

MINUTES of the rescheduled **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Tuesday, March 25, 2003 at 7:30 PM.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:30 PM Michigan Time.

2. ROLL CALL

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

Absent: None

QUORUM PRESENT

Others Present: Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director, Planning Department
Scott Cope, Director, Building Department
Roger Rousse, Director, Department of Public Service
Bob Spaman, Finance Director
Alan Buckenmeyer, Parks Operations Manager

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated March 19, 2003 from Susan Koliba-Galeczka, City Council Liaison).

President Dalton stated Agenda Item **101** (Confirmation of Mayor's Reappointments – Planning Commission) would be added to the Agenda.

Resolution A0001-2003-R0094

MOTION by Duistermars, seconded by Holder,

Resolved that the Rochester Hills City Council hereby approves the Agenda of the rescheduled Regular Rochester Hills City Council Meeting of Tuesday, March 25, 2003, amended as follows:

ADD: **Agenda Item 101 Confirmation of Mayor's Reappointments** of William Boswell and Eric Kaiser to the Planning Commission.

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

Nays: None

Absent: None

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton had nothing to report at this time.

6. MAYOR'S REPORT

President Dalton indicated Mayor Somerville could not be present at this meeting as she was representing the City at another function.

7. COUNCIL COMMENTS

Member Robbins and Council Members reflected on the current situation in Iraq, noting it was important to support the President, the County and the Troops

Member Holder referred to a recent article in the Rochester Eccentric regarding the City considering a Road Millage proposal in the fall. She indicated that proposal was under discussion at a Council Communication Committee level and had not been discussed or approved by City Council at this time.

8. ATTORNEY'S REPORT

Attorney Staran had nothing to report at this time.

9. ADOPTION OF RESOLUTION to set Closed Session at the conclusion of tonight's meeting (March 25, 2003) for the purpose of discussing pending litigation that could affect the financial interest of the City, namely, Grand/Sakwa Acquisitions, LLC v. City of Rochester Hills (A0613) (Members received a copy of an Action Summary Sheet dated March 19, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0613-2003-R0095

MOTION by Golden, seconded by Hill,

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 tonight's meeting, Tuesday, March 25, 2003, for the purpose of discussing pending litigation that could affect the financial interest of the City, namely **Grand/Sakwa Acquisitions, LLC v.**

City of Rochester Hills. Council will not reconvene to open session at the conclusion of the Closed Session.

ROLL CALL VOTE:

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

MOTION CARRIED

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- 10. CONSENT AGENDA** (All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from the Consent Agenda for separate discussion.)

Member Barnett requested Consent Agenda Item **10d** be removed for separate discussion. Member Hill requested Consent Agenda Item **10g** be removed for separate discussion.

Consent Agenda Items **10a, 10b, 10c, 10e, 10f, 10h, 10i, 10j, 10k** and **10l** were approved by a single motion.

- 10a. Approval of Minutes** - Regular Work Session, February 19, 2003 (A0005) (Members received a copy of the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, February 19, 2003).

Resolution A0005-2003-R0096

MOTION by Duistermars, seconded by Barnett,

Resolved that the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, February 19, 2003, be approved as presented.

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

MOTION CARRIED

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- 10b. Approval of Minutes** - Special Meeting, February 19, 2003 (A0005) (Members received a copy of the Minutes of a Special Rochester Hills City Council Meeting held on Wednesday, February 19, 2003).

Resolution A0005-2003-R0097

MOTION by Duistermars, seconded by Barnett,

Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on Wednesday, February 19, 2003, be approved as presented.

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

MOTION CARRIED

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- 10c. **Request for Purchase Authorization** - DPS/FLEET: **Revision** to Purchase of Four (4) GMC Pickup Trucks, amendment to purchase order in the amount of \$1,650.00 for a new not-to-exceed total of \$70,848.00; Red Holman Pontiac GMC Toyota, Westland, MI (A0480) (Members received a copy of an Agenda Summary Sheet dated March 3, 2003 from Julie Hamilton, Purchasing Analyst, Fiscal Team, with attachments)

Resolution A0480-2003-R0098

MOTION by Duistermars, seconded by Barnett,

Whereas, utilizing the Oakland County Cooperative Purchasing Program to purchase four (4) new GMC Pickups, Red Holman Pontiac GMC Toyota was determined to be the vendor in the best interest of the City.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes the purchase of four (4) new GMC Pickups to Red Holman Pontiac GMC Toyota of Westland, Michigan, through the use of the Oakland County Cooperative Purchasing Program, in the amount not-to-exceed \$70,848.00.

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

MOTION CARRIED

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- 10e. **Request for Purchase Authorization** - DPS: Weed Mowing and Lawn Maintenance Services, blanket purchase order not-to-exceed \$80,000.00; Kleen Kut, Washington, MI (A0610) (Members received a copy of an Agenda Summary Sheet dated March 3, 2003 from Julie Hamilton, Financial Analyst, Fiscal Team, with attachments)

Resolution A0610-2003-R0099

MOTION by Duistermars, seconded by Barnett,

Whereas, sealed bids for lawn maintenance and weed mowing services were solicited and awarded to Kleen Kut, the sole vendor; and the contract with Kleen Kut offers value to the City through price and the quality of service; and

Whereas, the City wishes to exercise its option to renew.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Kleen Kut of Washington, Michigan, for lawn maintenance and weed

mowing services for right-of-way and detention basin mowing in the amount not-to-exceed \$80,000.00, through February 28, 2004.

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

MOTION CARRIED

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- 10f. Request for Purchase Authorization - FACILITIES:** Lawn Mowing and Landscape Services, contract/blanket purchase order not-to-exceed \$80,255.00; Lakewood Landscaping, Troy, MI (A0608) (Members received a copy of an Agenda Summary Sheet dated March 4, 2003 from Bob Srogi, Facilities Operations Manager, with attachments)

Resolution A0608-2003-R0100

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council authorizes the issuance of a blanket purchase order to Lakewood Landscaping, Troy, Michigan, for lawn mowing and landscape services for City-owned sites in the amount not-to-exceed \$80,255.00 through December 31, 2003.

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

MOTION CARRIED

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- 10h. Request for Purchase Authorization - PARKS:** Spring and Fall Street Tree Planting 2003, contract/blanket purchase order not-to-exceed \$89,859.00; Tom's Landscaping, Inc., Troy, MI (A0616) (Members received a copy of an Agenda Summary Sheet dated March 11, 2003 from Gerald Lee, Forestry Operations Manager, and David Etz, Forestry Ranger II, Department of Parks & Forestry, with attachments)

Resolution A0616-2003-R0101

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council authorizes the award of the Spring and Fall 2003 Street Tree Planting Project to the lowest responsible, responsive bidder, Tom's Landscaping, Inc. of Troy, Michigan, in the amount not to exceed \$89,859.00.

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

MOTION CARRIED

- 10i. Request for Purchase Authorization** - MAYOR: Legal Fees for SOCRRA Litigation, blanket purchase order not-to-exceed \$30,000.00; Adkison, Need & Allen, P.L.L.C., Bloomfield Hills, MI (A0411) (Members received a copy of an Agenda Summary Sheet dated March 17, 2003, from Bob Spanan, Finance Director, with attachments)

Resolution A0411-2003-R0102

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Adkison, Need & Allen, P.L.L.C. of Bloomfield Hills, Michigan, for legal fees associated with the SOCRRA litigation in the not-to-exceed amount of \$30,000 through July 1, 2003.

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

MOTION CARRIED

- 10j. Request for Purchase Authorization** - DPS/FISCAL: Water and Sewer Damage Clean-up Service, amendment to existing blanket purchase order in the amount of \$15,000.00 for a new not-to-exceed total of \$35,000.00; Complete Content Restoration, Rochester MI (A0605) (Members received a copy of a Regular Meeting Action Summary Sheet dated March 3, 2003 from Julie Jenuwine, Senior Financial Analyst, Fiscal Team, with attachments)

Resolution A0605-2002-R0103

MOTION by Duistermars, seconded by Barnett,

Whereas, the Department of Public Service and the Risk Management area of the Mayors Department would like to continue to provide emergency on-call clean-up service for certain water and sewage events that are related to the City's infrastructure. For health and safety reasons, it is important to have a contractor on call to perform the appropriate removal, sanitization and drying services for affected parties/properties.

Now Therefore Be It Resolved that the City of Rochester Hills City Council approves the blanket purchase order in the amount not-to-exceed \$35,000, for water and sewage damage service contractor Complete Content Restoration, Rochester, Michigan.

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

MOTION CARRIED

- 10k. Request for Purchase Authorization PARKS AND FORESTRY/FACILITIES:** Maintenance Building at Borden Park, Purchase Orders in the amount not-to-exceed \$33,000.00; Various Vendors (A0618) (Members received a copy of a Work Session Discussion Information Sheet dated March 5, 2003 from Alan Buckenmeyer, Parks Operations Manager, with attachments)

Resolution A0618-2003-R0104

MOTION by Duistermars, seconded by Barnett,

Whereas, various items for the completion of the Maintenance Building at Borden Park were budgeted for and the funds are in Retained Earnings within the Building and Grounds Budget, and

Whereas, quotes from various professional trades have been received for the completion of this Building,

Now Therefore Be It Resolved that the Rochester Hills City Council approves the project budget for the completion of the Maintenance Building at Borden Park for a not-to-exceed amount of \$33,000.00.

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

Nays: None

Absent: None

MOTION CARRIED

- 10l. Confirmation of Mayor's Reappointments** of William Boswell and Eric Kaiser to the Planning Commission. (A0515) (Members received a copy of an Action Summary Sheet dated February 24, 2003 from Pam Olson, Mayor's Office, with attachments)

Resolution A0515-2003-R0105

MOTION by Duistermars, seconded by Barnett,

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of **William Boswell** and **Eric Kaiser** to the **Planning Commission**, each for a three (3) year term, which will expire March 31, 2006.

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

Nays: None

Absent: None

MOTION CARRIED

- 10d. Request for Purchase Authorization - CLERK/ACCOUNTING:** Re-design, Printing and Distribution of Water and Sewer Bills, contract/blanket purchase order not-to-exceed \$435,619.00; Lasertec, Sterling Heights, MI (A0607) (Members received a copy of an

Agenda Summary Sheet dated March 3, 2003 from Pam Lee, City Accountant, with attachments)

The following discussion was held regarding Consent Agenda Item **10d**:

Member Barnett questioned whether the new printing services would eliminate the City's ability to send out surveys with the water bills, which typically had an excellent response rate.

Mr. Spaman indicated some of the surveys were on separate pieces of paper and were just included with the water bill mailings, and stated he believed that practice could be continued.

Resolution A0607-2003-R0106

MOTION by Barnett, seconded by Holder,

Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Lasertec, Sterling Heights, Michigan, for the redesign, printing and distribution services for the City's water and sewer utility billings, in the amount not-to-exceed \$435,619.00, through April 1, 2006.

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

Nays: None

Absent: None

MOTION CARRIED

10g. Request for Purchase Authorization - FACILITIES: Plant Health and Lawn Care Services, contract/blanket purchase order not-to-exceed \$26,465.00; TruGreen Chemlawn, Rochester Hills, MI (A0609) (Members received a copy of an Agenda Summary Sheet dated March 4, 2003 from Bob Srogi, Facilities Operations Manager, with attachments)

The following discussion was held regarding Consent Agenda Item **10g**:

Member Hill commented she did not have any questions regarding the mowing portion of the request, but questioned the need for the fertilizer and aeration. She believed the City should limit the use of chemicals, which increases the need for mowing.

Resolution A0609-2003-R0107

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council authorizes the issuance of a blanket purchase order to TruGreen Chemlawn, Rochester Hills, Michigan, for plant health and lawn care services for City-owned sites in the amount not-to-exceed \$26,465.00 through December 31, 2003.

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

MOTION CARRIED

Member Golden commented that small purchase requests were not discussed during Council's goals and objectives meeting, and indicated she would like to discuss options such as fertilizing the lawns. She suggested the City could set a better example for the community. She indicated another issue was the lawn mowing, noting the firefighters were willing to maintain the fire station lawns, which could provide an opportunity for cost savings. She requested an overview of the RFP process, and an explanation of why, at times, there are so few responses to the RFP's.

President Dalton suggested those were items that could be discussed during the Management Staff Brainstorming session scheduled for April 12, 2003.

Mr. Rouse stated the firefighters had agreed to perform their own lawn maintenance this year.

11. PUBLIC COMMENTS

Lee Zendel, 1575 Dutton Road, referred to a recent article in the Detroit News regarding recycling and SOCRRA, which indicated the savings from the resale of recycled materials would be passed on to SOCRRA member communities. He indicated the numbers reflected in the article would amount to a yearly savings per resident of approximately One (\$1.00) Dollar. He noted recycling was a lot of work for the residents for such a small return. He stated he had heard about a proposal regarding forming a Charter Commission to change the form of government to a City Manager form. He indicated it might be beneficial to form another Charter Commission, and suggested the five (5) mill operating Millage limitation also be reviewed. He noted State Law allowed a twenty (20) mill operating Millage. He felt a fifteen (15) mill limitation would provide funds for police services, and the repair of the City's streets and roads. He stated although he did not like paying taxes, if the residents want to live in a certain type of community, it would have to be paid for.

12. LEGISLATIVE/ADMINISTRATIVE RESPONSE

No legislative or administrative responses were given.

13. REPORTS AND COMMUNICATIONS

13a. Zoning Board of Appeals Nominations/Appointments (A0525)

- (i) Nominations to fill three (3) three-year terms to expire March 31, 2006 (Members received an Agenda Summary Sheet dated January 28, 2003, from Lisa K. DeLeary, Administrative Secretary, Clerk's Office, with attachments)

President Dalton noted several candidates for the Zoning Board of Appeals positions were present and would be provided an opportunity to speak.

J. Martin Brennan, 515 Old Perch, stated he had served on the Zoning Board of Appeals for six (6) years. He noted his experience as a real estate attorney and how working with many municipalities could provide a benefit to the community.

Susan deCaussin, 456 Wimpole Drive, stated she had previously served on City Council, and had served as the Council representative to the Zoning Board of Appeals. She felt her experience was well rounded, and would appreciate the opportunity of serving on the Zoning Board of Appeals as a member of the community.

Gerard Verschueren, 230 Prospect, stated he was the current Chair of the Zoning Board of Appeals, and had been working with the Zoning Board of Appeals since 1963 in another community, and for the past six (6) years in Rochester Hills. He indicated he would appreciate the opportunity to continue serving on the Board.

Paul Weisberger, 3190 Hessel Avenue, stated he was a seven (7) year resident of the City and his wife was a lifelong resident of the City. He stated during his practice as a municipal and development attorney, he had spent many evenings at City Council, Planning Commission and Zoning Board of Appeals meetings. He indicated due to a recent career change, he had the time and the desire for public service, and would welcome the opportunity to serve on the Zoning Board of Appeals.

President Dalton noted the number of questionnaires received for these positions, and thanked all who had responded and indicated a desire to serve.

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

Member Robbins nominated: J. Martin Brennan, Jr.
 Susan deCaussin
 Gerard Verschueren

Member Duistermars nominated: Paul Weisberger

Member Golden nominated: Kenneth Zendel
 Stewart Myers

There being no further nominations, President Dalton **closed** the floor for nominations. President Dalton indicated voting on the nominations would be scheduled for a future City Council meeting.

- (ii) Appointment of Planning Commission Representative (Members received a copy of a Work Session Discussion Information Sheet dated February 24, 2003 from Maureen Gentry, Recording Secretary, Planning Department, with attachments)

Resolution A0525-2003-R0108

MOTION by Robbins, seconded by Duistermars,

Resolved that the Rochester Hills City Council confirms the appointment of James Rosen, Vice Chairman of the Planning Commission, to be the Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2004.

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

MOTION CARRIED

14. COUNCIL COMMITTEE REPORTS

Member Hill stated the Financial Services Committee held a joint meeting with the Community Development & Viability (CDV) Committee and discussed the options available for road funding. She stated the Committee decided an RFP should be prepared for consultant services to review the development of funding strategies for local road reconstruction and maintenance. She noted the current funding expired this year and no provision had been made for additional funding. She stated the Committee also received an update on water and sewer rates, and indicated the Financial Services Committee would continue an in-depth discussion with the Water and Sewer Board Members at the next meeting. She stated the Committee received a quick update on the CIP and Budget for 2004, noting the CIP should be completed and approved by the end of May.

Member Hill stated the Administration & Information Services (AIS) Committee continued discussions regarding salary issues, which would be coming forward in June. She stated the Committee was currently discussing various aspects of communication throughout the City.

Member Hill stated a Sister City Committee meeting would be held with the City of Rochester on Monday, March 31, 2003, which would be the first of regularly scheduled quarterly meetings.

Member Hill stated the Trailways Commission was working on a new brochure for the Paint Creek Trail. She indicated the Commission was seeking photographs of activities on or along the Paint Creek Trail for use in the new brochure, noting photographs could be e-mailed to her at hillm@rochesterhills.org, or dropped off at the City Clerk's Office.. She indicated the Commission would also hold a photo contest for a possible calendar featuring the Paint Creek Trail, or for possible use on the Commission's website. She stated the Commission would like to have the brochure and calendar completed and ready for Trail Day, which will be held on June 7, 2003.

Member Barnett stated the Rochester Area Recreation Authority (RARA) Board had received updated rental fees from the Schools, which contained some significant increases. He stated the Board was currently considering other options, and he would keep Council updated regarding this matter.

15. ANY OTHER BUSINESS

Member Holder stated Mayor Somerville had been unable to attend this meeting because she had been requested to be a presenter on behalf of the City at the Avondale Achievements Awards ceremony being held this evening.

President Dalton stated Oakland County had recently passed a resolution to continue medical insurance benefits for personnel called into active military service. He suggested the City consider a similar resolution, noting two (2) City employees had recently been called to active duty.

Resolution A0624-2003-R0109

MOTION by Robbins, seconded by Golden,

Resolved that the Rochester Hills City Council hereby requests the City Administration to explore the option of providing continued medical health insurance benefits to personnel called into active military service, and report the findings to Council at the April 2, 2003 Regular City Council Meeting.

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

Nays: None

Absent: None

MOTION CARRIED

Mr. Verschueren requested Council consider making the Zoning Board of Appeals (ZBA) appointments at the next Regular City Council Meeting. He noted the ZBA met on the second (2nd) and fourth (4th) Mondays of the month, and if the appointments were made at the April 9, 2003 City Council Meeting, he could have members present at the ZBA meeting who were not eligible to vote. He also noted the ZBA Bylaws required officers be appointed at the first (1st) meeting in April, which would require a full Board.

President Dalton indicated the appointments would be scheduled for the April 2, 2003 Regular City Council meeting, noting Council could waive their *Rules of Procedure* to make the appointments.

President Dalton stated the April 10, 2003 special meeting regarding SOCRRA had been cancelled due to the fact the study had not been completed. He indicated a meeting would be scheduled when the study is complete.

16. NEXT MEETING DATE

16a. Wednesday, April 2, 2003 - 7:30 PM - Regular Meeting

17. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 8:08 PM

JOHN L. DALTON, President
Rochester Hills City Council

JUDY A. BIALK,
Administrative Assistant to the City Clerk

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills