD:

- Measures their capacity in mega watts of power produced.
- Currently produces 25 mega watts of power but expects that to grow to 300 mega watts of capacity by the year 2010, resulting in an 86% compounded annual growth rate per year.
- Expects to spend about \$500,000 dollars for real property and \$500,000 for personal property for this proposed project.
- Operates a number of different locations in Oakland County and expects to continue growing.
- Is considering placing a future assembly plant in Rochester Hills next to their corporate headquarters.

**Ms. Christine Oeder**, Account Manager for the Michigan Economic Development Corporation (MEDC), 300 North Washington Square, Lansing, spoke in support of ECD's request.

**Mr. Casey** noted that the financial analysis included in Council's packet of information indicated that the City's portion of the new taxes generated by this project will be just under \$5,000 per year beginning with the next year and then declining somewhat thereafter as personal property depreciates. He further noted that the Tax Abatement Committee reviewed ECD's application and found it to be consistent with City Council's Tax Abatement Policy.

President Rosen **Opened the Public Hearing at 8:52 p.m.**

There being no Public Comment, President Rosen **Closed the Public Hearing at 8:53 p.m.**

**Mr. Yalamanchi** asked Mr. Ryznar what type of jobs would be created by this project.

**Mr. Ryznar** noted that they would be high-tech jobs requiring a scientific and engineering background. He stressed the need for "good, hands-on technical abilities" and noted that the company would provide different training programs to prepare new employees.

Council members thanked Mr. Ryznar for locating and expanding in Rochester Hills.

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

**Whereas, Joel Nosanchuk, as owner of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, has filed a request with the City of Rochester Hills City Council for the establishment of an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended; and**

**Whereas, the proposed industrial development district is that property located at 2923 Technology Drive, Rochester Hills, Michigan, more particularly described as:**

**The south 133 feet of Lot 33 and the north 142 feet of Lot 34, "Rochester Hills Executive Park" as recorded in Liber 199, Pages 26-30, Oakland County Public Records. Lying in the southwest ¼ of Section 29, and the southeast ¼ of Section 30, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan. Containing 132,000 square feet, or 3.03 acres.**

Whereas, the Rochester Hills City Council held a public hearing regarding this request at the Regular Meeting of September 6, 2006 at 7:30 p.m. in the Council Chambers, at 1000 Rochester Hills Drive, Rochester Hills, Michigan, during which the owner of the property and all interested parties were given the opportunity to be heard; and

Whereas, the establishment of an Industrial Development District is consistent with City objectives for industrial development and the creation of new employment opportunities.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council determines that the levies of ad valorem taxes are at a rate, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Rochester Hills, equals or exceeds \$30.00 for each \$1,000.00 of taxable value, and therefore is eligible for designation as an Industrial Development District pursuant to said Act; and

Be It Further Resolved that the above listed legal description is hereby designated as an Industrial Development District.

The motion carried by the following vote:

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

**Absent:** Hooper

**Enactment No:** RES0299-2006

**2006-0596**

Request for an Industrial Facilities Exemption Certificate by Energy Conversion Devices for Real and Personal Property located at 2923 Technology Drive

**Attachments:** Agenda Summary.pdf; Updated Application.pdf; Financial Analysis-Real Personal.pdf; Development Agmnt.pdf; Map.pdf; Public Hearing Notice.pdf; 081606 Agenda Summary.pdf; Original Application.pdf; 081606 Resolution Set Public Hearing.pdf; 0596 Resolution.p

*President Rosen **Opened the Public Hearing at 8:53 p.m.***

*There being no Public Comment, President Rosen **Closed the Public Hearing at 8:54 p.m.***

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

Whereas, Energy Conversion Devices, Inc., as owners of certain personal property and leasee of certain real property in the City of Rochester Hills, Oakland County, Michigan, are located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended; and

Whereas, the Industrial Development District is that property located at 2923 Technology Drive, Rochester Hills, Michigan, more particularly described as follows:

The south 133 feet of Lot 33 and the north 142 feet of Lot 34, "Rochester Hills Executive Park" as recorded in Liber 199, Pages 26-30, Oakland County Public Records. Lying in the southwest ¼ of Section 29, and the southeast ¼ of Section 30, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan. Containing 132,000 square feet, or 3.03 acres.

Whereas, Energy Conversion Devices, Inc. has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation; and

Whereas, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Now, Therefore, Be It Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Energy Conversion Devices, Inc. for an Industrial Facilities Exemption Certificate for a period of eight (8) years for real and personal property; and

Be It Further Resolved that the accompanying Development Agreement between Energy Conversion Devices, Inc. and the City of Rochester Hills is hereby approved after review by the City Attorney as to form, and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution.

The motion carried by the following vote:

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

**Absent:** Hooper

**Enactment No:** RES0300-2006

**(Recess 9:01 p.m. - 9:06 p.m.)**

## APPOINTMENTS

2006-0662

Appointment of City of Rochester Hills Representatives to the Regional Library Study Committee

**Attachments:** Agenda Summary.pdf; 0662 Resolution.pdf

***President Rosen and Mr. Yalamanchi both expressed a desire to serve on this committee.***

**A motion was made by Ambrozaitis, seconded by Duistermars, that this matter**

be Adopted by Resolution.

Resolved that the Rochester Hills City Council appoints City Council Members James Rosen and Ravi Yalamanchi to serve as Rochester Hills representatives on the Regional Library Study Committee; and

Be It Further Resolved that City Council confirms the Mayor's Appointment of Kurt Dawson as the Administrative representative for the City of Rochester Hills to the Regional Library Study Committee.

The motion carried by the following vote:

**Aye:** Ambrozaitis, Duisternars, Holder, Raschke, Rosen and Yalamanchi

**Absent:** Hooper

**Enactment No:** RES0301-2006

## NEW BUSINESS

**2006-0632** Consideration of Proposed Road Vacation - The 20-foot wide alley North of Auburn Road between Dequindre Road and Hessel Avenue; Erich D. Becker and Peter C. Clauw, applicants

**Attachments:** Agenda Summary - Updated.pdf; Engineering Report.pdf; Legal Description.pdf; Area Map.pdf; 0632 Application (Becker).pdf; Application (Clauw).pdf; Application (C&F Invt).pdf; Ordinance.pdf; 082906 Memo M. Matich.pdf; 0632 Resolution.pdf; Request to withdr

**Removed from Agenda**

**2006-0641** Request for Purchase Authorization - DPS: Wetland and Environmental Consulting Services, blanket purchase order in the amount not to exceed \$222,500; ASTI Environmental, Brighton, Michigan

**Attachments:** Agenda Summary.pdf; Proposal Tabulation.pdf; 0641 Resolution.pdf

***Mr. Ambrozaitis*** questioned whether this environmental consulting firm had been used by the City in the past.

***Mr. Roger Rousse***, Director of DPS/Engineering, noted that the firm had been used previously and that this particular blanket purchase order had gone through the City's bid process.

***Mr. Yalamanchi***, noting that he had no objection to this purchase, asked if multi-year contracts are tracked for budgetary purposes and whether that information could be provided to City Council.

***Mayor Barnett*** confirmed that the information would be made available to the City Council.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to ASTI Environmental of Brighton, Michigan, for wetland and environmental consulting services in the amount not-to-exceed \$222,500 through September 1, 2007; and

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

The motion carried by the following vote:

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

**Absent:** Hooper

**Enactment No:** RES0302-2006

**2006-0663**

Approval of 2006-2007 Youth Council (RHGYC) Projects

**Attachments:** Agenda Summary.pdf; 0663 Resolution.pdf

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

**Resolved that the Rochester Hills City Council approves the following projects for selection by the 2006-2007 Rochester Hills Government Youth Council:**

- \* **Enhance and Develop Communication with Youth in the Community**
  - **Utilize various communication tools to better connect Youth to Council, Youth to Youth and Youth to Government and Schools**
- \* **Research options of providing possible internships or after school projects for Youth at City Hall**
- \* **Pathway Connectivity:**
  - **How does the youth use the pathways in the community**
  - **What is lacking in the system from the youth's perspective**
  - **What areas from the youth perspective are important**
  - **Educate residents regarding the upcoming Pathway Millage**
- \* **Locate and develop funding options and opportunities for projects**
- \* **Develop budget for Youth projects**
- \* **Youth Activities and Facilities:**
  - **What recreational activities and/or facilities do the youth use**
  - **What recreational activities and/or facilities would youth like to see**
  - **Where is the community lacking in providing youth activities**
- \* **Youth participation in Festival of the Hills**
- \* **False Alarm Ordinance - how to educate the public**
- \* **Work with the MML to create a better Youth Program for MML Legislative Day**
- \* **Host a Regional Youth Summit**
- \* **Establish a Voter Registration/Election Information Program in the high schools**
- \* **Create a Video regarding all aspects of the RHGYC**
- \* **Rochester Hills Public Library use by youth and how it can be enhanced**



- \* **Community Beautification**
- \* **Development of City Hall Commons Area**
- \* **City Hall - Front Pond Rehabilitation - CIP Project #SW-09**
- \* **Education program regarding the dangers of Internet usage by teenagers**

**The motion carried by the following vote:**

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

**Absent:** Hooper

**Enactment No:** RES0303-2006

## **COUNCIL COMMITTEE REPORTS**

*Council came to a consensus to hold a joint meeting of the Community Development & Viability Committee, the Financial Services Committee, and the Public Safety Committee on Wednesday, September 27, 2006 at 6:30 p.m. in the auditorium. It was further noted that the meeting would be held at the back of the Auditorium and would not be televised.*

## **ANY OTHER BUSINESS**

***Mayor Barnett** provided an update on the progress of the Tienken Road Bridge project. He assured Council that, in spite of recent rumors, the bridge had not collapsed, but rather there was a problem with a pipe that runs under the road. He noted that the project is behind schedule, however, he stressed that it is not a result of anything the City has done. He stated there was a tentative completion date estimated to be mid-November, but he indicated he would have a more definite date by the end of the week.*

***Ms. Raschke**, noting that this project is in her district, asked that the City attempt to communicate better with businesses and residents regarding this project as a means of eliminating baseless rumors. She further asked for assistance for the condominium residents in that area, as drivers are using their entrance/exits to turnaround when they come to the closed road.*

## **NEXT MEETING DATE**

*Regular Meeting - Wednesday, September 20, 2006 at 7:30 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Rosen adjourned the meeting at 9:25 p.m.*

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*JAMES ROSEN, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*MARGARET A. MANZ  
Administrative Secretary  
City Clerk's Office*

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