



Rochester Hills Minutes City Council

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

Wednesday, February 4, 2004

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:37 p.m. Michigan Time.

ROLL CALL

Present: Dalton, Duistermars, Hill, Holder, Raschke and Robbins

Absent: Barnett

Council Member Barnett provided previous notice he would be unable to attend and asked to be excused.

Others Present:

*Ed Anzek, Director of Planning/Development
Karl Holder, Fire Department Training Coordinator
Patrick McKay, Supervisor of Interpretive Services*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Member Duistermars, seconded by Member Robbins, to Approve Agenda as Amended. Agenda was Amended to add under ATTORNEY MATTERS two (2) resolutions to go into Closed Session at the conclusion of the February 4, 2004 Regular Council Meeting and at 6:30 p.m. on February 11, 2004; and to remove from PUBLIC HEARINGS item number 2004-0036, Revised Suburban Softball Consent Judgement.

The motion carried by the following vote:

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

Absent: Barnett

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, offered statistics sited at a recent Public Safety Committee meeting regarding the number of false alarms in the City. He stressed that these false alarms tax the resources of the City police officers and is a waste of money.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton thanked all members of the City Staff and Barb Holder for their efforts in making the previous Saturday's Grand Opening at the newly-renovated City Hall a

SUCCESS.

Mayor Somerville, responding to a query by Mr. Robbins regarding Avon Road between Rochester Road and John R Road, indicated that she was in communication with the Oakland County Road Commission and was waiting to hear whether there were funds available to repair the damaged road.

Mr. Duistermars noted that he and Ms. Raschke would address the issues raised by Mr. Zendel during the Committee Reports portion of the meeting.

Ms. Holder announced that she will be "going to jail" on February 19th to benefit the Muscular Dystrophy Association. She requested donations, explaining that she had pledged to raise at least \$1,500 in "bail" money.

President Dalton clarified changes to the evenings Agenda.

ATTORNEY MATTERS

2004-0074 Adoption of Resolution to convene to Closed Session at the conclusion of the February 4, 2004 Regular Council Meeting for the purpose of discussing the possible purchase or lease of real property.

Attachments: Master Report 2-4-2004.pdf

A motion was made by Member Raschke, seconded by Member Hill, 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 this Regular City Council Meeting of Wednesday, February 4, 2004 and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss the possible purchase or lease of real property.

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0007-2004

2004-0085 Adoption of Resolution to set a Closed Session on Wednesday, February 11, 2004 at 6:30 PM for the purpose of discussing an Attorney Client Privileged Communication

Attachments: master report.pdf

A motion was made by Member Duistermars, seconded by Member Hill, 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, on Wednesday, February 11, 2004 at 6:30 PM, Michigan Time, at 1000 Rochester Hills Drive, Rochester Hills, MI for the purpose of discussing an Attorney Client Privileged Communication

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0008-2004

RECOGNITIONS

2004-0020 Adams High School Football Team - State Champions

Attachments: Recognition.pdf

Mr. John Johnson, Communications Director of the Michigan High School Athletic Association (MHSAA), 1661 Ramblewood Drive, East Lansing, Michigan, praised the State Championship Rochester Adams High School football team noting that "sports are not just entertainment. They are an opportunity to learn about sportsmanship." Mr. Johnson then introduced Kristy Mitchell and John Pino of MEEMIC Insurance Services Corporation, 128 East Fourth Street, Rochester.

Mr. Pino, expressing his hope that the student athletes would continue to practice good sportsmanship throughout their lives, presented the championship team with a trophy and banner in appreciation for their sportsmanship.

Ms. Sue Ann Douglas, County Commissioner for District 12, 1228 North Main Street, Rochester, presented the team with a proclamation honoring the team's achievement.

Mr. Eric Wilson, County Commissioner for District 3, 240 Menasha, Lake Orion, in addition to the team, praised the school administrators, coaches and parents for their support.

Mr. Tom McMillan, Counter Commissioner for District 11, 1200 North Telegraph Road, Pontiac, expressed the pride of the alumni of the school.

Mr. Patrick McKay, Supervisor of Interpretive Services at the Rochester Hills Museum at Van Hoosen Farm, took receipt of a team helmet to be added to the collection at the Stoney Creek One Room School House.

President Dalton read the following proclamation from the City and asked that each team member come forward to be congratulated by the visiting dignitaries present.

The City of Rochester Hills Congratulates Rochester Adams Highlanders Varsity Football Team, Division 2, 2003 State Champions.

Whereas, the Residents of Rochester Hills are proud of the accomplishments achieved by the students in our local schools; and

Whereas, the Rochester Adams Highlanders Varsity Football Team won the first Football State Championship for Adams High School for the 2003 school year;

Now, Therefore, Be It Known, that the Mayor of the City of Rochester Hills hereby expresses our community's admiration for the teamwork, skill and talent of the Rochester Adams Highlanders and the dedication of their coaching staff; and

Be It Further Known, that on behalf of the People of Rochester Hills, we express our pride in the accomplishments of these Athletes.

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.

2004-0021 Approval of Inter-Agency Agreement between the County of Oakland and the City of Rochester Hills for Storm Water Management Services

Attachments: Master Report 2115.pdf; Agenda Summary.pdf; Contract.pdf; Exhibit A.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that the Rochester Hills City Council approves the Inter-Agency Agreement between the County of Oakland and the City of Rochester Hills to contract for Storm Water Management Services;

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

Enactment No: RES0018-2004

2004-0022 Request for Purchase Authorization: DPS - Four (4) new GMC Pick-up Trucks, purchase order not-to-exceed \$77,621.00; Red Holman Pontiac GMC Toyota, Westland, MI

Attachments: Master Report.pdf; Agenda Summary.pdf; Vehicle Specifications 1.pdf; Vehicle Specifications 2.pdf; Vehicle Specifications 3.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that the Rochester Hills City Council hereby approves a purchase order to Red Holman Pontiac GMC Toyota, Westland, Michigan for four (4) new GMC pickups in accordance with the City's current replacement policy in the amount of \$77,621.00 using the Oakland County Cooperative Purchasing Program.

Enactment No: RES0019-2004

Passed The Consent Agenda

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

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

Absent: Barnett

ORDINANCE FOR INTRODUCTION

2004-0026 Acceptance for First Reading - Rezoning Request - an amendment to Chapter 138 of the Code of Ordinances to rezone three parcels of land totaling approximately 5.5 acres from R-3, One Family Residential to RM-1, Multiple Family Residential District, located on the southwest corner of Hamlin and Livernois Roads, known as Parcel Nos. 15-28-226-023, -024 & -025, zoned R-3, One Family Residential, Salvatore J. Palazzolo, Applicant.

Attachments: Agenda Summary 20040303.pdf; Agenda Summary 20040204.pdf; Map aerial.pdf; Staff Report.pdf; Minutes, PC 20031202.pdf; Letter Crescentini Angeli 20031119.pdf; Letter, Metzler 20031124.pdf; Letter, Palazzolo Brothers 20031020.pdf; 2004-0026 Master Report.pdf

Mr. Salvatore Palazzola, 1264 Muirwood Court, Mr. Buzz Palazzola, 3005 University Drive, and Mr. Dominic Mocerì, 3005 University Drive, introduced themselves to the City Council.

Mr. Ed Anzek, Director of Planning/Development, provided a brief history of the item before Council explaining that the applicant had requested rezoning of 5.5 acres at the southwest corner of Hamlin and Livernois Roads from R-3 to RM-1, multi-family zoning to accommodate apartments and townhomes. He explained that, following a hearing before the Planning Commission, that body recommended to deny this rezoning request. However, he did note some issues Staff determined merited further discussion. He stressed that, although this is a rezoning and not a site plan matter, the possibility existed that rezoning to an RM-1 designation may be an opportunity for better control of access on Hamlin Road. Mr. Anzek also suggested that, as the north side of Hamlin Road is an industrial corridor, an RM zoning could be used as a transitional use between the two.

PUBLIC COMMENT:

Mr. Shamil Halabu, 2084 Livernois, stated his opposition to this change to the Master Plan as unwarranted and noted that he would prefer an industrial use to a multi-family development.

Mr. Michael Sinclair, 2040 South Livernois Road, described his home as being of historic significance. He stated that changes to the road would result in his home having to be moved. He suggested that a multi-family development would be incompatible with the historic aspects of the area.

Mr. Fred Kaehler, 2006 Oak Leaf Court, described the "watershed situation" behind his home, expressing concern that drainage from this proposed development would pool in his backyard. He noted there are wetlands in the area to be considered.

Ms. Pat Lemmon-Bartley, 2170 South Livernois, expressed her support for the rezoning.

COUNCIL DISCUSSION:

Council members raised concerns regarding the following:

- * Compatible transition from light industrial.
- * Planning Commission unanimously opposed rezoning.
- * Council cannot consider any site plans, only the possibilities under the new zoning.
- * The possibility of a PUD.
- * The high demand for single-family housing.
- * The need for multi-family housing in this area.
- * Requested zoning is not compatible with existing area developments.
- * Traffic safety issues as they apply to the number of curb cuts.

While Council members Duisternars, Holder and Raschke expressed support for the proposed rezoning, specifically noting staffs' support, they urged the applicant to consider withdrawing their request to return at a later date after considering other options, including a PUD.

Mr. Staran requested time to review the PUD ordinance to determine if it could be applied to this situation.

The applicants addressed the concerns of the Council members and residents as follows:

- * Eventual site plan would improve traffic problems. Specifically, a multi-family development would require only one (1) curb cut, as opposed to multiple curb cuts.
- * The applicants are award-winning developers.
- * Noted several area developments similar to their proposal.
- * Stressed that, rather than showing a proposed site plan, they attempted to show the

possibilities associated with the rezoning.

* *The Master Plan is a guide.*

* *There are no wetlands associated with this property.*

* *A PUD would require an ordinance text amendment.*

* *The applicants are not interested in a "spot" PUD.*

* *Development would have a positive impact on neighboring properties.*

* *Single-family homes result in a greater demand on City services.*

The applicants requested consideration for their request and a vote.

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

Resolved, that the Rochester Hills City Council hereby denies the rezoning request for Salvatore J. Palazzolo, City File No. 03-020, to rezone three parcels of land totaling approximately 5.5 acres, identified as Parcel Nos. 15-28-226-023, -024, & -025 from R-3 One Family Residential to RM-1, Multiple Family Residential District.

The motion failed by the following vote:

Aye: Hill and Robbins

Nay: Dalton, Duistermars, Holder and Raschke

Absent: Barnett

Enactment No: RES0060-2004

(Recess 8:35 p.m. - 8:45 p.m.)

(Recess 9:41 p.m. - 9:56 p.m.)

2004-0026

Acceptance for First Reading - Rezoning Request - an amendment to Chapter 138 of the Code of Ordinances to rezone three parcels of land totaling approximately 5.5 acres from R-3, One Family Residential to RM-1, Multiple Family Residential District, located on the southwest corner of Hamlin and Livernois Roads, known as Parcel Nos. 15-28-226-023, -024 & -025, zoned R-3, One Family Residential, Salvatore J. Palazzolo, applicant

Attachments: Agenda Summary 20040303.pdf; Agenda Summary 20040204.pdf; Map aerial.pdf; Staff Report.pdf; Minutes, PC 20031202.pdf; Letter Crescentini Angeli 20031119.pdf; Letter, Metzler 20031124.pdf; Letter, Palazzolo Brothers 20031020.pdf; 2004-0026 Master Report.pdf

Ms. Hill expressed her belief that the rezoning is incompatible for this area.

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

Resolved that an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone 5.5± acres, identified as Parcel Nos. 15-28-226-023, -024, & -025, located on the southwest corner of Hamlin and Livernois Roads, from R-3 (One Family Residential) to RM-1, (Multiple Family Residential); is hereby accepted for First Reading

The motion failed by the following vote:

Aye: Duistermars, Holder and Raschke

Nay: Dalton, Hill and Robbins

Absent: Barnett

Enactment No: RES0060-2004

(Recess 9:41 p.m. - 9:56 p.m.)

2004-0026

Acceptance for First Reading - Rezoning Request - an amendment to Chapter 138 of the Code of Ordinances to rezone three parcels of land totaling approximately 5.5 acres from R-3, One Family Residential to RM-1, Multiple Family Residential District, located on the southwest corner of Hamlin and Livernois Roads, known as Parcel Nos. 15-28-226-023, -024 & -025, zoned R-3, One Family Residential, Salvatore J. Palazzolo, Applicant.

Attachments: Agenda Summary 20040303.pdf; Agenda Summary 20040204.pdf; Map aerial.pdf; Staff Report.pdf; Minutes, PC 20031202.pdf; Letter Crescentini Angeli 20031119.pdf; Letter, Metzler 20031124.pdf; Letter, Palazzolo Brothers 20031020.pdf; 2004-0026 Master Report.pdf

Ms. Hill moved to postpone any further action until a future meeting when full Council is present to vote on the issue.

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

Resolved that City Council will POSTPONE the motion on the resolution to rezone three parcels of land totaling approximately 5.5 acres from R-3, One Family Residential to RM-1, Multiple Family Residential District, located on the southwest corner of Hamlin and Livernois Roads, known as Parcel Nos. 15-28-226-023, -024 & -025, zoned R-3, One Family Residential, Salvatore J. Palazzolo, Applicant.

Be it further resolved that this matter be brought back before City Council for further discussion and evaluation during a future City Council meeting.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill and Raschke

Nay: Holder and Robbins

Absent: Barnett

Enactment No: RES0060-2004

UNFINISHED BUSINESS

2004-0025

Adoption of Amendments to City Council Rules of Procedures

Attachments: Master Summary 20040204.pdf; Agenda Summary 20040121.pdf; Agenda Summary 20040204.pdf; Rules of Procedure for legistar 1a.pdf; Rules of Procedure for legistar 1b.pdf; Rules of Procedure for legistar 2.pdf; Rules of Procedure for legistar 3.pdf; Rules of P

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

Resolved that the Rochester Hills City Council amends its City Council Rules of Procedure as follows:

Article V Order Of Business And Agenda

Section .01 Order Of Business:**(A) Regular Meeting:**

Delete all of Section (A) and replace with the following:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Approval of Agenda
- Public Comment
- Legislative and Administrative Comments
- Attorney Matters
- Presentations
- Recognitions
- Consent Agenda
- Public Hearings
- Ordinance for Introduction
- Ordinance for Adoption
- Nominations/Appointments
- Unfinished Business
- New Business
- Council Committee Reports
- Any Other Business
- Next Meeting Date
- Adjournment

(B) Work Sessions

Delete all of Section (B) and replace with the following:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Public comments
- Administration
- City Council
- Comments & Announcements
- Any Other Business
- Next Meeting Date
- Adjournment

Section .05 Recording of Votes**(a) Voice (viva voce) or Roll Call Votes**

(iv) On the First Roll Call Vote at any meeting, the President shall be called to vote first, the Vice President shall be called to vote second and other Council Members shall then be called to vote in alphabetical order. On each succeeding vote taken at a meeting, the vote shall be taken in the same sequence as the prior vote except that the person voting first in the prior vote shall vote last.

Article VI. Resolutions, Ordinances, and Motions**Section .01 Resolutions:**

(a) An enacted resolution is the official action of the Council in the form of a

motion. Such action shall not exceed the limitation established by the City.

(b) A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.

(c) Upon consideration of a resolution, Upon final action on a Legislative file by the adoption of a Resolution, the City Clerk shall assign it a unique number.

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0009-2004

NEW BUSINESS

2004-0042

Request for Purchase Authorization - FACILITIES: purchase and delivery of electric energy for City facilities, blanket purchase order not-to-exceed \$390,950.00; DTE Energy, Detroit, MI and Michigan Municipal Risk Management Authority, Livonia, MI

Attachments: Master Report.pdf; Agenda Summary.pdf

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

Resolved that the Rochester Hills City Council authorize the purchase and delivery of electric energy for City facilities from DTE Energy, Detroit, Michigan, and Michigan Municipal Risk Management Authority, Livonia, Michigan, in the amount not-to-exceed \$390,950 through December 31, 2004

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0010-2004

NOMINATIONS/APPOINTMENTS

2004-0019

Nominations/Appointments to the Canvassing Board - two (2) four-year terms to expire December 31, 2007

Attachments: Master Report 20040204.pdf; Agenda Summary 20040204.pdf; CC Minutes 20031201.pdf; Notice of Vacancy.pdf; Barlow Questionnaire.pdf; Hipple Questionnaire.pdf; Nomination Form.pdf; Agenda Summary 20031201.pdf; Garfield Questionnaire.pdf; Appt ltr Barlow.pdf;

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

Resolved that the Rochester Hills City Council appoints Don Barlow and Richard Hipple as Members on the Canvassing Board, each to serve a four-year term ending December 31, 2007.

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0011-2004

2004-0024

Appointment of Citizen Representative to Administration & Information Services Committee for one (1) three-year term to expire December 31, 2006

Attachments: Master Report 20040204.pdf; Agenda Summary 20040204.pdf; AIS Roll Call Form .pdf; deCaussin questionnaire.pdf; Kirksey questionnaire 012004.pdf; Agenda Summary 20040121.pdf; Agenda Summary 20031201.pdf; Galeckza Letter 101603.pdf; Notice of Vacancy.pdf; Q

Ms. Hill questioned the appointment of Mr. Kirksey, noting that he is the husband of Mayor Somerville's campaign manager. She suggested that, as the Administration and Information Services Committee is responsible for setting the salaries of the Mayor and the Administrative Directors, this appointment could present a conflict of interest.

Mr. Robbins indicated that the Mayor is in her second term in office and, thus, is term limited.

Mr. Staran stated his conclusion that this appointment does not present a legal conflict of interest.

A motion was made by Member Duistermars that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council appoints Stephen Kirksey as a Citizen Representative on the Administration & Information Services Committee to serve one (1) three-year term ending December 31, 2006.

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke and Robbins

Nay: Dalton and Hill

Absent: Barnett

Enactment No: RES0012-2004

COUNCIL COMMITTEE REPORTS

Mr. Duistermars urged President Dalton to include in an upcoming Council meeting Agenda two (2) issues brought forward by the Public Safety Committee: 1) the Narcotics Enforcement Officer plan and 2) the false alarm issue.

Ms. Raschke, Co-Chairperson of the Public Safety Committed, introduced Andrew Roscoe, Youth Representative, who wished to make a presentation to the Council regarding the need for a Narcotics Enforcement Officer.

Mr. Andrew Roscoe, 1108 Avon Circle East, a Junior at Rochester High School, noting his membership on the Public Safety Committee, gave an impassioned speech noting the ongoing "war on drugs," stressing that this is not only an inner-city problem, but is a problem for suburban schools and suburbs as well. He stressed that "the challenge falls to this Council."

President Dalton praised Mr. Roscoe for his speech and stated he would add the matter to a future Council agenda. He noted that this evening was the first time Council had heard about the false alarm issue.

Mr. Duistermars stressed that the Public Safety Committee, in bringing forward these two issues, was attempting to find ways to offset the cost of more officers through other sources of revenue, as in the case of proposed fines for excessive false alarms.

Mr. Robbins described an issue discussed before the Zoning Board of Appeals regarding mobile trailers used as sales offices for construction sites.

Mr. Staran stated that Mr. Scott Cope, Director of Building/Ordinance Enforcement, had met with him and would be bringing forward proposed ordinance changes that would address Mr. Robbins's issue as well as many others.

Ms. Hill explained that the Administrative and Information Services (AIS) Committee would be bringing forward a new policy for the review of City Council appointed positions. Ms. Hill noted that the AIS Committee hoped to introduce the new procedures for meeting materials distribution to the other Communication Committees in the near future. Ms. Hill also noted that the Older Persons' Commission was in the process of examining its fees for non-residents and asked for patience during this process.

Ms. Holder indicated that the sign ordinance issue regarding sign placement and height would be returning before Council in an upcoming Work Session.

President Dalton announced that a resolution to the Rochester College/Historic Districts issue had been reached resulting in a "win-win" situation for all interested parties.

Mayor Somerville noted a lack of funds available for added sheriff's deputies for the proposed Narcotics Enforcement Officer and false alarm issue. She urged Council to consult Director of Finance Bob Spaman.

Mr. Duistermars suggested having the individual who spoke to the Public Safety Committee regarding the false alarm issue appear before Council. He urged Council to evaluate all the facts in an effort to make an informed decision.

NEXT MEETING DATE

Special Meeting - February 11, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 10:27 p.m.

*JOHN L. DALTON, President
Rochester Hills City Council*

*BEVERLY A. JASINSKI, Clerk
City of Rochester Hills*

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

Approved as presented at the March 17, 2003 Regular City Council Meeting.