

MINUTES of the Regular Rochester Hills City Council Meeting held at the Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills, Michigan on Wednesday, December 01, 1999, at 7:30 p.m.

1. CALL TO ORDER

Vice President Robbins called the Regular Rochester Hills City Council Meeting to order at 7:30 p.m. Michigan Time.

2. ROLL CALL

Present: Vice President Gerald Robbins, Bryan Barnett, John Dalton, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder

Absent: None QUORUM PRESENT

Others Present: Pat Somerville, Mayor  
Beverly A. Jasinski, City Clerk  
Patricia Goodwin, Director of Planning/Zoning  
John Staran, City Attorney (8:00 p.m.)

Mr. Paul Reaume, 2369 Millbrook Court, provided numerous comments and questions related to Mr. Marvin Williams. Mr. Williams owns ten (10) acres of property on Adams Road south of Tienken. The City is involved in litigation related to Mr. Williams' fruit stand. Mr. Reaume supported Mr. Williams' right to operate a Fruit Stand and Christmas Tree Stand and referenced a permit fee. Mr. Reaume requested the City disclose the amount of legal fees that the City has incurred related to this matter. Mr. Reaume believes that Mr. Williams received another ticket yesterday.

Mayor Somerville reported that meetings are ongoing regarding this matter and recommended that Mr. Reaume contact City Clerk Jasinski regarding the legal fees spent to date and those fees could be made public at the next Council Meeting. She indicated she was unaware of ticketing at this time and would look into the matter. She reported that Mr. Williams has been permitted to sell Christmas Trees at this time.

Mr. Staran stated he has not had an opportunity to verify Mr. Reaume's comments and was not aware that tickets have been issued for some time.

Mr. Reaume recommended that the City of Rochester Hills provide Mr. Williams with a written apology and reimburse Mr. Williams for legal fees incurred.

Mr. Staran clarified some of the facts:

- The Ordinance enforcement action arose, as all Zoning Ordinance enforcement actions arise, out of the Building Department through tickets issued by the Zoning Enforcement Officers. It was noted that the Ordinance enforced against Mr. Williams has been in place for several decades and has historically been enforced in this manner on a number of occasions over the years, with Mr. Williams being the most current and controversial.
- The principle issue has nothing to do with Mr. Williams' willingness or unwillingness to pay a One Hundred (\$100.00) Dollar fee. Mr. Staran noted

under the State Law it has been referred to as the Veteran's Permit Statute and it has been conceded from the beginning that Mr. Williams would not have to pay for the permit. Mr. Staran stated the issue has been that the Zoning Ordinance provision requires that one can have a produce stand and Christmas tree stand in the City on a seasonal basis, but the Ordinance prohibits the sale of any produce or products at the roadside stand that are not grown within the City on property owned by the operator of the stand. Mr. Staran reported that in this particular case, the produce sold at the stand is coming from other sources and is not being grown within Rochester Hills. The issue has not been over a permit fee.

Mr. Staran stated that the City Council resolved that a proposed Ordinance be prepared to essentially repeal the limitation that requires that produce to be grown within the City. Because it is a Zoning Ordinance amendment, the matter must go before the Planning Commission for a Public Hearing and recommendation, then return to the City Council for their consideration. Mr. Staran reported, if City Council adopts such an amendment to the Ordinance, the litigation would be a moot issue, removing the only obstacle for Mr. Williams to obtain a permit.

Mr. Staran noted it may create the opportunity for others interested in operating roadside stands in the City. At this time, the litigation is in Status Quo, there will be no action until the Court orders another Court date. If that happens before such time that the Ordinance may be amended, steps could be taken to put the matter over so that there are no more Court proceedings while this legislative process is moving forward.

Mr. Reaume questioned who would make these types of decisions with the taxpayer's money.