

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Monday, December 1, 2003 at 7:30 p.m.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.

2. ROLL CALL

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

Absent: None

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Roger Rouse, Director of DPS/Engineering

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated November 25, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0001-2003-R0435

MOTION by Barnett, seconded by Holder,

Resolved, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of December 1, 2003 as presented.

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

Nays: None

Absent: None

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton expressed his hope that everyone had a happy and safe Thanksgiving.

6. MAYOR'S REPORT

Mayor Somerville noted that there is a lot of solicitation for charities during the holiday season and cautioned residents to “give wisely.” She listed some suggestions for avoiding fraud:

- Be sure to investigate any organization thoroughly.
- Legitimate charities will send you financial information regarding their organization.
- Do not be pressured into giving to any organization.
- Do not give confidential financial information to unknown solicitors.
- When donating, write a check to the charity itself, not to an individual.
- Beware of similar names that may be misleading.
- National charities can be investigated at www.give.org.
- Local charities can be investigated at www.grandrapids.bbb.org.

7. COUNCIL COMMENTS

Mr. Robbins encouraged residents to give to a local charity called Holiday Helpers of Rochester Hills, noting that they can be reached at www.justlendahand.com.

Mayor Somerville described the “giving tree” located in City Hall that provides names of needy children and their gift requests.

Ms. Raschke noted she is on the Board of Holiday Helpers of Rochester Hills and thanked Mr. Robbins for bringing it to residents’ attention. She also mentioned the Rochester Adams High School Division 2 Football Team’s recent championship game held the previous Friday.

President Dalton stated that the team would be attending the first Council meeting in January where they will be honored by City Council.

Mr. Duistermars also encouraged residents to give to Holiday Helpers of Rochester Hills and to volunteer their time as well.

Mr. Barnett congratulated the Rochester Adams football team for their victory.

Ms. Holder noted that the football team would be walking in the upcoming holiday parade. She then reminded her fellow Council members that she would be attending the National League of Cities Conference in Nashville next week and, thus, would not be attending the Wednesday, December 10th Council meeting.

8. ATTORNEY’S REPORT

Attorney Staran had nothing to report.

- 9. CONSENT AGENDA** (All matters listed 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 the Consent Agenda for separate discussion.)

Approved by a single motion Items **9a**, **9b**, and **9c** from the Consent Agenda.

- 9a. Naming of City Depositories for Fiscal Year 2004** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 17, 2003 from Kurt Dawson, Assessor/Treasurer, with attachments)

Resolution A0001-2003-R0435

MOTION by Barnett, seconded by Holder,

Resolved, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of December 1, 2003 as presented.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

9b. Confirmation of Mayor's Appointments

- 9b.i** Board of Review – Reappointment of Patricia Gallagher, Robert H. Gauthier, and Tushar R. Oza to three-year terms expiring on December 31, 2006 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 17, 2003 from Pam Olson, Departmental Assistant, with attachments)

Resolution A0502-2003-R0437

MOTION by Duistermars, seconded by Raschke,

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Robert Gauthier and Patricia Gallagher and the appointment of Tushar Oza to the Board of Review each for a three-year term, which will expire 12/31/2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

- 9b.ii** Construction Board of Appeals and Fire Prevention Board of Appeals – Reappointment of Allen Decker and Donald Swanson to three-year terms expiring on December 31, 2006 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 17, 2003 from Pam Olson, Departmental Assistant, with attachments)

Resolution A0505-2003-R0438

MOTION by Duistermars, seconded by Raschke,

Resolved that the Rochester Hills City Council hereby conforms the Mayor's reappointment of Donald Swanson and Allen Decker to the Construction Board of Appeals and Fire Prevention Board of Appeals each for a three-year term, which will expire 12/31/2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

- 9c.** **Request for Purchase Authorization** - FIRE/COMMUNICATIONS: Alpha Paging Services and Hardware, blanket purchase order not-to-exceed \$36,000.00; Verizon Wireless Messaging Service, Lewisville, TX (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Vince Foisy, Supervisor of Communication Systems, with attachments)

Resolution A0755–2003–R0439

MOTION by Duistermars, seconded by Raschke,

Resolved that the Rochester Hills City Council approves the Blanket Purchase Order for Verizon Wireless Messaging Service for an amount not to exceed \$36,000.00 through November 30, 2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

10. **PUBLIC COMMENTS**²

Ms. Cecilia Strine, 2962 Mohawk Lane, thanked Council for their stand on leaf burning and the changes to the ordinance. She questioned the lack of dissemination of information on the issue through various City methods including inserts with water bills, the *Hills Herald*, the City Website and Channel 55.

Ms. Pat Turner, 2407 Culbertson, asked Council for cooperation in organizing workshops to educate residents on alternative methods for leaf disposal. She mentioned the grassroots organization FRESH and asked interested parties to contact them at rhfresh@aol.com.

Mayor Somerville stated that she encourages such workshops and requested information from FRESH to be placed on Channel 55. She described a leaf-grinding machine for a cost of less than \$200.

Mr. Robert McCall, 2763 Hillendale, displayed a plastic bag of dark soil he explained was a result of composting. He also offered a catalog describing the machine the Mayor had referenced, noting that the leaves are ground down at an eleven (11) to one (1) ratio. He encouraged more education regarding alternative methods of leaf disposal.

11. LEGISLATIVE / ADMINISTRATIVE RESPONSE

President Dalton stated that Council needs to explore improved methods of disseminating the necessary information regarding the new leaf burning ordinance to residents and assisting them in adapting to the changes. He expressed his enthusiastic support for workshops.

Ms. Holder mentioned an email she received from a resident opposed to the ban on leaf burning, but who had expressed a desire to get involved at a committee level. She encouraged such involvement from individuals on either side of the issue.

12. REPORTS AND COMMUNICATIONS

12a. Election of City Council Officers

12a.i President of Council (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Susan Galeczka, City Council Liaison, with attachments)

President Dalton **opened** the floor for nominations for City Council President.

Member Robbins nominated John Dalton.
Member Raschke nominated Barbara Holder.

There being no further nominations, President Dalton **closed** the floor for nominations for City Council President.

Roll Call Vote for City Council President:

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

President Dalton announced **John Dalton** had been elected as City Council President for a term to expire December 1, 2004.

12a.ii Vice President of Council (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Susan Galeczka, City Council Liaison, with attachments)

President Dalton **opened** the floor for nominations for City Council Vice President.

Member Hill nominated Gerald Robbins.

Member Duistermars nominated Barbara Holder.

Mr. Robbins expressed his appreciation for the nomination but withdrew his name from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for City Council Vice President.

Mr. Dalton, noting there were no other nominations, announced the appointment of **Barbara Holder** as Vice President for a term to expire December 1, 2004.

12b. Appointments of City Council Members to Committees, Boards and Commissions

12b.i Council Communication Committees (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Susan Galeczka, City Council Liaison, with attachments)

12b.i.a Administration and Information Services

President Dalton stated Members Dalton, Hill and Holder had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Administration and Information Services Committee.

John Dalton, Melinda Hill and **Barbara Holder** were appointed to the Administration and Information Services Committee for terms expiring December 31, 2004.

12b.i.b Community Development and Viability

President Dalton stated Members Barnett and Duistermars had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Holder nominated Barbara Holder.

There being no further nominations, President Dalton **closed** the floor for nominations for the Community Development and Viability Committee.

Bryan Barnett, Jim Duistermars and **Barbara Holder** were appointed to the Community Development and Viability Committee for terms expiring December 31, 2004.

12b.i.c Financial Services

President Dalton stated Members Barnett, Dalton, Hill and Holder had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Holder withdrew her name from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for the Financial Services Committee.

Bryan Barnett, John Dalton and Melinda Hill were appointed to the Financial Services Committee for terms expiring December 31, 2004.

12b.i.d **Leisure Activities**

President Dalton stated Members Dalton and Duistermars had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Raschke nominated Linda Raschke.

There being no further nominations, President Dalton **closed** the floor for nominations for the Leisure Activities Committee.

John Dalton, Jim Duistermars and Linda Raschke were appointed to the Leisure Activities Committee for terms expiring December 31, 2004.

12b.i.e **Public Safety**

President Dalton stated Members Duistermars, Holder, Raschke and Robbins had expressed an interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Holder withdrew her name from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for the Public Safety Committee.

Jim Duistermars, Linda Raschke and Gerald Robbins were appointed to the Public Safety Committee for terms expiring December 31, 2004.

12b.ii **Council Committees – Strategic Planning** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Susan Galeczka, City Council Liaison, with attachments)

President Dalton stated Members Barnett, Hill and Holder had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Strategic Planning Committee.

Bryan Barnett, Melinda Hill and Barbara Holder were appointed to the Strategic Planning Committee for terms expiring December 1, 2004.

12b.iii **Boards and Commissions** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Susan Galeczka, City Council Liaison, with attachments)

President Dalton noted that the following Boards and Commissions received interest from the necessary number of Council members. He opened the floor for nominations. Only the Planning Commission had more interested members than positions available, thus, a vote was necessary. The following appointments were made:

12b.iii.1 **John Dalton** to **Avondale Youth Assistance** for a term to expire December 1, 2004.

12b.iii.2 **Melinda Hill** to the **Museum Board** for a term to expire December 1, 2004.

12b.iii.3 **Planning Commission**

President Dalton stated Members Hill and Duistermars had expressed an interest in serving on the Planning Commission, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Planning Commission.

Roll Call Vote for Planning Commission:

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

Melinda Hill was elected to serve on the Planning Commission for a term to expire December 1, 2004.

12b.iii.4 **Melinda Hill** to **Rochester-Avon Youth Assistance** for a term to expire December 1, 2004.

12b.iii.5 **Bryan Barnett** to the **Rochester/Auburn Community Coalition** for a term to expire December 1, 2004.

12b.iii.6 **Bryan Barnett** to **Rochester-Avon Youth Recreation Authority (RARA)** for a term to expire December 1, 2004.

12b.iii.7 **Melinda Hill** to a two-year term on **SEMCOG**, term to expire December 7, 2005.

12b.iii.8 **Bryan Barnett, Barbara Holder and Linda Raschke** to the **Sister City Committee-Rochester** for terms to expire December 1, 2004.

12b.iii.9 John Dalton and Barbara Holder to Southeast Oakland County Resource Recovery Authority (SOCRRA) for terms to expire December 1, 2004.

President Dalton noted that the following Boards and Commissions received interest from more Council members than necessary.

12b.iii.a Advisory Traffic & Safety Board

President Dalton stated Members Duistermars, Raschke and Robbins had expressed interest in serving on this Board, and **opened** the floor for additional nominations.

Members Duistermars and Robbins withdrew their names from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for the Advisory Traffic & Safety Board.

Linda Raschke was appointed to the **Advisory Traffic & Safety Board** for a term to expire December 1, 2004.

12b.iii.b Brownfield Redevelopment Authority

President Dalton stated Members Duistermars and Robbins had expressed interest in serving on this Board, and **opened** the floor for additional nominations.

Member Duistermars withdrew his name from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for the Brownfield Redevelopment Authority.

Gerald Robbins was appointed to the **Brownfield Redevelopment Authority** for a term to expire December 1, 2004.

12b.iii.c Older Persons Commission

President Dalton stated Members Barnett, Dalton, Hill and Raschke had expressed interest in serving on this Commission, and **opened** the floor for additional nominations.

Member Dalton withdrew his name from consideration.

There being no further nominations, President Dalton **closed** the floor for nominations for the Older Persons Commission.

Roll Call Vote for Older Persons Commission:

Barnett: Barnett, Holder, Dalton

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

Melinda Hill and **Linda Raschke** were elected to the **Older Persons Commission** for terms to expire December 1, 2004.

12b.iii.d Zoning Board of Appeals/Sign Board of Appeals

President Dalton stated Members Duistermars and Robbins had expressed interest in serving on this Board, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Zoning Board of Appeals/Sign Board of Appeals.

Roll Call Vote for Zoning Board of Appeals/Sign Board of Appeals:

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

Gerald Robbins was elected to the **Zoning Board of Appeals/Sign Board of Appeals** for a term to expire December 1, 2004.

12b.iii.e Pine Trace Committee

President Dalton stated Member Dalton had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Robbins nominated Gerald Robbins.

There being no further nominations, President Dalton **closed** the floor for nominations for the Pine Trace Committee.

John Dalton and **Gerald Robbins** were appointed to the **Pine Trace Committee** for terms to expire December 1, 2004.

12b.iii.f Police School Liaison Steering Committee

President Dalton stated no Council members had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Holder nominated Barbara Holder.

There being no further nominations, President Dalton **closed** the floor for nominations for the Police School Liaison Steering Committee.

Barbara Holder was appointed to the **Police School Liaison Steering Committee** for a term to expire December 1, 2004.

12b.iii.g Sister City Committee/Auburn Hills

President Dalton stated Members Dalton and Holder had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Barnett nominated Bryan Barnett.

There being no further nominations, President Dalton **closed** the floor for nominations for the Sister City Committee/Auburn Hills.

Bryan Barnett, John Dalton and **Barbara Holder** were appointed to the **Sister City Committee/Auburn Hills** for terms to expire December 1, 2004.

12b.iii.h Trailways Committee

President Dalton stated Member Raschke had expressed interest in serving as Delegate on this Committee, and **opened** the floor for additional nominations.

Member Holder nominated Barbara Holder as Alternate.

There being no further nominations, President Dalton **closed** the floor for nominations for the Trailways Committee.

Linda Raschke was appointed as the Delegate and **Barbara Holder** as the Alternate to the **Trailways Committee**, for terms to expire December 1, 2004.

12b.iv Reaffirmation of the appointments to the Administrative / Technical Review Committees (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 25, 2003 from Susan Galeczka, City Council Liaison, with attachments)

12b.iv.a DPS Facility Committee

12b.iv.b Technical Review Zoning Rewrite Committee

Resolution A0528-2002-R0440

MOTION by Duistermars, seconded by Robbins,

Resolved that the Rochester Hills City Council hereby reaffirms the appointment of City Council Members to the following Administrative/Technical Review Committees:

1. Members **Bryan Barnett** and **Barbara Holder** to the **DPS Facility Committee**.
2. Members **John Dalton** and **Melinda Hill** to the **Technical Review Zoning Rewrite Committee**.

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

Nays: None

Absent: None

MOTION CARRIED

12c. Nominations/Appointments of Citizen Representatives to Committees, Boards and Commissions

12c.i Council Communication Committees

12c.i.a Administration & Information Services (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated that no one had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Hill stated that she had just returned from vacation and had not yet made inquiries to prospective nominees and requested a postponement of this nomination.

12c.i.b Community Development & Viability (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Frank Cosenza** had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Community Development & Viability Committee.

Resolution A0531-2003-R0441

MOTION by Barnett, seconded by Hill,

Resolved that the Rochester Hills City Council appoints Frank Cosenza as a Citizen Representative on the Community Development & Viability Committee to serve one (1) three-year term ending December 31, 2006.

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

Nays: None
Absent: None

MOTION CARRIED

12c.i.c Financial Services (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated that no one had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

Member Hill again requested a postponement to allow her time to contact potential nominees.

12c.i.d Leisure Activities (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Steven Swann** had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Leisure Activities Committee.

Resolution A0533-2003-R0442

MOTION by Robbins, seconded by Duistermars,

Resolved that the Rochester Hills City Council appoints Steven Swann as a Citizen Representative on the Leisure Activities Committee to serve one (1) three-year term ending December 31, 2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

12c.i.e Public Safety (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 24, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Louis Eble** had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Public Safety Committee.

Resolution A0534-2003-R0443

MOTION by Duistermars, seconded by Robbins,

Resolved that the Rochester Hills City Council appoints Louis Eble as a Citizen Representative on the Public Safety Committee to serve one (1) three-year term ending December 31, 2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

12c.ii **Boards and Commissions**

12c.ii.a **Brownfield Redevelopment Authority** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Greg Hooper** had expressed interest in serving on this Committee, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Brownfield Redevelopment Authority.

Resolution A0535-2003-R0444

MOTION by Barnett, seconded by Hill,

Resolved that the Rochester Hills City Council appoints Greg Hooper to serve as a Planning Commission Member to the Brownfield Redevelopment Authority for a one-year term ending December 1, 2004.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

12c.ii.b **Building Authority Commission** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Johannes Buiteweg** had expressed interest in serving on this Commission, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Building Authority Commission.

Resolution A0503-2003-R0445

MOTION by Barnett, seconded by Raschke,

Resolved that the Rochester Hills City Council appoints Johannes Buiteweg as a Member on the Building Authority Commission to serve one (1) six-year term ending December 31, 2009.

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

Nays: None

Absent: None

MOTION CARRIED

12c.ii.c Canvassing Board (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Don Barlow** and **John Garfield** had expressed interest in serving on this board, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Canvassing Board.

Mr. Robbins questioned whether State Representative John Garfield's position as an elected official would present a conflict of interest as a member of the Canvassing Board.

Mr. Staran stated that Mr. Garfield would not be "in a position" to certify his own election, however, he was unable to answer whether holding elected office disqualified Mr. Garfield from serving on the Canvassing Board.

President Dalton, noting that there is no election scheduled before the next Council meeting, suggested that this appointment be postponed until then to allow Mr. Staran time to research the matter further.

12c.ii.d Historic Districts Commission (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Lyn Sieffert** and **Micheal Kilpatrick** had expressed interest in serving on this commission, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Historic Districts Commission.

Resolution A0508-2003-R0446

MOTION by Hill, seconded by Raschke,

Resolved that the Rochester Hills City Council appoints Lyn Sieffert and Micheal Kilpatrick as Members on the Historic Districts Commission, each to serve a three-year term ending December 31, 2006.

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

Nays: None

Absent: None

MOTION CARRIED

12c.ii.e Historic Districts Study Committee (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **LaVere Webster** and **Pamela Whateley** had expressed interest in serving on the Historic Districts Study Committee and **Richard Stamps**, as a Historic Districts Commissioner, had expressed interest in serving on the Historic Districts Study Committee. President Dalton then **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for this committee.

Ms. Hill indicated that **Ms. Raschke**'s election to Council results in a vacancy on this committee and requested that the issue be brought forward at the first Council meeting in January.

Resolution A0509-2003-R0447

MOTION by Hill, seconded by Raschke,

Resolved that the Rochester Hills City Council appoints LaVere Webster and Pamela Whateley as Members of the Historic Districts Study Committee, each to serve a two-year term ending December 31, 2005.

Be It Further Resolved that Council appoints Richard Stamps to serve as a Historic Districts Commission Member to the Historic Districts Study Committee for a two-year term ending December 31, 2005.

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

Nays: None

Absent: None

MOTION CARRIED

- 12c.ii.f Rochester-Avon Recreation Authority** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Denise Mertz, Departmental Assistant, with attachments)

President Dalton stated **Mark Woliung** had expressed interest in serving on this Commission, and **opened** the floor for additional nominations.

There being no further nominations, President Dalton **closed** the floor for nominations for the Rochester-Avon Recreation Authority.

Resolution A0517-2003-R0448

MOTION by Barnett, seconded by Robbins,

Resolved that the Rochester Hills City Council appoints Mark Woliung as a Member on the Rochester-Avon Recreation Authority, to serve one (1) three-year term ending December 31, 2006.

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

Nays: None

Absent: None

MOTION CARRIED

- 12d. Adoption of City Council 2004 Meeting Schedule** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 21, 2003 from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0754–2003–R0449

MOTION by Robbins, seconded by Barnett,

Resolved, that the Rochester Hills City Council establishes the Year 2004 Regular Meeting Schedule for City Council as follows

<u>Regular Meetings</u>	<u>Work Sessions</u>
January 7, 21	January 28
February 4, 18	February 25
March 3, 17	March 24

<u>Regular Meetings</u>	<u>Work Sessions</u>
April 7, 21	April 28
May 5, 19	May 26
June 2, 16	June 23
July 7, 21	July 28
August 4, 18	August 25
September 1, 15	September 22
October 6, 20	October 27
November 3, 17	
December 1, 8	

Further Resolved, that the Rochester Hills City Council Meetings will be begin at 7:30 PM, Michigan Time and will be held at the following locations:

- 1700 W. Hamlin Road, Rochester Hills, Michigan for the month of January 2004,
- 1000 Rochester Hills Drive, Rochester Hills, Michigan beginning with February 2004 through December 2004.

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

Nays: None

Absent: None

MOTION CARRIED

(Recess 8:42 p.m. – 8:56 p.m.)

13. ADMINISTRATION

- 13a. Approval of the Concept** of a Cost Share Agreement for District 21 Sanitary Sewer between the City of Rochester Hills and W. G. Gilbert, Inc. (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 17, 2003 from Kim Murphey, Administrative Coordinator, with attachments)

Mr. Rousse briefly explained that the City engineers had evaluated the situation and determined that the City would save approximately \$150,000 by allowing the developer to install the sanitary sewer in this development and then the City would reimbursement them for the work.

Ms. Hill concurred with the agreement, however, she suggested that the water main be placed beneath the road to prevent the removal of approximately 170 trees.

Mr. Rousse explained that the placement of the sewer outside the travel portion of the road is for maintenance purposes, thus avoiding blocked traffic during any required maintenance. He stated he was willing to return to the developer to explore other options for saving the existing trees.

Mr. Duistermars questioned whether the eventual paving of the road would result in the loss of those trees.

Mr. Rousse noted that that was not necessarily the case.

Mr. Barnett clarified that the resolution before Council was for approval of the *concept* of the cost sharing agreement and, thus, there would be an opportunity to examine and consider alternatives to the “nuts and bolts” of the agreement.

Ms. Hill requested that the maker and seconder of the motion include a provision in the resolution to make an effort to preserve as many existing trees as possible.

Resolution A0745–2003–R0450

MOTION by Barnett, seconded by Holder,

Resolved, that the Rochester Hills City Council approves the concept of a Cost Share Agreement for District 21 Sanitary Sewer between the City of Rochester Hills and W. G. Gilbert, Inc., and allows city staff to work with John Staran, City Attorney, to formulate an agreement.

Be it Further Resolved, that the DPS/Engineering Department shall examine and consider alternative plans in an effort to maintain the maximum number of existing trees.

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

Nays: None

Absent: None

MOTION CARRIED

- 13b.** Request for Purchase Authorization – DPS: Calcium Chloride Applications to control dust on gravel roads, increase in blanket purchase order in the amount of \$104,000.00 for a new not-to-exceed total of \$254,000.00; South Huron Industrial, Inc., Flat Rock, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated October 28, 2003 from Julie Hamilton, Purchasing Analyst, with attachments)

Ms. Hill, comparing the cost of calcium chloride applications in previous years, questioned the cost increase, noting that with the paving of gravel roads, the cost should be reducing instead of increasing.

Mr. Rousse explained that the materials costs had increased approximately fifteen percent (15%) over the past three (3) years and, due to complaints from residents, the process was changed from a two (2) pass application to a three (3) pass application for better coverage and reduction of dust.

Ms. Hill stated that she felt the City should return to a two (2) pass process, noting that three (3) passes results in increased staff time as well as materials. She supported a return to the original policy.

Mr. Barnett indicated that this is a policy issue and suggested adding it to the Community Development & Viability (CDV) Committee agenda for review.

Mayor Somerville suggested that the CDV Committee, in addition to examining this issue, determine the actual number of dirt roads in the City.

Resolution A0310–2003–R0451

MOTION by Holder, seconded by Barnett,

Resolved that the Rochester Hills City Council directs the Community Development and Viability (CDV) Committee to examine the processes and costs related to the application of Calcium Chloride to City roads, specifically examining the increase from 1,000 gallons to 1,500 gallons per mile.

Be it Further Resolved, that the CDV Committee shall determine the actual number of unpaved City roads.

Ayes: Dalton, Barnett, Hill, Holder, Raschke

Nays: Duistermars, Robbins

Absent: None

MOTION CARRIED

- 13c. Request for Purchase Authorization - DPS:** Water Meters and Equipment, amendment to blanket purchase order in the amount of \$200,000.00 for a new not-to-exceed total of \$520,000.00; Etna Supply Company, Grand Rapids, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 12, 2003 from Julie Hamilton, Purchasing Analyst, with attachments)

Resolution A0406–2003–R0452

MOTION by Hill, seconded by Barnett,

Whereas, due to propriety software associated with electronic meter reading, Etna Supply Company is the sole source supplier of the City's water meters and equipment, and

Whereas, after conducting a market survey, a two-year pricing agreement for 2003 and 2004 has been negotiated with Etna Supply Company in the best interest of the City, and

Whereas, the original blanket amount was established with only an estimated budget for 2004.

Now Therefore Be It Resolved that the Rochester Hills City Council increase the blanket purchase order to Etna Supply Company of Grand Rapids, Michigan to a new not-to-exceed amount of \$520,000 through August 31, 2004 for Water Meters and Equipment.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke, Robbins
Nays: None
Absent: None

MOTION CARRIED

14. COUNCIL COMMITTEE REPORTS

Council members had nothing to report.

15. UNFINISHED BUSINESS

15a. Request for new Dance-Entertainment Permit to be held in conjunction with a new Club License to be located at 525 W. Auburn Road, Rochester Hills, MI; American Albanian Club, Applicant (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated November 26, 2003 from Susan Galeczka, City Council Liaison, with attachments)

15a.i Reconsideration of Resolution No 2003-A0711-R0433

Resolution A0711–2003–R0453

MOTION by Robbins,

Resolved to **RECONSIDER** A0711–2003–R0433 to accept the Dance Entertainment Permit Agreement between the City of Rochester Hills and the American Albanian Club, to include the following sixteen (16) conditions as listed on a letter from The Joseph Dedvukaj Firm, P.C., Southfield, Michigan, dated received by City Council September 12, 2003.

ROLL CALL VOTE:

Ayes: Dalton, Barnett, Duistermars, Hill
Nays: Holder, Raschke, Robbins
Absent: None

MOTION CARRIED

15a.ii Acceptance of Approval of Dance Permit Agreement

Mr. Joseph Dedvukaj, 26555 Evergreen Road, Southfield, Michigan, representing St. Paul Albanian Catholic Church as its attorney and a parishioner, noted the following:

- The Church spent a great deal of money to raze the existing dilapidated building from the property, thus improving the property considerably.
- M-59 and Auburn Road make a great deal of noise, calling into question neighbors' ability to hear events occurring at the Church.
- Sixteen (16) conditions to which the Church has agreed to comply and enforce.
- The Church addressed the issues associated with the Fourth of July Festival and have corrected those issues.
- Private security guards have been hired to monitor all future events.
- Parking configuration has been improved.

He noted that residents at previous meetings had made what he and the Church considered damaging remarks and described a letter sent to some residents regarding this issue.

PUBLIC COMMENT:

Mr. Kenneth Huyghe, 2791 Walbridge, noted several of his concerns:

- Questioned the zoning of the Church land.
- Questioned whether the Club was indicated when the building permit was issued.
- Noted the discrepancy between reports of the number of parking tickets issued, citing the Police Chief's report and a report in the *Rochester Eccentric*.
- Cited information from the Michigan Liquor Control Commission (MLCC) indicating that the Church can get a liquor license without the City's dance entertainment permit.
- Noted that, although the Church indicated that the Club would only remain open until 11:00 p.m. from Monday through Friday, once the license is in place that can change to as late as 2:00 a.m.
- Questioned what the Club "gives back to the community" assuming it is tax exempt.
- Indicated that some community members who expressed their concerns at previous Council meetings "have been threatened with a civil lawsuit."

Mr. Bruce Coleman, 2910 Walbridge, described a sign that had been displayed at the entrance to the Church during construction that identified the project as a "Church and Cultural Center." He questioned how dancing, entertainment and the sale of alcohol can be included in the definition of a Cultural Center. He noted that the school should not be supported by the sale of alcohol but rather by the students' parents. He also expressed his concern for traffic flow safety issues.

Mr. Charles Hawkins, 2893 Fair Acres, noted that the parking issue has improved, but cautioned that the upcoming holiday season would be "a big test." He questioned whether the letter some residents received from the Church regarding a possible civil suit was intended to "intimidate us or scare us."

Mr. Al Harrah, 2935 Fair Acres, noted he has made noise complaints against the Church. He also mentioned the civil suit letter, describing it as a form of “threat and intimidation.” He described his search of the MLCC’s website, noting that he could find no record on line of the Club’s liquor license. He suggested that no action be taken until after the holiday season.

Ms. Sharon White, 2932 Norton Lawn, expressed her concerns regarding 1) noise, 2) excessive and intrusive lighting, 3) excessive traffic, and 4) her home being located “across from a bar.”

Mr. Gerald Ellison, 2908 Fair Acres, questioned why there is no display of support from area residents for the Club. He suggested that the issue be tabled and the situation monitored a bit longer.

Ms. Velma Walraven, 211 Shadywood Road, stressed that a liquor license and dance permit are not necessary for alcohol to be served. She noted that most of the parishioners are not residents of this community and, thus, do not pay taxes or vote and feel no obligation to this community.

Mr. Peter Gojcaj, 1605 Colony, a resident of Rochester Hills and parishioner of the Church, described how he feels the Church contributes to the community:

- Promotes good morals.
- Attracts visitors to the area.
- Increases the value of area homes.
- Parishioners participate in the local economy.

COUNCIL DISCUSSION:

President Dalton asked the City Attorney to review the zoning issue with regards to the club license.

Mr. Staran explained that a club license is approved by the State of Michigan without Council’s input, although it does require the usual police background check and building code compliance. Under Michigan law, when a club license application is made in connection with a dance entertainment permit, that permit requires City Council approval. However, the club license can be obtained without City concurrence. Currently, everything is in escrow pending a decision by the City Council.

President Dalton addressed the issue of the discrepancy in the number of tickets issued explaining that the Sheriff’s Department had not issued off-site tickets for Church attendees since August.

Mr. Staran clarified that the City Council does have the ability to impose conditions in connection to the dance permit that would include restricting the hours of operation.

Mr. Robbins indicated that when the Special Land Use permit was approved in 1999, the documentation submitted by the Church indicated buildings to include a parish, a convent and an education center. He asked Mr. Staran if the Church was now in violation of that Special Land Use agreement.

Mr. Staran stated that there were a number of plans submitted following that original request that were more detailed and that he felt the “banquet facility” in connection to the Church “probably does not tip the scale of going beyond or violating the Special Land Use approval.” However, he did suggest that if the Council disagreed with that opinion, the issue should be investigated further.

Mr. Robbins expressed his disappointment with the letter sent to neighbors threatening a civil lawsuit by the Church.

Mr. Dedvukaj stated that he felt it was necessary because people were making “false statements.” He explained that people are free to make their comments, but they cannot make “materially false statements.”

Mr. Robbins stated that when he voted to approve the Church he was approving a parish, a convent and an education hall, not a Club. He noted that the Church is surrounded by residential zoning and the use needs to be re-examined.

Mr. Duistermars noted that Planning Commission minutes do indicate a meeting place, education center, or conference room. He indicated that at some point in the process a site plan was approved that should have defined the prescribed uses for the building. He stated that, of the information presented to Council, “within reason, people would think the kitchen would be a banquet hall.”

Mr. Dedvukaj described the effort and expense that went into developing the property which included ten (10) acres of wetlands, and stressed that the Club is not open to the public like a bar or restaurant. The facility is for the use of members and their guests only.

Mr. Staran stressed that the facility itself has been approved by the City Administration. He clarified that the question, as posed by Mr. Robbins, is whether the facility now diverges from the original intended use. He also clarified the use of the term “club” in describing the facility in question, as opposed to a public bar or nightclub. He stressed that in terms of the MLCC, “club” refers to an establishment that can serve liquor but only to members and their guests. He cited a country club as a “perfect example.” He noted that liquor can now and has been served at the facility; the club license allows the Club to sell liquor to its members and their guests.

Mr. Barnett stated that he believes the Church is sincere in its agreement to abide by the sixteen (16) conditions included in the resolution for a dance entertainment permit, however, he noted that he would like to see them in practice for at least four (4) months prior to the issuance of this license.

Ms. Hill stated that the applicant has met all the requirements from the Building Department, the State, etc. She expressed her belief that the Church is making an effort to rectify the past difficulties. Her major concern, however, was the hours of operation. She indicated that she would prefer that the Club be open from 12:00 p.m. until 10:00 p.m. Monday through Thursday, with Sunday hours reduced to 9:00 p.m. She stressed to residents that if the permits were denied, the City would lose all control over these activities.

Mr. Dedvukaj explained that their original hours of operation were intended to allow for flexibility.

Ms. Holder noted that in previous documentation from the Church, it had been indicated that the Church facilities would be open to the public.

Mr. Dedvukaj clarified that the Church is open to the public, not the Club, and there is ample parking provided. He stressed that Church activities are never scheduled to coincide with Club activities.

Mr. Robbins agreed with Ms. Hill that the hours of operation should be reduced.

Mr. Dedvukaj agreed to the reduction in hours, but asked that the issue be revisited in six (6) months.

Mr. Duistermars established that noise is not an issue during normal Church activities. It is the special events, such as the Fourth of July Festival, that cause excessive noise problems.

Mr. Dedvukaj stated that the Church would likely hold their Festival at a State park in the coming year. He then discussed removing the permanent “no parking” signs from the neighboring streets and using temporary signs only when Church events called for their use.

Mr. Staran explained that to remove those signs there would have to be a decision by Council to remove the Traffic Control Orders and the signs would have to conform to Michigan standards. He explained that because these are public streets, it is not legal to prohibit only some individuals from parking on the streets.

President Dalton acknowledged that the citizens who have spoken before Council have legitimate concerns. He explained that denial of the dance entertainment permit would not result in a cessation of weddings and drinking at the Club. On the contrary, these events can continue with little control or authority from the City. He stressed that granting the permit would allow the City more oversight of the situation.

Resolution A0711–2003–R0454

MOTION by Robbins, seconded by Hill,

Whereas, the Rochester Hills City Council approves the Dance Entertainment Permit and accepts a Dance Entertainment Permit Agreement between the City of Rochester Hills and the American Albanian Club, to include the following sixteen (16) conditions as listed on a letter from The Joseph Dedvukaj Firm, P.C., Southfield, Michigan, dated received by City Council September 12, 2003:

1. The Multi-purpose Banquet Facility will be utilized during the following daily hours of operation:

Monday	12:00 p.m. to 10:00 p.m.
Tuesday	12:00 p.m. to 10:00 p.m.

Wednesday	12:00 p.m. to 10:00 p.m.
Thursday	12:00 p.m. to 10:00 p.m.
Friday	12:00 p.m. to 11:00 p.m.
Saturday	10:00 a.m. to 1:00 a.m.
Sunday	10:00 a.m. to 10:00 p.m.

2. Saint Paul's will try to have another annual festival next year on the premises with the understanding that we double the number of portajohns and control the parking situation, which unfortunately affected the neighboring properties this year. In the event that the festival becomes unworkable in 2004, Saint Paul's will move the festival to a State Park in the future years.
3. Saint Paul's will contact the neighboring residents to extend apologies for any inconvenience or difficulties they have experienced during the past several months, and to work out some logistical problems that we regret occurred during this year's Saint Paul festival.
4. To give our neighbors to the east of the property further privacy and traffic reduction we will give the homeowners the option of having a fence erected, at Saint Paul's expense, along the eastern property line to prevent individuals from using neighboring properties to come onto or off Saint Paul's premises.
5. It has been established that the Parish has adequate parking to accommodate the facility. However, during the high traffic days of the year, such as Easter, Christmas, Palm Sunday, Children's First Communion/Confirmation Mass, the Parish has agreed to provide, at its sole expense, parking guards to prevent the use of neighboring residential streets as parking areas. These guards will be posted during these peak season days to prevent access to these residential streets by Parish users.
6. Additionally, during the high traffic days of the year which we have identified such as Easter, Christmas, Palm Sunday, Children's First Communion/Confirmation Mass, and the festival, the Parish has evaluated the parking lot with the assistance of City Staff in an effort to find a parking configuration that will best utilize the space available on the premises to accommodate the unusual traffic flow at these inevitable events, and to that end, the Parish will implement the parking sequence which was devised August 21, 2003.
7. Saint Paul's Parish has eliminated the pizza parties that have been held in the Parish Banquet Facility.
8. Saint Paul's will expeditiously complete the liquor licensing and dance permit process so as to bring the consumption of alcoholic beverages within the control and supervision of the Banquet Facility manager, Jank Shkreli. As you know, Saint Paul's has already completed the necessary structural and mechanical improvements to the Banquet Facility to comply with the use code change.

9. Saint Paul's has agreed to provide volunteer guards during the use of the Banquet Facility to supervise the users, and the consumption of alcoholic beverages.
10. After every event the property will be inspected for any trash or garbage that may be generated by the use of the Facility so as to minimize trash blowing onto neighboring properties.
11. Saint Paul's has also agreed to send letters to neighboring property owners, in advance of peak season events, to remind them of these events we have identified as being seasonal peak usage of the property and to provide them with contact information should users of Saint Paul's property violate the rules Saint Paul's has established to respect the neighboring properties.
12. Saint Paul's will give the property owner directly in front of the Parish driveway the option of having trees planted in front of his house at the expense of the Parish so as to minimize the affect traffic may have on his property.
13. While Saint Paul's Parish firmly believes the violators complained of were not members of the Parish, Saint Paul's has nevertheless circulated a letter to the Parish membership to inform them of the improper violations in an effort to curtail future occurrences.
14. Saint Paul's Parish will work with the Oakland County Sheriff's Department to improve the logistics at the various peak season events, including hiring additional deputies.
15. Saint Paul's has further agreed to meet with the City of Rochester Hills during the next year on a quarterly basis to evaluate the success of the steps being taken herein.
16. Saint Paul's Albanian Catholic Church acknowledges that its failure or neglect to fulfill and comply with the aforesaid conditions and representations may cause the City to initiate proceedings to revoke Saint Paul's dance entertainment permit, and/or Conditional Land Use Permit.

Now Therefore Be It Resolved, that the Mayor and the City Clerk are hereby authorized to execute and deliver the agreement on behalf of the City.

ROLL CALL VOTE:

Ayes: Robbins, Dalton, Duistermars, Hill

Nays: Raschke, Barnett, Holder

Absent: None

MOTION CARRIED

15a.iii Recommendation to Michigan Liquor Control Commission

Resolution A0711–2003–R0456

MOTION by Robbins, seconded by Duistermars,

Resolved that the request from American Albanian Club for a new Dance-Entertainment Permit to be held in conjunction with a new Club license to be located at 525 W. Auburn Rd., Rochester Hills, Michigan 48307 be recommended for approval to the Michigan Liquor Control Commission.

Ayes: Dalton, Duistermars, Hill, Robbins

Nays: Barnett, Holder, Raschke

Absent: None

MOTION CARRIED

16. ANY OTHER BUSINESS

There being no other business before Council, **President Dalton** moved on to the next agenda item.

17. NEXT MEETING DATE - Wednesday, December 10, 2003 - 7:30 p.m. – Regular Meeting

18. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 11:45 p.m.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET A. STRATE
Administrative Secretary
City Clerk's Office

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills