



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, November 1, 2006

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ordinance Enforcement
Ron Crowell, Fire Chief
Bob Grace, Director of MIS
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
Leon Luedeman, Financial Analyst
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 approves the Agenda for the November 1, 2006 Regular meeting with the following amendment:

Add to Legislative File 2006-0765 Adoption of Resolution to Set Closed Session:

Two (2) additional Attorney Client Privileged Communications: Adams Road Right-of-Way Acquisition and Older Persons Commission Litigation.

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

The motion carried by the following vote:

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

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, compared the amount of money spent on the City of Warren's new City Hall--\$50 million--to the \$12 million spent for Rochester Hills' new and renovated City Hall. He noted that the contrast is evidence that the City is spending tax dollars responsibly.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Rosen noted that there would likely be a vacancy on the Historic District Commission and residents interested in serving should visit the City's website or contact the Clerk's Department for more information.

Mr. Ambrozaitis assured residents that the efforts of Council and the administration to revise the City's blight ordinance are not intended to be punitive or to create greater bureaucracy.

Mr. Hooper reminded residents to vote in the upcoming General Election and reminded them that the Pathway Millage ballot proposal, if passed, would not increase City taxes.

Ms. Raschke asked the City Attorney to discuss a recently passed House Bill that would remove 25 mph speed limits from local rural roads.

*Mayor Barnett noted that the City was expecting a good voter turnout for the General Election and encouraged residents to be informed voters. He then welcomed Fresh Market to the City, noting the new grocery store would bring 105 new jobs. He then read a letter from residents who had received assistance through the City's CDBG program, praising the efforts of Financial Analyst **Leon Luedeman** on their behalf.*

ATTORNEY MATTERS

City Attorney John Staran described the House Bill Ms. Raschke referred to earlier noting that it primarily impacts "traditional country roads" and there is a formula for determining whether reduced speed limits are warranted based on location and access points. He indicated that the House Bill is in compliance with the Michigan Vehicle Code.

PRESENTATION

2006-0783 Presentation - Property Maintenance Ordinance Update

Attachments: Agenda Summary.pdf; Staff Report.pdf

Mr. Scott Cope, Director of Building/Ordinance Enforcement, briefly discussed the efforts of his department to revise and improve the City's response to property maintenance issues, noting the following:

- *The blight issue is referenced and addressed in a "scattered" manner throughout the City's ordinances.*
- *A comprehensive blight ordinance will provide consolidation.*
- *Blight ordinances from many other communities have been reviewed during this process.*
- *Provisions of a new State law allow civil fines up to \$2,500.*
- *A community in Texas has a unique approach to the issue employing a "performance-based" property maintenance approach.*
- *A baseline survey of the community will assist in future bench marking efforts.*

- A draft of the new ordinance will be reviewed by the City Attorney prior to the end of the year.

Mr. Cope noted that his department was in the process of creating a neighborhood guide to encourage voluntary compliance to City ordinances. He sought input from Council, posing the following questions:

- Should this be a proactive or reactive plan?

- How will the City address issues of residents who simply do not have the financial means to maintain their property?

Mr. Ambrozaitis suggested three other communities with strong blight ordinances to be examined in addition to the others. He urged Mr. Cope to be proactive in his efforts. He stressed that he did not want more money expended on this effort or that persons of lesser means be unduly penalized.

Mr. Duistermars stated that "property ownership is a fundamental American freedom" and he did not want to see any enforcement that would be too intrusive.

Mr. Cope assured Council the ordinance would be applied in a reasonable manner.

Ms. Holder noted that the City cannot dictate residents' lifestyles. She supported the concept of a neighborhood guide to encourage voluntary compliance, stressing that safety should be the main focus of the City's enforcement.

Ms. Raschke expressed her belief that there is not a serious problem with blight in the City and the ordinance officers are doing their best with their current resources. She questioned who is responsible for maintaining the property when a home is for sale and standing unoccupied.

Mr. Cope explained that the owner, no matter where they are located, is ultimately responsible for the property; the real estate broker cannot be held accountable.

PUBLIC COMMENT:

Ms. Rea Siffring, 971 Dutton, stressed that neighbors should work together to resolve blight issues within their subdivisions rather than relying on the City.

Ms. Melinda Hill, 1481 Mill Race, expressed her hope that any ordinance would show tolerance for the homeowners. She objected to the time and expense of conducting a survey of all properties, noting that these types of issues only represent 1% of complaints to City Hall.

COUNCIL COMMENTS:

Mr. Duistermars questioned whether there is a lot of case law regarding regulating blight.

City Attorney John Staran noted that, while the City has the authority to enact a blight ordinance, they are often subjective in nature. He assured Council that he would assist Mr. Cope and his staff in drafting an ordinance that would be objective and defensible with the least amount of intrusion.

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.

- 2006-0711** Approval of the Storm Water Detention System Maintenance Agreement, between the City of Rochester Hills and Rochester Hills Corporate Center LLC, for Parcel No. #15-30-276-003

Attachments: Agenda Summary.pdf; Map.pdf; Agreement.pdf; 0711 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water Detention System Agreement, relative to the details of the development and use, repair and maintenance of the storm water system, for Grand Sakwa and M-59/Adams Road Development Site, between the City of Rochester Hills and Rochester Hills Corporate Center LLC, a Michigan limited liability company, 28470 Thirteen Mile Road, Farmington Hills, Michigan 48334.

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

Enactment No: RES0366-2006

- 2006-0767** Request for Purchase Authorization - MIS: Yearly Oracle Software Support 2007 in the amount of \$79,891.69 to Oracle USA, Redwood City, CA

Attachments: Agenda Summary.pdf; 0767 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves a purchase order to Oracle USA, Redwood City, California, for yearly Oracle software support for 2007 in the amount of \$79,891.69.

Enactment No: RES0367-2006

Passed The Consent Agenda

A motion was made by Yalamanchi, seconded by Duistermars, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

PUBLIC HEARINGS

- 2006-0609** Public Hearing - Special Assessment Roll for the purpose of maintaining and operating the existing public improvements of street lighting on an ongoing basis in Section 27 for Denison Acres and Rochester Hills Heathers Subdivisions located at Harrington and West Auburn Road and at Walbridge and West Auburn Road and Scheduling a Public Hearing

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 8:24 p.m.***

*There being no Public Comment, President Rosen **Closed the Public Hearing at 8:25 p.m.***

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

Whereas, the Rochester Hills City Council established a Special Assessment District by Resolution No. RES0332-2006 for the purpose of maintaining and operating the existing public improvements of street lighting on an ongoing basis in Section 27 for Denison Acres and Rochester Hills Heathers Subdivisions located at Harrington and West Auburn Road and at Walbridge and West Auburn Road; and

Whereas, The City Assessor has filed a special assessment roll, and the City Council, pursuant to notice has held a Public Hearing on Wednesday, November 1, 2006 for the purpose of reviewing the special assessment roll, giving interested persons an opportunity to be heard, considering all objections to the roll and correcting or annulling the roll, as determined necessary, and the City Council is fully advised in the circumstances.

Now, Therefore, Be It Resolved that the Rochester Hills City Council is satisfied with the special assessment roll and finds the assessments are in proportion to benefits received; therefore said special assessment roll shall be and hereby is confirmed. The City Clerk shall endorse on the special assessment roll this date of confirmation. The special assessment roll and assessments pursuant thereto shall from this date be final and conclusive for the purpose of the maintaining the existing public improvement to conform to the actual costs of the public improvement, as provided in Section 90-80 and 90-183 of the Code of Ordinances.

Be It Further Resolved that the City Council hereby directs the City Assessor to spread the various sums and amounts appearing thereon on a special assessment roll.

The motion carried by the following vote:

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

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 8:26 p.m.***

*There being no Public Comment, President Rosen **Closed the Public Hearing at 8:27 p.m.***

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

Whereas, the Rochester Hills City Council established a Special Assessment District by Resolution No. RES0332-2006 for the purpose of maintaining and operating the

existing public improvements of street lighting on an ongoing basis in Section 27 for Denison Acres and Rochester Hills Heathers Subdivisions located at Harrington and West Auburn Road and at Walbridge and West Auburn Road; and

Whereas, The City Assessor has filed a special assessment roll, and the City Council, pursuant to notice has held a Public Hearing on Wednesday, November 1, 2006 for the purpose of reviewing the special assessment roll, giving interested persons an opportunity to be heard, considering all objections to the roll and correcting or annulling the roll, as determined necessary, and the City Council is fully advised in the circumstances; and

Whereas, the City Council confirmed the special assessment roll by Resolution No. (Insert after public hearing) dated November 1, 2006.

Now, Therefore, Be It Resolved that the ongoing costs be spread on a yearly basis to the tax roll with the first year's cost hereof being spread to the 2006 winter tax roll. The yearly certified Detroit Edison charges can be reviewed in the City Clerk's office annually and are available for public examination during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Be It Further Resolved that the City Treasurer is hereby directed to give notice by first class mail to each property owner listed on the special assessment roll that the roll has been filed stating the amount assessed and when and how it is to be paid, in accordance with Section 90, Division 3, Payments of Assessments, of the Code of Ordinances.

The motion carried by the following vote:

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

Enactment No: RES0368-2006

2006-0759

Public Hearing - Planning Year 2007-2008 Annual Community Development Block Grant (CDBG) Program Application

Attachments: Agenda Summary.pdf; Public Hearing Notice.pdf; 0759 Resolution.pdf

President Rosen explained that any Council members who serve on the boards of any organizations that receive Community Development Block Grant (CDBG) funds from the City are required to recuse themselves from the discussion and vote on these matters.

Mr. Ambrozaitis acknowledged that he serves on the Rochester-Avon Recreation Authority (RARA) and the Rochester Area Youth Assistance (RAYA) and recused himself from the discussion and vote and departed from the Council dais.

Mr. Joe Snyder, Senior Financial Analyst, was available to answer any questions regarding the CDBG funds.

President Rosen Opened the Public Hearing at 8:28 p.m.

There being no public comment, **President Rosen Closed the Public Hearing at 8:29 p.m.**

Ms. Andrea Cooley representing RAYA and **Ms. Brandy Boyd** representing RARA discussed the summer day camp they provide for under-privileged children using CDBG funds they receive from the City of Rochester Hills.

Mr. Jack Dalton, City Council's appointee to the Avondale Youth Assistance (AYA)

Board, described the many programs and assistance AYA provides to area youth using CDBG funds they receive from the City of Rochester Hills.

Ms. Beth Morrison representing HAVEN explained that their request for CDBG funds has been increased as HAVEN has taken on the responsibilities of the now defunct Women's Survival Center, in addition to their usual services provided to victims of domestic violence.

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

Whereas, the City of Rochester Hills has duly advertised a public hearing for the purpose of receiving comments regarding the proposed use of 2007-2008 Program Year Community Development Block Grant funds in the approximate amount of \$150,322, and;

Whereas, a Public Hearing was held on November 1, 2006.

Resolved that at a regular meeting of the City of Rochester Hills City Council held on November 1, 2006 at 1000 Rochester Hills Drive, that the 2007 Program Year Community Development Block Grant Application in the approximate amount of \$150,322 be approved and submitted along with the required signature page and Subrecipient Agreement signed by the City of Rochester Hills Mayor as follows:

- \$82,678 Minor Home Repair (731227) - To assist approximately thirty (30) low-moderate income households with a variety of necessary home repairs, connections to the city water and sewer system (does not include capital or lateral fees) and/or corrections of city ordinance violations. Repairs and/or improvements will conform to City of Rochester Hills and Oakland County guidelines and State of Michigan Lead Based Paint requirements.**
- \$36,144 Public Services / Yard Services (732170) - Home Chore Program to service approximately ninety (90) very-low income senior citizens and disabled adult households by providing for spring and fall yard clean-up services, bi-weekly lawn mowing services (May - mid October), and snow plowing services during the winter months.**
- \$14,000 Public Services / Youth Services (732185) - Rochester Area Youth Assistance - Provide youth enrichment programs including summer camp and tutoring for approximately 100 youths from low-moderate income families.**
- \$10,500 Public Services / Battered & Abused Spouses (730137) - HAVEN - Provide shelter and counseling services for approximately 150 abused spouses and their children who are residents of the City of Rochester Hills.**
- \$3,500 Public Services / Emergency Clothing (730571) - Reimburse the administrative costs of one or more non-profit agencies that provide emergency clothing services to approximately 200 low-moderate income residents of the City of Rochester Hills.**
- \$3,500 Public Services / Youth Services (732185) - Avondale Youth Assistance - Provide youth enrichment programs including summer camps and tutoring for approximately 50 youths from low-moderate income families.**

The motion carried by the following vote:

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

Abstain: Ambrozaitis

Enactment No: RES0369-2006

2006-0760

Community Development Block Grant (CDBG) - Request for Waiver / Program Year 2004-2005 Funding for Avondale Youth Assistance

Attachments: Agenda Summary.pdf; 2007 Recapture Waiver (AYA).pdf; 0760 Resolution.pdf

Mr. Joe Snyder, Senior Financial Analyst, explained that the waiver request before Council would allow the program to retain funds not yet expended, rather than the funds being returned to the County.

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

Whereas, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th); and

Whereas, to help comply with this regulation, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years; and

Whereas, all un-obligated 2004 and older funds are at risk of recapture December 31, 2006, however, a community may protect un-obligated 2004 funds from recapture for one additional year by requesting a waiver.

Resolved that at a regular meeting of the City of Rochester Hills City Council held on November 1, 2006 at 1000 Rochester Hills Drive, the City Council requests a one-year deferral of recapture for CDBG Planning Year 2004-2005 funding in the amount of \$3,680.00 that was originally allocated towards Public Services - Avondale Youth Assistance.

The motion carried by the following vote:

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

Abstain: Ambrozaitis

Enactment No: RES0370-2006

2006-0761

Public Hearing - Community Development Block Grant (CDBG) Reprogramming Requests - 2004, 2005 and 2006 Program Years

Attachments: Agenda Summary.pdf; Public Notice.pdf; Suppl info.pdf; 0761 Resolution.pdf

*President Rosen **Opened the Public Hearing at 8:48 p.m.***

*There being no public comment, **President Rosen Closed the Public Hearing at 8:49 p.m.***

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

Whereas, the City of Rochester Hills has duly advertised a Public Hearing for the purpose of receiving comments regarding the proposed reprogramming of 2004, 2005 and 2006 Program Year Community Development Block Grant (CDBG) funds; and

Whereas, a Public Hearing was held on November 1, 2006.

Resolved that at a regular meeting of the City of Rochester Hills City Council held on November 1, 2006 at 1000 Rochester Hills Drive, the reprogramming of Program Years 2004, 2005 and 2006 funds be approved as follows:

Existing - 2004 Program Year

Activity Number: 3384F / 732185
Activity Description: Public Services - Avondale Youth Assistance
Amount: \$3,680.00

Proposed - 2004 Program Year

Activity Number: 3384A / 732170
Activity Description: Public Services - Yard Services
Amount: \$3,680.00
Description: Fund home chore program for approximately 90 senior (income qualified) and disabled adult households. Services will conform to Oakland County guidelines.

Existing - 2005 Program Year

Activity Number: 3384D / 731073
Activity Description: Public Services - Legal Services
Amount: \$2,495.00

Proposed - 2005 Program Year

Activity Number: 3384A / 732170
Activity Description: Public Services - Yard Services
Amount: \$2,495.00
Description: Fund home chore program for approximately 90 senior (income qualified) and disabled adult households. Services will conform to Oakland County guidelines.

Existing - 2006 Program Year

Activity Number: 731073
Activity Description: Public Services - Legal Services
Amount: \$5,250.00

Proposed - 2006 Program Year

Activity Number: 730137
Activity Description: Public Services - Battered and Abused Spouses
Amount: \$5,250.00
Description: Provide shelter, legal and counseling services for approximately 150 abused spouses and their children who are residents of the City of Rochester Hills.

The motion carried by the following vote:

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

Abstain: Ambrozaitis

Enactment No: RES0371-2006

ORDINANCE FOR ADOPTION

2006-0690

Acceptance for Second Reading and Adoption an Ordinance to Amend Articles II through IV of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt

the International Fire Code and Amendments thereto, repeal conflicting ordinances, and prescribe a penalty for violations

Attachments: Agenda Summary.pdf; First Reading Agenda Summary.pdf; 082206 Memo T. Gary.pdf; Ordinance Amendment.pdf; First Reading Resolution.pdf; 0690 Resolution.pdf

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

Resolved that an Ordinance to Amend Articles II through IV of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the International Fire Code and Amendments thereto, repeal conflicting ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption and shall become effective Friday, November 10, 2006 following its publication on Thursday, November 9, 2006 in the Rochester Eccentric newspaper.

The motion carried by the following vote:

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

Enactment No: RES0372-2006

2006-0689

Acceptance for Second Reading and Adoption an Ordinance to Modify Sections 54-37 and 54-192, and Add Sections 54-31A and 54-38A of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to reposition the fee charged for Fire Safety Inspections, Prescribe fees for annual Burning Permits and permits to sell Fireworks, and to repeal conflicting Ordinances

Attachments: Agenda Summary.pdf; First Reading Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Resolution.pdf; Suppl Info.pdf; 0689 Resolution.pdf

President Rosen noted that the term "burning permit" had been changed to "recreational fire permit" in the final draft of the ordinance.

A motion was made by Raschke, seconded by Ambrozaitis, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to Modify Sections 54-37 and 54-192, and Add Sections 54-31A and 54-38A of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Reposition the fee charged for Fire Safety Inspections, Prescribe fees for annual Burning Permits and permits to sell Fireworks, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, November 10, 2006 the day following its publication in the on Thursday, November 9, 2006 in the Rochester Eccentric

The motion carried by the following vote:

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

Enactment No: RES0373-2006

UNFINISHED BUSINESS

2006-0771

Request for Purchase Authorization - DPS: Shoulder right-of-way and pathway

mowing increase to blanket purchase order in the amount of \$4,710.87 for a new not-to-exceed amount of \$43,746.81 to Kleen Kut, Washington, MI

Attachments: Agenda Summary.pdf; 0771 Resolution.pdf

Mr. Ambrozaitis questioned whether these services could include the mowing of an alley off of Auburn Road.

Mr. Roger Rouse, Director of DPS/Engineering, noted that that would include private property and the City would need permission to mow there.

Mr. Ambrozaitis requested a list of those property owners and offered to contact them directly to gain their approval.

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

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to Kleen Kut, of Washington, Michigan, for the purchase of shoulder right-of-way and pathway mowing, by the increased amount of \$4,710.87 for the new total amount not-to-exceed \$43,746.81 through March 1, 2007.

The motion carried by the following vote:

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

Enactment No: RES0374-2006

NEW BUSINESS

2006-0776

Request for Approval of the Project Plan prepared by the Economic Development Corporation of Oakland County for Oakland Steiner School (located at the northwest corner of Livernois and South Boulevard) for the issuance of a tax-exempt variable rate bond

Attachments: Agenda Summary.pdf; Project Plan.pdf; Map.pdf; 0776 Resolution.pdf

Mr. Dan Casey, Manager of Economic Development, explained that the issue before Council was to approve the project plan for the Oakland Steiner School prepared by the Oakland County Economic Development Corporation (EDC) to secure tax exempt variable rate bonds for the purchase of the school. He noted that the EDC Act requires that the local municipality approve such a plan.

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

Whereas, there exists in the County of Oakland the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the County's economy and to provide needed services and facilities to the County, the City of Rochester Hills, and their residents; and

Whereas, the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), provides a means for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City and the County; and

Whereas, the Economic Development Corporation of the County of Oakland (the "EDC") has commenced proceedings for the assistance, pursuant to the provisions of the Act and through the issuance of its limited obligation economic development revenue bonds, of the Openings Project (the "Project") which is located in this City; and

Whereas, the EDC has determined that the Project is reasonable and necessary to effectuate the purposes of the Act, that the Project Plan prepared in connection with the Project satisfies all of the requirements of Section 8 of the Act regarding project plans, that the persons who will be active in the management of the Project for at least one (1) year after the projected date of the County Board of Commissioners' approval of the Project Plan will have sufficient ability and experience to manage the Plan properly, that the proposed method of financing the Project is feasible, and the EDC has approved the Project Plan; and

Whereas, before this Project can proceed under the Act, this City Council must approve the Project Plan; and

Whereas, this City Council has reviewed the subject Project Plan and concurs in the determinations of the EDC with respect thereto.

Resolved that in accordance with the Act, this City Council hereby approves the Project Plan, which is on file with the City Clerk.

Be It Further Resolved that the Clerk of this City be and hereby is instructed to communicate this approval of the Project Plan to the Board of Directors of the EDC of Oakland County by delivering to said Board of Directors a certified copy of this resolution.

The motion carried by the following vote:

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

Enactment No: RES0375-2006

2006-0777

Adoption of Resolution to waive the jurisdiction of the Rochester Hills Economic Development Corporation as required by Act 338 of the Michigan Public Acts of 1974 in relation to financing for Oakland Steiner School by the Economic Development Corporation of Oakland County

Attachments: Agenda Summary.pdf; 0777 Resolution.pdf

Mr. Dan Casey, Manager of Economic Development, explained that Rochester Hills must waive its jurisdiction any time another Economic Development Corporation--in this case, Oakland County's--proceeds with an application for bonds.

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

Whereas, Oakland Steiner School (the "Company") intends to acquire and preserve an historical building located in the City of Rochester Hills (the "Project"); and

Whereas, the Company is interested in pursuing the issuance of tax-exempt revenue bonds ("Bonds") through the Economic Development Corporation of the County of Oakland ("Oakland County EDC") as a means of financing its proposed Project; and

Whereas, the Oakland County EDC is currently active in assisting qualifying non-governmental organizations through the entire process of issuing Bonds; and

Whereas, Act 338 of the Michigan Public Acts of 1974, as amended ("EDC Act"), requires a waiver of jurisdiction by the governing body of any municipality in which a project to be financed under the EDC Act is located if that municipality has an economic development corporation and the financing is to be undertaken by a different economic development corporation.

Resolved that, pursuant to the EDC Act, the Rochester Hills City Council hereby APPROVES the aforementioned waiver of jurisdiction with respect to the Company's Project to allow the Oakland County EDC jurisdiction to issue Bonds therefore.

The motion carried by the following vote:

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

Enactment No: RES0376-2006

2006-0778

Request for Purchase/Contribution Authorization - MAYOR: Self-insurance (general liability, motor vehicle physical damage, property and crime) blanket purchase order/contributions in the amount not-to-exceed \$858,644.00 through June 30, 2007; Michigan Municipal Risk Management Authority, Livonia, MI

Attachments: Agenda Summary.pdf; 0778 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, noted that the request before Council was for a six-month period as opposed to the typical one year. She explained that the six-month payment would put the contributions on the same cycle as the policy year, thus eliminating the need to estimate the contribution level. Additionally, she noted that she was seeking an increase to the self-insured retention (SIR) contribution as the City had drawn more funds than anticipated from the previous year.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, questioned why the payment was not being identified as an insurance premium and questioned whether that payment is influenced by previous lawsuits against the City.

Ms. Jenuwine explained that it is not a typical insurance policy, but rather a self insurance program. She noted that various communities contribute funds to a pool of money from which Rochester Hills can draw when necessary; and that draw can result in an increase in the next year's contribution, as was the case with this contribution.

COUNCIL DISCUSSION:

Mr. Yalamanchi questioned whether the administration would be investigating alternative insurance coverage following the failure of MMRMA to support the City in a recent Consent Judgment case.

Mayor Barnett and Ms. Jenuwine explained that some investigation had taken place, but a more thorough investigation would likely require the use of an outside consultant. They noted some possible alternatives:

- *The Michigan Municipal League (MML) offers similar coverage with more restrictions.*
- *There are no commercial policies that would meet the City's needs in its entirety, but rather various individual policies would have to be purchased.*

Mayor Barnett noted that the MMRMA self insurance appears to be the most widely used among municipalities and that investigations of the MML insurance indicate that they would have made a similar decision in the case cited by Mr. Yalamanchi.

Mr. Yalamanchi requested that Ms. Jenuwine provide the research rather than the City pay for an outside consultant.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contribution to the Michigan Municipal Risk Management Authority of Livonia, Michigan, to the self-insurance (general liability, motor vehicle physical damage, property and crime coverage) pool fund and self-retention fund replenishment in the amount not-to-exceed \$858,644.00 through June 30, 2007.

The motion carried by the following vote:

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

Enactment No: RES0377-2006

2006-0779

Request to Change the December 6, 2006 Regular City Council Meeting to November 29, 2006

Attachments: Agenda Summary.pdf; 0779 Resolution.pdf

President Rosen noted that, as Ms. Raschke and Ms. Holder would not be able to attend the first meeting in December that it be moved to November 29th. He indicated that it would provide Council the opportunity to address the dissolution of the Communication Committees in a more timely manner. He also noted that this would allow for a full Council in attendance at the December 13th meeting when various committee appointments would be determined.

Mr. Yalamanchi inquired as to whether it would be possible to change the date that Council members take office after election, noting that more time would allow new members to orient themselves before their first meeting.

President Rosen explained that the suggestion would require a Charter amendment. He indicated that that and other such suggestions would be addressed by the possible creation of a new committee to investigate Charter amendments. He stressed that new committees would be a subject of discussion at the next Council meeting.

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

Resolved that the Rochester Hills City Council hereby agrees to change the meeting date of the Regular City Council meeting scheduled for Wednesday, December 6, 2006 to Wednesday, November 29, 2006 to begin at 7:30 PM, Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan.

Further Resolved that the City Clerk shall provide proper notice of the Meeting Time change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

The motion carried by the following vote:

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

Enactment No: RES0378-2006

2006-0782

Request to Set Special Work Session for Wednesday, November 8, 2006 at 6:30 PM

Attachments: Agenda Summary.pdf; 0782 Resolution.pdf

President Rosen suggested the Council hold a Special Work Session meeting on November 8th to discuss the Brownfield Plan for the Adams/Hamlin development, as well as changes to the Council's meeting schedule if the Communication Committees were dissolved.

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

Resolved that the Rochester Hills City Council hereby agrees to set a Special Work Session for Wednesday, November 8, 2006 at 6:30 PM, Michigan Time, to be held at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan.

Further Resolved that the City Clerk shall provide proper notice of the Meeting Time change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

The motion carried by the following vote:

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

Enactment No: RES0379-2006

2006-0762

Adoption of Resolution to Set a Closed Session at the conclusion of the November 8, 2006 Special City Council Work Session for the purpose of discussing an Attorney/Client privileged communications: (1) Zoning related to Dahline vs. City of Rochester Hills, (2) Waltonshire Estates, (3) Adams Road Right-of-Way acquisition and (4) the Older Persons Commission litigation

Attachments: Agenda summary.pdf; 101806 Agenda Summary.pdf; 101806 Resolution.pdf; 0762 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, at the conclusion of the November 8, 2006 City Council Special Work Session for the purpose of discussing four (4) Attorney/Client Privileged Communications as follows: (1) Zoning related to Dahline vs. City of Rochester Hills, (2) Waltonshire Estates, (3) Adams Road Right-of-Way acquisition and (4) the Older Persons Commission litigation. City Council will not reconvene to open session at the conclusion of the Closed Session.

The motion carried by the following vote:

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

Enactment No: RES0348-2006

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Special Work Session - Wednesday, November 8, 2006 at 6:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 9:35 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

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