



# Rochester Hills Minutes City Council

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*Melinda Hill, Bryan K. Barnett, John L. Dalton, Jim Duistermars,  
Barbara L. Holder, Linda Raschke, Gerald Robbins*

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Wednesday, April 6, 2005

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

**Present:** Melinda Hill, Bryan Barnett, John Dalton, Jim Duistermars, Barbara Holder, Linda Raschke and Gerald Robbins

Others Present:

*Pat Somerville, Mayor  
John Staran, City Attorney  
Jane Leslie, Interim City Clerk  
Ed Anzek, Director of Planning/Development  
Dan Casey, Economic Development Manager  
Paul Davis, City Engineer  
Bert Hallewas, Park Ranger II  
Mike Hartner, Director of Parks & Forestry  
Julie Jenuwine, Director of Finance  
Kevin Krajewski, Network Administrator/Deputy Director of MIS*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council approves the Agenda for the April 6, 2005 Regular City Council Meeting with the following amendments:

### NOMINATIONS/APPOINTMENTS:

Remove Agenda Item

**2005-0200** Confirmation of the Mayor's Appointment of Gerard Dettloff to a three (3) year term on the Planning Commission, term to expire on March 31, 2008

Add Agenda Item

**2005-0272** Recommendation of Planning Commission representative to the Zoning Board of Appeals

A motion was made by Barnett, seconded by Duistermars, to Approve Agenda as Amended.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

## PUBLIC COMMENT

*Mr. Mohammad Hafeez, 21 Perrydale Street, indicated that he was a representative of the Islamic Association of Michigan and asked that the City Council support his effort to have a cable channel that services the Islamic community added to the Comcast broadcast listings.*

*President Hill indicated that a representative of the City would contact Mr. Hafeez and provide him contact information for the local public access television representatives.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*President Hill notified residents of an informal survey being conducted to garner citizen input regarding the budget process. She announced that work has begun on improvements to the Clinton River Trail including the construction of a bridge behind Rochester College. President Hill noted that she had attended a recent Road Commission of Oakland County meeting where it was indicated that "dollars are tight" for road improvements and maintenance. She notified Council that the road improvement agreement will be signed for the intersection of Tienken Road and Rochester Road.*

*Ms. Holder, noting that it was the 170th anniversary of the first meeting of the Avon Township Board of Directors, read from the first set of minutes.*

*Mr. Barnett wished his wife a happy birthday and announced that they are expecting their second child.*

*Mr. Dalton noted that "it's a sad time for our entire world with the passing of the Pope."*

*Mr. Duistermars shared Mr. Dalton's sentiments regarding Pope John Paul II.*

*President Hill indicated that she had neglected to read a letter into the record under Public Comment. She then read a letter from **Ms. Nancy Raffler**, 713 West Auburn, requesting that Mr. Jim Rosen be reappointed to the Planning Commission due to his knowledge of "the residents' desires and the City's history" and he is an "asset to our City."*

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

**2005-0260**

Adoption of a Resolution to convene to Closed Session at the conclusion of tonight's meeting (April 6, 2005) to discuss an Attorney Client Privileged Communication

**Attachments:** Agenda Summary.pdf; 0260 Resolution.pdf

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

**Resolved that the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business of tonight's Regular City Council Meeting (April 6, 2005) and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss an Attorney/Client Privileged Communication.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0083-2005

## PRESENTATION

**2005-0254** Proclamation in Support of Participation in Christmas in Action of Oakland County, Inc.

**Attachments:** Agenda Summary.pdf; 0254 Proclamation.pdf

*Ms. Laura Seriguchi, the newly-elected President of Rochester Hills Christmas In Action, provided a brief presentation explaining that Christmas In Action is a nation-wide, non-profit organization that refurbishes homes for low-income seniors. She requested that the City Council approve a resolution that would permit her organization to solicit volunteers and donations to provide improvements to the homes of low-income Rochester Hills seniors.*

**A motion was made by Barnett, seconded by Dalton, that this matter be Adopted by Resolution.**

**Whereas, during the last Saturday of each April, thousands of volunteers in each participating community join together to help their neighbors; and**

**Whereas, Christmas in Action of Oakland County, Inc., a 501c3 non-profit organization, is dedicated to providing FREE HOME REPAIRS for low-income and handicapped senior citizens in all participating communities in Oakland County to help them remain safely in their homes while improving the community as a better place to live and work; and**

**Whereas, the City of Rochester Hills recognizes the vision and the fact that all communities benefit from eliminating slum and blight, by improving the quality of life for our elderly by this grass-roots volunteer community effort providing FREE HOME REPAIRS in the community; and**

**Whereas, Christmas in Action of Oakland County, Inc., holds fundraising events every year to raise the funds necessary to fund their annual workday activities.**

**Now, Therefore, Be It Resolved, that the City of Rochester Hills does hereby adopt and proclaim to become a Christmas in Action participating community.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0084-2005

## 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.

**2005-0218** Approval of Minutes - Regular City Council Work Session Meeting - January 26, 2005

**Attachments:** Min CC WS 012605.pdf; 0218 Resolution.pdf

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

**Resolved that the Minutes of a Regular Rochester Hills City Council Work Session Meeting held on January 26, 2005 be approved as presented.**

**Enactment No:** RES0085-2005

**2005-0219**

Approval of Minutes - Special City Council Meeting - January 26, 2005

**Attachments:** Min CC Spc Mtg 012605.pdf; 0219 Resolution.pdf

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

**Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on January 26, 2005 be approved as presented.**

**Enactment No:** RES0086-2005

**2005-0187**

Conveyance of a Highway Easement Granted by Executive Place, LLC, for Executive Place Office Building, Parcel No. 15-36-352-021

**Attachments:** Agenda Summary.pdf; Highway Easement.pdf; 0187 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 accepts a Highway easement granted by Executive Place, LLC, a Michigan limited liability company, 5485 Abbey Road, Rochester, Michigan 48306, for Executive Place Office Building, over, on, under, through and across land more particularly described as Parcel No. 15-36-352-021.**

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

**Enactment No:** RES0087-2005

**2005-0224**

Acceptance of a Watermain Easement Granted by Avon/Rochester, LLC, a Michigan Limited Liability Company, for Premium Self Storage, for Parcel No. 15-15-476-004

**Attachments:** Agenda Summary.pdf; Watermain Easement.pdf; 0224 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 accepts a Watermain Easement granted by Avon/Rochester, LLC, a Michigan Limited Liability Company, 850 Stephenson Highway, Suite 200, Troy, Michigan 48083, for the construction, operation, maintenance, repair and/or replacement of a Watermain Easement over, on, under, through and across land more particularly described as Parcel No. 15-15-476-004.**

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

**Enactment No:** RES0088-2005

**2005-0225**

Approval of the Agreement for Maintenance of Storm Water Detention System between Avon/Rochester, LLC, a Michigan Limited Liability Company, and the City of Rochester Hills for Premium Self Storage, for Parcel No. 15-15-476-004

**Attachments:** Agenda Summary.pdf; Agreement.pdf; 0225 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 Agreement for Maintenance of a Storm Water Detention System between the City of Rochester Hills, and Avon/Rochester, LLC, 850 Stephenson Highway, Suite 200, Troy, Michigan 48083, to insure that the storm system is maintained for proper operation, for land more particularly described by Parcel No. 15-15-476-004.

Further Resolved that the Mayor and City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

Enactment No: RES0089-2005

**2005-0203**

Adoption of Resolution placing Mystic Valley and Essex Drive into the City Local Street System, Eddington Woods, Section 23

Attachments: Agenda Summary Sheet.pdf; 0203 Resolution.pdf

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

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved:

1. That the said streets described as:

Mystic Valley and Essex Drive as depicted in subdivision plat of "Eddington Woods", as recorded in Liber 287, Pages 21 through 25 of Oakland County Records, being part of the northwest 1/4 and southwest 1/4 of Section 23 T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

Enactment No: RES0090-2005

**2005-0206**

Adoption of Resolution placing Arcadian Drive, Arcadian Court, Bedlington Drive, Bedlington Court, Bliss Drive, Blushing Drive, Blushing Court, Enchantment Drive and Windsong Drive into the City Local Street System, Arcadia Park, Section 23

Attachments: Agenda Summary.pdf; 0206 Resolution.pdf

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

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved:

1. That the said streets described as:

Arcadian Drive, Arcadian Court, Bedlington Drive, Bedlington Court, Bliss Drive, Blushing Drive, Blushing Court, Enchantment Drive, and Windsong Drive as depicted in subdivision plat of "Arcadia Park", as recorded in Liber 285, Pages 31 through 49 of Oakland County Records, being part of the southwest 1/4 and southeast 1/4 of Section 23 T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

Enactment No: RES0091-2005

2005-0209

Adoption of Resolution placing Balmoral Boulevard, Lincolnshire Court, Lincolnshire Drive, Piccadilly Court, Piccadilly Drive, Thatcher Court, and Thatcher Drive into the City Local Street System, Butler Ridge No. 1 and Butler Ridge No. 2, Section 19

Attachments: Agenda Summary.pdf; 0209 Resolution.pdf

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

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore, Be It Resolved:

1. That the said streets described as:

Balmoral Boulevard, Lincolnshire Court, Lincolnshire Drive, Piccadilly Court, Piccadilly Drive, Thatcher Court, and Thatcher Drive as depicted in the subdivision plat of "Butler Ridge No. 1", as recorded in Liber 281, Pages 9 through 15 and "Butler Ridge No. 2", as recorded in Liber 292, Pages 9 through 18 of Oakland County Records, being part of the southwest 1/4 of Section 19, T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said streets are open for traffic and have been constructed according to City standards.

**Enactment No:** RES0092-2005

**2005-0211**

Adoption of Resolution placing Eastern Street into the City Local Street System, Supervisors Plat of Brooklands Park and Supervisors Plat of Brooklands Park No. 3, Section 2

**Attachments:** Agenda Summary.pdf; 0211 Resolution.pdf

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

**Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.**

**Now, Therefore, Be It Resolved:**

**1. That the said streets described as follows:**

**Eastern Street running southerly from the centerline of Dawes 375.00 feet to road terminus, as depicted in the plat of "Supervisors Plat of Brooklands Park as recorded in Liber 50 Page 30 Oakland County Records and "Supervisors Plat of Brooklands Park No. 3" as recorded in Liber 28 Page 248 Oakland County Records, being part of the west 1/2 of the southeast 1/4 of Section 25 T.3N., R.11E., Avon Township (now City of Rochester Hills), Oakland County, Michigan.**

**2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.**

**3. That said streets are certified as public streets and are for public street purposes.**

**4. That said streets are accepted into the City Local Street System.**

**5. That said streets are open for traffic and have been constructed according to City**

**Enactment No:** RES0093-2005

**2005-0215**

Adoption of Resolution placing Cinnabar Drive, Fantail Court, Fantail Drive, Gilsam Avenue, Mildred Avenue, Newstead Lane and Wren Lane into the City Local Street System, Meadow Creek II; Section 33

**Attachments:** Agenda Summary.pdf; 0215 Resolution.pdf

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

**Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.**

**Now, Therefore, Be It Resolved:**

**1. That the said streets described as:**

**Cinnabar Drive, Fantail Court, Fantail Drive, Gilsam Avenue, Mildred Avenue, Newstead Lane, and Wren Lane as depicted in the condominium subdivision plan of "Meadow Creek II", as recorded in Liber 32534, Pages 49 through 57, Oakland County Condominium Subdivision Plan No. 1614, to the Master Deed of Meadow Creek II, Oakland County Records. Being part of the east 1/2 of the northwest 1/4 of Section 33, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.**

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and is for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said street is open for traffic and have been constructed according to City standards.

**Enactment No:** RES0094-2005

**2005-0216**

Adoption of Resolution placing Cattail Circle and Lagoon Drive into the City Local Street System, Meadow Creek; Section 32

**Attachments:** Agenda Summary.pdf; 0216 Resolution.pdf

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

**Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.**

**Now, Therefore, Be It Resolved:**

1. That the said streets described as:

**Cattail Circle and Lagoon Drive, as depicted in the condominium subdivision plan of "Meadow Creek", as recorded in Liber 25558, Pages 165 through 168, Oakland County Condominium Subdivision Plan No. 1435, to the Master Deed of Meadow Creek, Oakland County Records. Being part of the southeast 1/4 of Section 32, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.**

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public street and is for public street purposes.
4. That said streets are accepted into the City Local Street System.
5. That said street is open for traffic and have been constructed according to City standards.

**Enactment No:** RES0095-2005

**2005-0217**

Adoption of Resolution placing Letica Road into the City Local Street System, Mill Stream Village; Section 2

**Attachments:** Agenda Summary.pdf; 0217 Resolution.pdf

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

**Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.**

**Now, Therefore, Be It Resolved:**



1. That the said streets described as:

Letica Road, as depicted in the condominium subdivision plan of "Mill Stream Village", as recorded in Liber 26486, Pages 718 through 731, Oakland County Condominium Subdivision Plan No. 1458, to the Master Deed of Mill Stream Village, Oakland County Records. Being part of the southeast 1/4 of Section 2, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said street is located within the City right-of-way and are under the control of the City of Rochester Hills.

3. That said street is certified as public street and is for public street purposes.

4. That said street is accepted into the City Local Street System.

5. That said street is open for traffic and have been constructed according to City standards.

Enactment No: RES0096-2005

**2005-0223**

Adoption of Resolution placing Bendelow Street, Connors Drive, Everett Drive, Graham Drive, Maters Court, Nawakwa, Penn Court, Ryder, Talbert Circle, and Wade Court into the City Local Street System, Country Club Village of Rochester Hills, Section 35

Attachments: Agenda Summary.pdf; 0223 Resolution.pdf

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

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

**Now, Therefore, Be It Resolved:**

1. That the said streets described as:

Bendelow Street, Connors Drive, Everett Drive, Graham Drive, Maters Court, Nawakwa, Penn Court, Ryder, Talbert Circle, and Wade Court as depicted in phase 1 and 2 of the condominium subdivision plan of "Country Club Village of Rochester Hills", as recorded in Liber 33863, Pages 754 through 804, Oakland County Condominium Subdivision Plan No. 1586, to the Master Deed of Country Club Village of Rochester Hills, Oakland County Records. Being located within Section 35, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.

3. That said streets are certified as public streets and is for public street purposes.

4. That said streets are accepted into the City Local Street System.

5. That said street is open for traffic and have been constructed according to City standards.

Enactment No: RES0097-2005

2005-0221

Request for Purchase Authorization - Planning and Development: Purchase Order in the amount of \$17,480.82 for relocation and reestablishment fees in association with the Adams Road Relocation Project; Trans-Industries, Inc., Auburn Hills, MI

**Attachments:** Agenda Summary.pdf; Relocation Claim.pdf; 0221 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 Trans-Industries, Auburn Hills, Michigan, for relocation and reestablishment fees in association with the Adams Road Relocation Project in the amount of \$17,480.82.**

**Enactment No:** RES0098-2005

### **Passed The Consent Agenda**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

### **The following Consent Agenda Item was discussed and adopted by separate Motion:**

2005-0213

Adoption of Resolution placing Butler Road into the City Local Street System, Butler Ridge No. 1 and 2; Section 19

**Attachments:** Agenda Summary.pdf; Butler Road Map.pdf; 0213 Resolution.pdf

***Mr. Dalton*** questioned whether the City should take possession of this road when the necessary construction work has not been completed.

***Mr. Paul Davis***, City Engineer, explained that the City has already taken preliminary acceptance of the road, making it a road the City is already responsible for maintaining; however, the City cannot receive Act 51 monies until formal acceptance is taken.

**A motion was made by Dalton, seconded by Barnett, that this matter be Adopted by Resolution.**

**Whereas, it is necessary to furnish information to the State of Michigan to place said street within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.**

**Now, Therefore, Be It Resolved:**

**1. That the said street described as follows:**

**Butler Road; commencing at the east 1/4 corner of Section 19, T3N R11E, thence north 02-24-21 west 849.21 to the centerline of Adams and Butler Road, thence south 87-36-35 west 995.00 along the centerline of Butler to a point of beginning, thence south 87-36-35 west 562.80, south 77-51-25 west 152.0 and south 63-57-36 west 3404.55 to the west section line and the City of Auburn Hills limits, as depicted in the plats of Butler Ridge 1 and Butler Ridge 2, as recorded in Liber 281 pages 10 through 15, and Liber 292, pages 9 through 18, Oakland County Records.**

**2. That said street is located within the City right-of-way and are under the control of the City of Rochester Hills.**

3. That said street is certified as public streets and are for public street purposes.
4. That said streets is accepted into the City Local Street System.
5. That said street is open for traffic and have been constructed according to City standards.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0099-2005

## UNFINISHED BUSINESS

2005-0145

Adoption of Resolution Regarding Public Access Funding 2004 Distribution

**Attachments:** Agenda Summary.pdf; 031605 Agenda Summary.pdf; Min CC 111799.pdf; Min CC 120199.pdf; Min CC 121599.pdf; 031605 Resolution.pdf; 0145 Resolution.pdf; 0255 Supplemental information.pdf

**Mr. Joseph Johnson**, 750 Orion Road, Lake Orion, indicated he is the Studio Manager of CMN's Oakland University Studio and he was available for questions.

**Mr. Jay Wiencko**, 508 Marquette Drive, Acting Director of CMN, noted the benefits of the services CMN provides and asked Council if they had any questions.

Council members noted the following concerns regarding CMN's apparent history of questionable financial and business practices:

- \* CMN's current General Balance exceeds their annual budget.
- \* Funds were previously used inappropriately for such items as thousand-dollar staff dinners and wedding gifts for staff members.
- \* Rochester Hills pays a disproportionate amount of money to CMN for the small number of City residents who utilize the facility equating to approximately \$12,000 per user.
- \* Many members of the eleven-city consortium that supports CMN do not make financial contributions.

**Mr. Wiencko** expressed his embarrassment for previous CMN practices and gave Council his personal assurance that these types of issues would not occur in the future. He noted that CMN intends to spend down the fund balance on new equipment and that their accounting practices are "much more transparent" and they are now accounting "for every dime."

### **PUBLIC COMMENT:**

**Mr. Lee Zendel**, 1575 Dutton Road, noted that the cable and telephone industries are changing rapidly due to satellite television and voice-over-Internet communications, thus revenues from these industries will be reduced significantly in the near future.

**Ms. Holder** stressed to City residents that the funds under discussion were derived from cable franchise fees and were not tax dollars taken from the City's coffers.

*It was determined that Council should reduce their remaining 2004 CMN contribution from one percent of PEG funding to half a percent.*

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

**Whereas the Public/Education/Government (PEG) funding received from cable companies is distributed at the sole discretion of the Rochester Hills City Council; and**

**Whereas the City of Rochester Hills is under no obligation to provide funding for Public Access television.**

**Be It Resolved that the Rochester Hills City Council shall reduce from one percent (1%) to one half percent (1/2%) the distribution of PEG funds to the Intergovernmental Cable Communications Authority for Public Access services (Community Media Network) for the second, third and fourth quarters of 2004.**

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

**Aye:** Duistermars, Holder, Raschke and Robbins

**Nay:** Hill, Barnett and Dalton

**Enactment No:** RES0100-2005

**2005-0255**

**Postponement of Resolution Regarding Public Access Funding 2005 Distribution**

**Attachments:** Agenda Summary.pdf; CMN Information.pdf; 0255 Resolution.pdf; Supplemental information.pdf

*Most Council members expressed a desire to postpone their decision to set a funding level for 2005 until a contract between the ICCA and CMN has been ratified.*

*Mr. Jay Wiencko, 508 Marquette Drive, Director of CMN, warned Council members that if Rochester Hills withholds its funding to CMN they risk the loss of CMN board representation.*

*City Attorney John Staran indicated that the PEG funds are distributed at the discretion of the City Council and can be used for the City's own municipal cable broadcast facility. Mr. Staran, noting CMN's claim to use the excess fund balance to purchase equipment, suggested that "you see some proof of that."*

**A motion was made by Dalton, seconded by Robbins, that this matter be Postponed by Resolution.**

**Whereas the Public/Education/Government (PEG) funding received from cable companies is distributed at the sole discretion of the Rochester Hills City Council;**

**Be It Resolved that the Rochester Hills City Council will postpone the decision to set the contribution level of PEG funding to the Intergovernmental Cable Communications Authority (ICCA) for Public Access services (Community Media Network) for the year 2005 until the contract currently under negotiation between the ICCA and CMN is adopted.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**(Recess 9:01 p.m. - 9:24 p.m.)****2005-0043**

Consideration of Purchase Offers for Meadowfield Property - City-owned property totaling approximately 9.5 acres previously purchased in 2001 for the consideration of the Older Persons' Commission (OPC), located on the north side of Meadowfield Drive, west of Rochester Road, zoned Special Purpose, known as Parcel No. 15-22-226-016

**Attachments:** Agenda Summary.pdf; Update Report to Council 033105.pdf; Letter Lombardo 20050325.pdf; Lombardo Exchange Agt 20050328.pdf; Lombardo P.O Agreement. 032805.pdf; Gilbert P.O. Agreement 0305.pdf; Report Anzek Meadowfield.pdf; 011905 Agenda Summary.pdf; Lette

**Mr. Ed Anzek**, Director of Planning/Development, provided a brief history of the events leading up to the proposed sale of the City-owned Meadowfield property. He noted that the City had originally purchased the Meadowfield property as a possible location for the Older Persons' Commission. Recently Lombardo Companies had approached the City with the possibility of a land swap allowing the City to expand Nowicki Park by ten acres. During that same time period, W.G. Gilbert, Inc., also approached the City offering an outright purchase of the same property. A committee was formed to evaluate the proposals and two proposals were brought before Council for consideration; however, the reviewing committee had advised Council to reject both offers and suggested that further negotiation with the two developers be permitted. With the addition of Council member Holder to the review committee, Council agreed to this recommendation. The reviewing committee returned three offers--one by W.G. Gilbert and two by the Lombardo Companies--for consideration by Council:

**W.G. Gilbert, Inc. Purchase**

\$1.98 Million

108 units - Estimated for Development

**Lombardo Companies Purchase**

\$1.975 Million

58 units - Estimated for Development

**Lombardo Companies Exchange**

\$1.6 Million (land)

\$375,000 (cash)

58 units - Estimated for Development

While both developers had offered proposals for the out-right purchase of the Meadowfield property, it was the proposal by the Lombardo Companies to purchase the City-owned property by offering the swap of ten acres of land that would extend the City's Nowicki Park as well as \$375,000 in cash that was recommended for approval by the reviewing committee. **Mr. Anzek** noted the following:

- \* There is a dearth of parkland in that area of the City.
- \* While Nowicki Park is not currently developed, increasing the acreage would increase the various development options.
- \* If not joined with Nowicki Park, the land swap parcel would likely be developed at the maximum density permitted under City ordinance.

\* Once this land swap parcel is developed, the opportunity to expand Nowicki Park will be lost forever.

**PUBLIC COMMENT:**

**Mr. Hunter Korth**, 6905 Telegraph Road, Bloomfield Hills, representing Robertson Brothers Company, noted that his firm had heard of the potential sale of the property in question on March 20th and he had been attempting to gain further information regarding the matter. He requested that City Council postpone any decision until his firm had the opportunity to also provide a purchase bid.

**Mr. Michael Dubeck**, 817 Ravine Terrace, stated that he is the scheduler for Rochester Youth Soccer league and their participation has doubled in the past ten years. He further noted that participation is expected to increase between three and fifteen percent annually. He expressed concern that there may not be a sufficient amount of playing field space available for the growing need.

**Mr. Shawn Cox**, 870 Ramblewood, Rochester, representing the Rochester Redskins football and cheer leading organization expressed the same concern and need for playing field space in the area.

**Mr. John Anderson**, 108 East Second Street, Rochester, Director of Rochester-Avon Recreation Authority and the field scheduler for Rochester Schools endorsed the land swap proposal noting the future need for playing fields.

**Ms. Susana Donahue**, 2710 Miller, representing fifty soccer teams with the Vardar Soccer Club, endorsed the land swap proposal in support of future playing fields.

**COUNCIL DISCUSSION:**

During an extensive discussion of the proposals, which included **Mr. Mike Hartner**, Director of Parks & Forestry, Council and staff noted the following:

\* The City would benefit more from the approximately \$2 million if the property were sold outright.

\* The City does not have the money to develop Nowicki Park.

\* The wetlands to the north of the proposed added parcel would create a buffer between the newly-expanded park and the neighborhoods.

\* An increase in size of ten acres would afford some flexibility to the eventual park development allowing for parking, etc.

\* There is a demand for more playing fields in the area.

\* The Rochester Redskins football and cheer leading organization has offered money towards grants to develop more playing fields.

\* The review committee was thinking long-term (20, 30, even 50 years) with regards to park land development.

\* While monies from the out-right sale of the Meadowfield property could be added to the City's General Fund, this would only be a short-term benefit.

\* Residents may not support future millages if Council refuses approximately \$2 million and accepts more park land.

\* The review committee "wrestled" with the issue of the loss of millage support as a result of accepting the land swap proposal, however, the review committee felt that the long-term benefits associated with the expansion of Nowicki Park mitigated that concern.

\* Adding to the park provides for a much more usable park space for future development.

\* Residents expressed overwhelming support for the parks when a rumor circulated recently that Council may vote to close them.

\* If these ten acres are not joined to Nowicki Park they will be developed and further park expansion will be unlikely in the future.

\* It would be preferable to sell the Meadowfield property out-right and then use those proceeds to develop Nowicki Park.

\* Various park development options should be explored such as public/private partnerships, as was the case with Pine Trace Golf Club and the Velodrome.

Council members expressed interest in postponing a decision until Robertson Brothers can submit an offer. **Mr. Korth** noted that Robertson Brothers would likely need as much as thirty to sixty days to submit a proposal.

**Mr. Staran** cautioned Council that any delay at this point could result in a change or withdrawal of the current proposals under consideration.

**Mr. Anthony Lombardo** of Lombardo Companies, 6303 26 Mile, Washington, Michigan, noted that his offer of a land swap would expire on May 6th due to the necessary, time-sensitive steps involved in purchasing the land for the swap.

**Mr. William Gilbert** of W.G. Gilbert, Inc. 4635 Gallagher Road, Rochester Michigan, noted the following:

\* The recent millage vote for open space failed.

\* Ball parks generate a lot of traffic.

\* Affordable housing comes at a cost of higher density.

\* There is a need for affordable housing in the City.

\* Feels he was at a disadvantage, as he was not informed that Lombardo Companies had provided two offers.

\* Asked that Council table the current decision and ask that all applicants provide a final and best offer by the next Council meeting.

Following Council discussion that determined that, due to the necessary staff review time needed, interested parties would need to submit their final approvals no later than April 22nd.

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

**Resolved that the Rochester Hills City Council postpones the decision to approve a purchase offer for the Meadowfield Property until the May 4, 2005 regular City Council meeting.**

**Be It Further Resolved that all final purchase offers be submitted to the Meadowfield Property Committee no later than the end of business on April 22, 2004.**

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

**Aye:** Hill, Dalton and Raschke

**Nay:** Barnett, Duistermars, Holder and Robbins

**Enactment No:** RES0102-2005

**(Recess 11:07 pm - 11:20 p.m.)**

**2005-0043**

Consideration of Purchase Offers for Meadowfield Property - City-owned property totaling approximately 9.5 acres previously purchased in 2001 for the consideration of the Older Persons' Commission (OPC), located on the north side of Meadowfield Drive, west of Rochester Road, zoned Special Purpose, known as Parcel No. 15-22-226-016

**Attachments:** Agenda Summary.pdf; Update Report to Council 033105.pdf; Letter Lombardo 20050325.pdf; Lombardo Exchange Agt 20050328.pdf; Lombardo P.O Agreement. 032805.pdf; Gilbert P.O. Agreement 0305.pdf; Report Anzek Meadowfield.pdf; 011905 Agenda Summary.pdf; Lette

***Mr. Ed Anzek, Director of Planning/Development, noted that "the key question tonight is the land swap." He explained that if Council were opposed to that concept, then it would narrow the discussion.***

***Mr. Duistermars made the motion to accept the land swap proposal.***

***Mr. Barnett requested that the motion contain language noting that the land attained in the swap should be considered for development of a Community Center.***

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

**Resolved that the Rochester Hills City Council concurs with the recommendation of the Meadowfield Property Committee and accepts the Exchange Agreement dated March 28, 2005 between Anthony F. Lombardo, not individually, but on behalf of an entity to be designated by him, and the City of Rochester Hills, submitted for consideration for the property owned by the City of Rochester Hills known as the Meadowfield site, Sidwell Number 15-22-226-016 as the preferred option.**

**Be It Further Resolved that the property obtained in the Exchange Agreement be used for a future public purpose including, but not limited to, a community center.**

**Be It Further Resolved that the Mayor of the City of Rochester Hills is authorized to execute the Agreement on behalf of the City of Rochester Hills.**

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

**Aye:** Hill, Barnett, Duistermars and Holder

**Nay:** Dalton, Raschke and Robbins

**Enactment No:** RES0102-2005



**NEW BUSINESS**

2005-0249

Request to place Older Persons' Commission (OPC) Transportation Millage on September 13, 2005 Primary Election

**Attachments:** Agenda Summary.pdf; 051805 Agenda Summary.pdf; 050205 Staran Letter re Ballot language.pdf; OPC Ballot Language.pdf; 040605 Agenda Summary.pdf; Letter Miller.pdf; Transportation Information.pdf; List of OPC Mini Buses.pdf; 2004 OPC Transportation Annual

**Mr. Dalton** explained that the Older Persons' Commission (OPC) Transportation Millage is expiring and the OPC is requesting that City Council place a millage renewal on the September Primary Election Ballot. He further noted that if there are no other items for consideration for the Primary Election, the issue can be moved to the November General Election.

**President Hill** noted that the cost of the election would be taken into consideration when determining whether to proceed with a Primary Election in September. She also suggested that the transportation fees paid by patrons of the OPC transportation program need to be enforced to support the actual cost of the services.

**Mr. Staran** indicated that there were two issues to be considered for this millage request: 1) the renewal of the expiring Transportation Millage and 2) a new millage in addition to the expiring amount. He suggested bringing forward two versions of the ballot language, one that incorporated both requests and separate requests for each. He noted that incorporating them together could result in neither passing if residents were in favor of maintaining the current funding level, but opposed the increase.

**Mr. Dalton** stated that Marye Miller, Director of the OPC, would be in attendance at the Council meeting at which the ballot language would be considered to answer any questions.

**A motion was made by Dalton, seconded by Robbins, that this matter be Adopted by Resolution.**

**Resolved that the Rochester Hills City Council hereby approves the placement of the Older Persons' Commission (OPC) Transportation Millage proposal on the September 13, 2005 Primary Election ballot.**

**Be It Further Resolved that if there is not a September 13, 2005 Primary Election, that the OPC Transportation Millage proposal be moved to the November 8, 2005 General Election.**

**Further Resolved that the City Council directs City Attorney John Staran to prepare the proposed ballot language to be reviewed and approved by City Council at a subsequent regular meeting.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0198-2005

2005-0232

Adoption of Resolution Opposing the Elimination of the CDBG Program

**Sponsors:** Mayor's Office

**Attachments:** Agenda Summary.pdf; 0232 Resolution.pdf

**President Hill** requested that the approved resolution be forwarded to SEMCOG.

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

Whereas, the Community Development Block Grant (CDBG) Program was enacted and signed into law by President Gerald Ford as the centerpiece of the Housing and Community Development Act of 1974; and

Whereas, the CDBG program has as its primary objective "... the development of viable urban communities, by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income;" and

Whereas, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing, public service and neighborhood revitalization needs; and

Whereas, throughout its 30-year history, the CDBG program has developed a strong partnership among the federal, state and local governments, business and the non-profit sector which carries out activities that improve the lives and neighborhoods of low and moderate income families; and

Whereas, the City of Rochester Hills receives a formula share of CDBG funds through the Oakland County, Michigan urban county CDBG program and our residents participate in the Oakland County CDBG Home Improvement and Housing Counseling programs; and

Whereas, the City of Rochester Hills uses annual CDBG funds in the amount of \$176,567 to benefit our low and moderate income residents by providing a Home Chore Program, a Minor Home Repair Program, Public Service funding support; and

Whereas, President Bush has proposed the elimination of the CDBG program in his fiscal year 2006 budget; and

Whereas, should such a proposal be enacted, it would severely diminish our community's capacity to address the necessary housing and public service needs of our low and moderate income residents and to revitalize our neighborhoods, public facilities and infrastructures for their benefit.

Resolved that the City of Rochester Hills, Michigan hereby calls on the Congress to preserve the Community Development Block Grant (CDBG) Program within the Department of Housing and Urban Development and provide a FY 2006 funding of at least \$4.7 billion overall, with no less than \$4.35 billion in formula funding.

Be it Further Resolved that copies of this resolution be conveyed to the appropriate elected and appointed officials of the Federal, State and Local governments and national organizations.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0104-2005

**2005-0227**

Request for Purchase Authorization - PARKS/FORESTRY: Stump grinding services for 2005-2006; two-year blanket purchase order in the amount not-to-exceed \$69,000.00; OGW Tree Service, Southfield, MI

**Attachments:** Agenda Summary.pdf; Tabulation.pdf; 0227 Resolution.pdf

***Mr. Mike Hartner, Director of Parks & Forestry, explained that the excessive number of***

residents "swamping" his department with requests for stump grinding as a result of the Emerald Ash Borer problem made it necessary to seek assistance from an outside contractor.

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

**Resolved that the Rochester Hills City Council hereby authorizes a blanket purchase order to OGW Tree Service of Southfield, Michigan, for the grinding (removal) of stumps on right-of-way and City property in the amount of \$69,000.00 through December 31, 2006.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0105-2005

**2005-0208**

Request for Purchase Authorization - MIS: Various equipment, supplies and software for the 2005 Budget year, blanket purchase order not-to-exceed \$119,362.00

**Attachments:** Agenda Summary.pdf; 0208 Resolution.pdf

***Mr. Duistermars*** recused himself from this vote due to a possible conflict of interest.

***Mr. Kevin Krajewski***, Network Administrator/Deputy Director of MIS, explained that this request is the "standard equipment replacement and addition purchase." He noted that the previous year was the first time MIS garnered various quotes and used multiple suppliers rather than purchasing exclusively from EDS.

**A motion was made by Dalton, seconded by Robbins, that this matter be Adopted by Resolution.**

**Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to utilize various vendors of state and other cooperative contracts and other supply sources for the purchase of various equipment(s), supplies and software(s) or service(s), in the amount not-to-exceed \$119,362.00 through December 31, 2005.**

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

**Aye:** Hill, Barnett, Dalton, Holder, Raschke and Robbins

**Abstain:** Duistermars

**Enactment No:** RES0106-2005

**2004-1130**

Request for Purchase Authorization - DPS/Engineering: Traffic Signal Maintenance and Repairs and/or Upgrades of existing traffic signals, FAST-TRAC/SCATS system, school flashers, and LED traffic signal upgrades; blanket purchase order increase to a new not-to-exceed total of \$230,000.00; Road Commission for Oakland County, Waterford, MI

**Attachments:** Agenda Summary.pdf; Locations and Costs.pdf; Traffic Signs-Increase for Rails to Trails Crosswalk Signage.pdf; 120804 Agenda Summary.pdf; 120804 Resolution.pdf; 1130 Resolution.pdf

***Mr. Paul Davis***, City Engineer, explained that the request to increase the blanket purchase order in the amount of \$130,000 was due, in part, to an oversight during the budgeting process. He indicated that some outstanding invoices from 2004 totaling approximately \$83,000 had not been rolled over into the 2005 budget and, in addition, \$50,000 had not

*been budgeted for illuminated crosswalk signs, as the Road Commission for Oakland County had not yet approved them prior to adoption of the 2005 budget.*

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

**Whereas, that City Council authorizes the increase of the Road Commission for Oakland County blanket purchase order for costs associated with maintenance, repair and/or upgrades of existing traffic signals, FAST-TRAC/SCATS system, school flashers, and LED traffic signal upgrades in the amount of \$80,000.00; and**

**Whereas, that City Council authorizes an additional amount for costs associated with four illuminated overhead crosswalk signs and four street lights as part of the Clinton River Rails to Trails Project in the amount of \$50,000.00.**

**Resolved that the Rochester Hills City Council increase the blanket purchase order to the Road Commission for Oakland County by \$130,000.00 to a new not-to-exceed amount of \$230,000.00 and authorize the Mayor and City Clerk to execute the agreements for the illuminated crosswalk sign installation on behalf of the City.**

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

**Aye:** Hill, Dalton, Duistermars, Holder, Raschke and Robbins

**Nay:** Barnett

**Enactment No:** RES0107-2005

**2005-0176**

Adoption of Resolution in Support of Funding Opportunity Regarding Hamlin Road, Crooks to Livernois

**Attachments:** Agenda Summary.pdf; 0176 Resolution.pdf

*Mr. Paul Davis, City Engineer, explained that the City had submitted an estimated cost of \$10 million dollars to the Oakland County Federal Aid Task Force Committee for the construction phase of the Hamlin Road Project between Crooks and Livernois. The Committee, which determines how Federal road funds will be distributed, approved the project but could only provide \$8.4 million dollars. Mr. Davis felt that, prior to accepting the \$8.4 million dollars from the County, he would seek City Council's approval to advance construct (or front) the money for the remaining difference. He noted that the construction phase can be completed in 2008 with reimbursement of the \$8.4 million dollars from the County in 2009 or 2010. Following a question by Mr. Barnett regarding the County's "track record" in reimbursing communities in this manner, Mr. Davis assured Council, "It's been my experience that they do make an effort to do that." He further explained that Federal dollars can be lost if they are not all obligated in a given year.*

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

**Whereas, the Oakland County Federal Aid Task Force Committee recently approved \$8,400,000.00 towards the reconstruction of Hamlin Road between Crooks and Livernois for 2008 fiscal year federal funding; and**

**Whereas, the \$8,400,000.00 is less than the requested federal funds needed for the construction phase of this project; and**

**Whereas, the total construction cost phase for the Hamlin Road project is currently estimated at \$12,500,000.00, and of which eighty percent, or**

\$10,000,000.00 is eligible for federal funding reimbursement; and

Whereas, the City of Rochester Hills has the option to utilize the \$8,400,000.00 available federal funds in fiscal year 2008, and advance fund the estimated remaining \$1,600,000.00; and

Whereas, the City of Rochester Hills reserves the right to be reimbursed any eligible advance construction monies spent from a future federal fund appropriation through the Surface Transportation Program - Urban Category funding; and

Whereas, it is known that federal road funding dollars made available to Oakland County are limited and competition is high amongst communities desiring to reconstruct and improve roadways; and

Whereas, the City of Rochester Hills does not desire to jeopardize losing or further delaying the option to use the \$8,400,000.00 awarded for reconstruction of Hamlin Road between Crooks and Livernois for fiscal year 2008.

Resolved that the Rochester Hills City Council hereby agrees to immediately reserve (in fund balance) and support advance funding the additional amount of fiscal year 2008 construction phase expenses currently estimated to be \$1,600,000.00 for the Hamlin Road reconstruction project between Crooks and Livernois beyond the \$8,400,000.00 available federal funds.

The motion carried by the following vote:

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0108-2005

**2005-0204**

Request for Purchase Authorization - DPS: Amendment to Professional Service Contract for Tienken and Kings Cove Bridge Replacement/Traffic Signal Project in the amount of \$143,490.00 for a new not-to-exceed total of \$302,840.00; Hubbell, Roth & Clark, Inc. (HRC), Pontiac, MI

**Attachments:** Agenda Summary.pdf; Ltr08.pdf; Budget\_design.pdf; 0204 Resolution.pdf

***Mr. Paul Davis***, City Engineer, explained that the increase in the scope of the design plans for this project was necessitated by the acceptance of appropriated federal funds.

***President Hill*** asked if further work on the project could be postponed until the City was certain it will receive the promised federal funds.

***Mr. Davis*** indicated that a delay of two months would likely be acceptable, but noted that "I'd like to keep it moving."

***President Hill*** asked what would be the alternative were the City not to receive these funds.

***Mr. Davis*** explained that Tri-Party Funds could be used in place of the federal funds.

***President Hill*** requested that any future requirements or changes dictated by the acceptance of federal funds be reported to City Council.

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

Whereas, the Department of Public Service used a quality based selection (QBS) process to determine which Engineering Firm was best suited to provide the

**Professional Services for the Tienken Road and Kings Cove Intersection-Traffic Signal and Bridge Study; and**

**Whereas, the selection process included quality control for the project, project supervision, sensitivity, knowledge of local conditions and a clearly defined scope of work; and**

**Whereas, the City desires to accept federal funding of \$750,000.00 that was subsequently appropriated towards the Tienken bridge reconstruction after the initial design services contract was awarded; and**

**Whereas, the City is obligated to prepare the design plans and follow the typical review and design plan letting process in accordance with a Michigan Department of Transportation format by accepting the federal funds; and**

**Whereas, the City must amend the consultant scope of design services to include the revision of the design plans per MDOT format, compensate for previous charges incurred for utility coordination and work with adjacent agencies and homeowner associations, design for the relocation of the existing pedestrian bridge, and to complete the various work items necessary to obtain the required easements and right-of-way.**

**Resolved that the Rochester Hills City Council amend and increase the current contract by \$143,490.00 for Professional Services between Hubbell, Roth & Clark, Inc., and the City of Rochester Hills for the Tienken Road and Kings Cove Intersection-Traffic Signal and Bridge Project for a new amount not-to-exceed total of \$302,840.00 and authorize the Mayor and City Clerk to execute a contract on behalf of the City.**

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

**Aye:** Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Nay:** Hill

**Enactment No:** RES0109-2005

**2005-0259**

Request for Tax Abatement by Lutheran Social Services for renovations to Danish Village, 2566 Walton Boulevard (Dan Casey, Manager Economic Development, Planning and Development Department)

**Attachments:** Agenda Summary.pdf; Map aerial.pdf; Letter Great Lakes Capital 20050329.pdf; Tax Exempt Ord.pdf; 0259 Resolution.pdf

***Mr. Dan Casey, Economic Development Manager, introduced the following individuals appearing on behalf of Danish Village:***

*Dr. Louis Prues, Vice President of Planning for Lutheran Social Services*

*Mr. William Lutz, Housing for Lutheran Social Services*

*Mr. Eric DeGroat, Attorney with Clark Hill PLC*

*Mr. Edward Bobinchak of Great Lakes Capital Fund*

***Mr. Casey explained that Danish Village, a 150-unit senior affordable housing facility, was built fifteen years ago using Housing and Urban Development (HUD) funds. From its inception, the property taxes for Danish Village have been reimbursed to the City by the State of Michigan. However, at this time, Lutheran Social Services (LSS), owners of Danish Village, are seeking to terminate their tax exempt status in an effort to gain financing for renovations of the aging Danish Village apartments. LSS is requesting a Payment in Lieu of Taxes (PILOT) of 4% for a period of 45 years be paid to the City in place of the current property taxes.***

*Council members noted the following issues:*

*\* This would result in a substantial loss of property tax dollars to the City.*

*\* This would be a sacrifice for the community, but an investment for affordable housing for seniors.*

*\* If improvements are not made and Danish Village is unable to continue, the City will lose those property taxes as well as affordable senior housing.*

*\* According to SEMCOG there will be a need for affordable senior housing into the foreseeable future.*

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

**Whereas, Danish Village, located at 2566 Walton Boulevard, further identified as Parcel No. 70-15-08-376-002, is currently tax exempt pursuant to Section 211.7d of the General Property Tax Law, Act 206 of 1893, as amended; and**

**Whereas, the exempted taxes are reimbursed to the City of Rochester Hills by the State Department of Management and Budget under this provision; and**

**Whereas, Lutheran Social Services of Michigan (LSSM), owners of Danish Village, is applying for Low Income Housing Tax Credits, a MSHDA Program, in order to refinance and make improvements to the property; and**

**Whereas, LSSM is requesting a Payment in Lieu of Taxes (PILOT) of 4% for a period of 45 years, as permitted under the MSHDA Program; and**

**Whereas, the City of Rochester Hills is committed to providing affordable housing to seniors; and**

**Whereas, the City has adopted a Code of Ordinances, Community Development, Article II, entitled Tax Exempt Housing to provide for PILOT agreements for eligible affordable housing facilities.**

**Resolved that the Rochester Hills City Council authorizes the City Attorney to draft an Ordinance establishing the provisions of a PILOT between the City of Rochester Hills and Danish Village Limited Dividend Housing Association, LP after receipt of certification by MSHDA identifying the facility as tax exempt under its programs.**

**Be It Further Resolved that a certified copy of this resolution be provided to LSSM as evidence of City Council's support of its application to MSHDA.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0110-2005

## **COUNCIL COMMITTEE REPORTS**

*None.*

**NOMINATIONS/APPOINTMENTS**

2005-0182

Appointment of one (1) Citizen Representative to Zoning Board of Appeals/Sign Board of Appeals for a three (3) year term to expire on March 31, 2008

**Attachments:** Agenda Summary.pdf; Nomination Form.pdf; Colling Questionnaire.pdf; 031605 Agenda Summary.pdf; 031605 Resolution.pdf; Notice of Vacancy.pdf; 0182 Resolution.pdf

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

**Resolved that the Rochester Hills City Council appoints Ernest Colling, Jr. as Citizen Representative to the Zoning Board of Appeals/Sign Board of Appeals to serve a three (3) year term ending March 31, 2008.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0111-2005

2005-0272

Recommendation of Planning Commission Representative to the Zoning Board of Appeals

**Attachments:** Agenda Summary ZBA Rep Brnabic.pdf

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

**Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Planning Commission to appoint Deborah Brnabic to the Zoning Board of Appeals/Sign Board of Appeals for a one (1) year term to expire at the first Planning Commission meeting in April, 2006.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0112-2005

2005-0167

Appointment of City Clerk

**Attachments:** Leslie Application Packet.pdf; Agenda Summary.pdf; 030205 Agenda Summary.pdf; Clerk Memo P. Lee 022405.pdf; City Clerk Job Description.pdf; Selection Process Flowchart.pdf; Salary Data.pdf; 022105 EMail Staran.pdf; Requisition Form.pdf

*Council members determined that they would not seek outside candidates for the Council-appointed City Clerk position and, instead, would appoint Interim City Clerk **Jane Leslie** as City Clerk setting her salary at \$77,106.60.*

**A motion was made by Robbins, seconded by Dalton, that this matter be Adopted by Resolution.**

**Resolved that the Rochester Hills City Council hereby appoints Mary Jane Leslie as City Clerk for the City of Rochester Hills effective April 6, 2005 and that the 2005 salary for Ms. Leslie be set at \$77,106.60.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0113-2005



## ANY OTHER BUSINESS

*Mayor Somerville* indicated that Council members may soon be receiving calls from residents resulting from rumors that shooting deer within City limits may be permitted in an effort to reduce overpopulation.

*Ms. Hill* noted that this is being done in other metro parks, but noted that Council needs further information.

**2005-0276**

Approval of Michigan Department of Environmental Quality Canada Goose Egg Shaking and Roundup for Lochmoor Hills

**Attachments:** Troy Resolution.pdf; DNR Letter.pdf; Nest Destruction Ap.pdf

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

**Resolved that the City of Rochester Hills requests the Michigan Department of Environmental Quality (MDEQ) to allow Lochmoor Hills Homeowners Association to conduct a program of Canada Goose Egg Shaking and Canada Goose Roundup for a period of five (5) years.**

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

**Aye:** Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

**Enactment No:** RES0114-2005

## NEXT MEETING DATE

*Regular Meeting - Wednesday, April 20, 2005 at 7:30 p.m.*

## ADJOURNMENT

*There being no further business before Council, President Hill adjourned the meeting at 12:52 a.m.*

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*MELINDA HILL, President  
Rochester Hills City Council*

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*JANE LESLIE, Interim City Clerk  
City of Rochester Hills*

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

*Approved as presented at the July 20, 2005 Regular City Council Meeting.*