



Rochester Hills Minutes City Council Regular Meeting

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

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

Wednesday, November 16, 2005

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hill called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning/Development
Alan Buckenmeyer, Parks Operations Manager
Scott Cope, Director of Building/Ordinance Enforcement
Ron Crowell, Fire Chief
Jean Farris, Supervisor of Procurement
Susan Galeczka, Deputy Clerk
Bob Grace, Director of MIS
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
Kevin Krajewski, Deputy Director of MIS/Network Administrator
Pam Lee, Director of Human Resources
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Jack Sage, Ordinance Inspector
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of Wednesday, November 16, 2005 as amended to Add the following under CONSENT AGENDA:

2005-0479 - Authorization to Execute Purchase Agreement for the Sale of 1700 West Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006

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

The motion carried by the following vote:

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

PUBLIC COMMENT

Mr. Larry Paquette, 3701 Hazelton, suggested that after nine failed road millages it is time for the City to consider other solutions, such as Special Assessment Districts (SAD).

Mr. Vincent Robinson, 1487 Antler Court, requested that Council postpone the vote on the new DPS Facility until the new Council is seated and asked that Council seek ways to reduce the cost of the new facility.

Mr. Lee Zendel, 1575 Dutton Road, urged Council, in light of the failed road millage, to consider changing the current SAD process to either a 60/40 or 80/20 funding split between residents and the City to pay for road repairs and reconstruction.

President Hill read letters from the following three residents into the record:

* **Mr. John Macumber**, 401 Timberline, 1) questioned whether SADs can be enforced retroactively as a means to exact payment from residents who voted against the millage but whose roads were already repaired; 2) questioned why water and sewer funds cannot be used to fix roads when curbs have been replaced due to damage caused by sewer problems; and 3) stated that the proposed cost of the new DPS Facility is too high and that local roads should be the City's "#1 priority."

* **Ms. Nancy Raffler**, 713 West Auburn Road, indicated she had asked several questions during the November 2nd Council meeting that have not been answered, specifically those questioning the payments made to the City's former grant writer and the results of her efforts.

* **Mr. Tom Zelinski**, 1127 Kingsview Avenue, urged Council to consider less expensive building options for the new DPS Facility.

Mr. Paul Franklin, 2136 Elkhorn, reminded the Council that, despite the failure of the roads millage, it remains the responsibility of the City Council to maintain local roads. He voiced his opposition to the use of SADs and asked that before SADs are imposed by the City that the matter be put to a vote of the people.

Mr. Larry Schramm, 3298 Summit Ridge Drive, asked that the vote on the DPS Facility be delayed and that Council reconsider the design of the building. He suggested that a steel building would last 30 to 40 years at a greatly reduced cost to the City.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Robbins, noting that his tenure on City Council was coming to an end, praised his fellow Council members, Mayor Somerville and the City staff, stating that his eight years on Council had been "the best and worst of times."

Council members **Raschke** and **Duistermars** praised departing Council members Dalton, Hill and Robbins and wished them luck in their future endeavors.

Mr. Dalton also praised his fellow Council members and City staff, specifically noting the efforts of former City Clerk Bev Jasinski, current City Clerk Jane Leslie and Deputy Clerk Susan Galeczka. He also thanked his family for their patience and support throughout his years on City Council.

Ms. Holder noted she would hold her comments regarding the departing Council members until later in the meeting and made the following announcements/statements:

* Announced the Older Persons Commission's annual Christmas parade on December 4th, as well as various other fundraisers.

- * *Noted that those residents experiencing poor reception of Channel 55 should contact Comcast directly with their complaints.*
- * *Discouraged the negativity in the community, particularly regarding new development. She stressed that development brings in tax dollars that help keep residents' taxes low.*

President Hill stated that, rather than saying good-bye, she wanted residents to know that she would continue her involvement in the City after the expiration of her Council term. She encouraged everyone to "build better tolerance and respect for fellow citizens, their opinions and ideas." And, finally, she encouraged the continuation of historic preservation, stressing that history is "a dynamic process connecting everything we are, all that we will become, the totality of what we will become."

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

RECOGNITIONS

2005-0771 Recognition of City Council Members John Dalton, Melinda Hill and Gerald Robbins

Attachments: Agenda Summary.pdf

Ms. Holder expressed her "fond farewells" to departing Council members Dalton, Hill and Robbins. She stressed her "great admiration" for her fellow Council members and lamented the "huge loss with you leaving the Council."

Mr. Barnett described his departing colleagues as "tremendous City servants." He praised President Hill for her "tremendous heart," Mr. Robbins for his "concern for this community" and, finally, Mr. Dalton for being "an absolute leader."

County Commissioner Sue Ann Douglas noted her appreciation for how these three members have served their community.

City Clerk Jane Leslie praised the departing Council members, noting she wished them "all the best from the Clerk's staff" and presented each member with a plaque in recognition of their service to the City, specifically noting their terms in office and as Council president.

Presented

(Recess 8:37 p.m. - 9:12 p.m.)

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.

2005-0727 Approval of Minutes - Regular/Work Session City Council Meeting - July 27, 2005

Attachments: Min CC 072705.pdf; 0727 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular and Work Session Rochester Hills City Council Meeting held on July 27, 2005 be approved as presented.

Enactment No: RES0381-2005

2005-0728

Approval of Minutes - Special City Council Meeting - August 3, 2005

Attachments: Min CC Spec 080305.pdf; 0728 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 August 3, 2005 be approved as presented.

Enactment No: RES0382-2005

2005-0722

Conveyance of a Highway Easement granted by Trailways Commission, for the Paint Creek Trailway, for Parcel Nos. 15-03-503-005 & 15-10-503-006

Attachments: Agenda Summary.pdf; Map.pdf; Highway Easement.pdf; 0722 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 Trailways Commission, an Intergovernmental Commission, of 4393 Collins Road, Rochester, Michigan 48306, for the Paint Creek Trailway, for all Highway purposes including, but not limited to the construction, operation, maintenance, repair and/or replacement of a roadway, over, on, under, through and across land more particularly described as Parcel Nos. 15-03-503-005 and 15-10-503-006.

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

Enactment No: RES0383-2005

2005-0726

Acceptance of a Watermain Easement granted by Rochester Hills Baptist Church for Parcel No. 15-33-200-007

Attachments: Agenda Summary.pdf; Map.pdf; Easement.pdf; 0726 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 Rochester Hills Baptist Church, 3000 South Livernois, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-33-200-007.

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

Enactment No: RES0384-2005

2005-0761

Request for Purchase Authorization - CITY WIDE: Various Supplies, including hardware and building products, blanket purchase order not-to-exceed \$35,000.00 through December 31, 2006; Home Depot, Rochester Hills, MI

Attachments: Agenda Summary.pdf; 0761 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council waive the formal competition requirements for purchases over \$25,000 under Chapter 2, Article VI, Section 2-281 of the Purchasing Ordinance, recognizing the best value provided to the City of Rochester Hills by Home Depot, deeming this action to be in the best interest of the City of Rochester Hills.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Home Depot of Rochester Hills, Michigan, for various supplies, including hardware and building products in the amount not-to-exceed \$35,000.00 through December 31, 2006.

Enactment No: RES0385-2005

2005-0762

Request for Purchase Authorization - BUILDING: No-Haz Program increase to blanket purchase order in the amount of \$10,000.00 for a new not-to-exceed amount of \$35,000.00 through December 31, 2005; Oakland County Waste Residential Management Division, Pontiac, MI

Attachments: Agenda Summary.pdf; Administrative Fee.pdf; 0762 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes the increase to the blanket purchase order to Oakland County Waste Residential Management Division, Pontiac, Michigan, for the 2005 North Oakland County Household Hazardous Waste (No-Haz) Program in the amount of \$10,000.00 for a new not-to-exceed amount of \$35,000.00 through December 31, 2005.

Enactment No: RES0386-2005

2005-0741

Request for Purchase Authorization - DPS/ENG/FACILITIES: Increase Blanket Purchase Order for plumbing, heating and air conditioning maintenance services for various City properties, in the amount of \$10,000.00, for a new not-to-exceed total of \$35,000.00; Temperature Services, Inc., Detroit, Michigan

Attachments: Agenda Summary.pdf; Bid tabulation.pdf; 0741 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order to Temperature Services, Inc., of Detroit, Michigan, for the purchase of plumbing, heating and air conditioning maintenance services, by the increased amount of Ten Thousand (\$10,000.00) Dollars for the new total amount not-to-exceed Thirty-Five Thousand (\$35,000.00) Dollars through December 31, 2005.

Enactment No: RES0387-2005

2005-0772

Acceptance of the Possession and Use Agreement for the Adams Road Parcel 11, Adams Road right-of-way property to be acquired as part of the Adams Road relocation

Attachments: Agenda Summary.pdf; Map location Parcels 1&11.pdf; Letter Staran re Parcel 11.pdf; Agreement.pdf; 0772 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, a Possession and Use Agreement is a legal instrument providing the

City control of a parcel for the acquisition of the necessary right-of-way property and temporary construction easement; and

Whereas, the City has an Accepted Possession and Use Agreement for Parcel 15-30-302-017, entered into by and among the City of Rochester Hills and Amazing Grace Properties, LLC, as shown on the attached map as Parcel 11; and

Whereas, the source of funds for this acquisition is budgeted in the LDFA on line 848-93000, Land - ROW.

Resolved that the Rochester Hills City Council hereby approves payment in the amount of \$30,395.96 for estimated just compensation and permanent possession of Parcel 11 (15-30-302-017) to Amazing Grace Properties, LLC, owner(s).

Further Resolved that the Mayor is authorized to release a check for payment in accordance with the Possession and Use Agreement, thereby granting the City the right of use of this land.

Enactment No: RES0414-2005

2005-0773

Acceptance of the Possession and Use Agreement for the Adams Road Parcel 1, in conjunction with the Adams Road Relocation project

Attachments: Agenda Summary.pdf; Map location Parcels 1&11.pdf; Letter Staran re Parcel 1.pdf; Agreement.pdf; 0773 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, a Possession and Use Agreement is a legal instrument providing the City control of a parcel for the acquisition of the necessary right-of-way property and temporary construction easement; and

Whereas, the City has an Accepted Possession and Use Agreement for Parcel 15-30-351-034, entered into by and among the City of Rochester Hills and Mr. Norman E. Heinrich, as shown on the attached map as Parcel 1; and

Whereas, the source of funds for this acquisition is budgeted in the LDFA on line 848-93000, Land - ROW.

Resolved that the Rochester Hills City Council hereby approves payment in the amount of \$21,078.22 for estimated just compensation and permanent possession of Parcel 1 (15-30-351-034) to Norman E. Heinrich, owner.

Further Resolved that the Mayor is authorized to release a check for payment in accordance with the Possession and Use Agreement, thereby granting the City the right of use of this land.

Enactment No: RES0389-2005

2005-0479

Authorization to Execute Purchase Agreement for the Sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006

Attachments: Agenda Summary.pdf; Supplemental info.pdf; 0479 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the Rochester Hills City Council approved the purchase agreement between K&L Technologies and the City of Rochester Hills for the sale of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No.

15-21-376-006, on July 20, 2005.

Resolved that the Rochester Hills City Council hereby authorizes the Mayor to execute all appropriate documents to complete the sales transaction of 1700 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-376-006.

Enactment No: RES0390-2005

Passed The Consent Agenda

A motion was made by Dalton, seconded by Robbins, 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:

2005-0682

Confirmation of the Mayor's reappointment of George Karas and Suzanne White to three-year terms on the Brownfield Redevelopment Authority, terms to expire on November 13, 2008

Attachments: Agency Summary.pdf; White Questionnaire.pdf; Karas Questionnaire.pdf; 0682 Resolution.pdf

President Hill expressed her desire to see other residents given the opportunity to serve the community.

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

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Suzanne White and George Karas to three-year terms on the Brownfield Redevelopment Authority with terms to expire on November 13, 2008.

The motion carried by the following vote:

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

Nay: Hill

Enactment No: RES0377-2005

ORDINANCE FOR ADOPTION

2004-0907

Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Sign Regulations, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations

Attachments: Agenda Summary.pdf; Sign Ordinance (134) (revised 11[1].09.05).pdf; 110205 Agenda Summary.pdf; Ordinance Amendment Chapter 134 Signs.pdf; Sign Ordinance Table - Revisions 11-2-05.pdf; Sign Ordinance Comparrison Chart.pdf; 100704 Anzek Ltr Sign Ord.pdf; Ma

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

Resolved that an Ordinance to Amend Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Sign Regulations, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations is hereby accepted for Second Reading and shall become effective on Friday, November 25, 2005 the day following its publication in the Rochester Eccentric on Thursday, November 24, 2005.

The motion carried by the following vote:

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

Enactment No: RES0378-2005

2005-0738

Acceptance for Second Reading and Adoption - An Ordinance to Amend Article VI, Signs, of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Fees Charged in Connection with Signs and to Repeal Conflicting or Inconsistent Ordinances

Attachments: Agenda Summary.pdf; Ordinance Amendment Chapter 110 Fees.pdf; First Reading Resolution.pdf; 0738 Resolution.pdf

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

Resolved that an Ordinance to Amend Article VI, Signs, of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Modify Fees Charged in Connection with Signs and to Repeal Conflicting or Inconsistent Ordinances is hereby accepted for Second Reading and shall become effective on Friday, November 25, 2005 the day following its publication in the Rochester Eccentric on Thursday, November 24, 2005.

The motion carried by the following vote:

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

Enactment No: RES0379-2005

NOMINATIONS/APPOINTMENTS

2005-0702

Appointment of Planning Commission Representative Greg Hooper to the Brownfield Redevelopment Authority for a one (1) year term to expire December 1, 2006

Attachments: Agenda Summary.pdf; 0702 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby reappoints Greg Hooper as the Planning Commission representative to the Brownfield Redevelopment Authority for a one (1) year term to expire December 1, 2006.

The motion carried by the following vote:

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

Enactment No: RES0380-2005

UNFINISHED BUSINESS

2005-0645

Approval of the Project Budget for the DPS Facility and Authorization of the Administration to Proceed with Financing

Attachments: Agenda Summary.pdf; 112105 Barnett Letter.pdf; 111605 Agenda Summary.pdf; 110905 Agenda Summary.pdf; Agenda for DPS Presentation Nov. 9 05.pdf; Rouse Work Session Memo.pdf; Outside vehicle storage.pdf; Site Plans.pdf; Cost estimate.pdf; Alternative Summ

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, urged Council to move forward with this project, noting that further delays will increase the cost of the project.

COUNCIL DISCUSSION:

Mr. Barnett stressed that while he does support a new DPS Facility, he supports it on a smaller scale and he would be voting accordingly.

Ms. Holder indicated that the facility under consideration is not extravagant, but rather, is needed to provide the necessary services for the City. She stressed that the City needs to "look beyond today and look into the future" for the design of this building.

Ms. Raschke noted her support for the building and its current design.

Mr. Dalton indicated his support for a new facility, but questioned why carports were not considered in place of a heated garage. He stressed that, "sixteen million dollars is a lot of money with our economy the way it is." He also indicated that funding for water reservoirs was to be addressed along with the DPS Facility funding.

President Hill explained that bonding for the DPS Facility and water reservoirs would be addressed during the next agenda item. She noted her concern that the two items were "tied together."

Mr. Robbins stressed that, in the face of safety violations at the existing facility, "the time is now" to resolve this issue and move forward. He noted that further delays will continue to increase the cost of the new facility.

President Hill stressed her opposition to the design of the proposed facility. She described how the scale of the building has increased since the Maximus study was originally conducted. She urged the City to consider regionalism wherein the City would share services with surrounding communities, thus reducing costs. She suggested that delaying this decision another six months would be less costly when considering that bonding for a \$16.0 million facility, when debt service is factored into the equation, will likely cost the City nearly \$43.0 million.

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

Whereas, the City's project team has spent considerable time and resources researching options for space and upgrade needs for the Department of Public Services operations; and

Whereas, City Council has received reports of the findings and progress from the project team; and

Whereas, after evaluation of various solutions the project team and the professional consultants recommend a new 107,681 square foot DPS building as best meeting the City's needs, both now and into the future; and

Whereas, there is currently no outstanding debt in the Water and Sewer Fund.

Resolved that the Rochester Hills City Council hereby approves a project budget for the new construction of the DPS Facility for a total cost of \$15,695,000 (\$145,000 additional architectural) with DeMattia Group as construction manager and Minoru Yamasaki Associates as project architects.

Be It Further Resolved that Rochester Hills City Council authorizes the Mayor, City Clerk or Finance Director to do all things necessary to effectuate the sale and delivery of bonds in the amount of \$15,695,000.

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke and Robbins

Nay: Hill, Barnett and Dalton

Enactment No: RES0391-2005

2005-0769

Adoption of Resolution declaring Official Intent to Reimburse Project Expenditures with Bond Proceeds and authorizing Publication of Notice of Intent to issue Bonds.

Attachments: Agenda Summary.pdf; 111605 Resolution.pdf; Rescind 0769 Resolution.pdf

President Hill explained that there were two options for Council to consider: Option 1 would be to bond for the DPS Facility only and Option 2 would be to bond for both the DPS Facility and the water reservoirs.

Ms. Julie Jenuwine, Director of Finance, noted that approving Option 2 would result in a savings of approximately \$42,000 in bond counsel and notification costs.

President Hill reminded her fellow Council members that the actual water and sewer rates were set in anticipation that the reservoirs would be constructed.

Ms. Jenuwine cautioned that, although it has been anticipated that water reservoirs will have a positive cost savings effect on peak water rates, this savings is not guaranteed and is dependent on decisions made by the Detroit Water & Sewer Department (DWSD). She further noted that proceeds from the sale of City property that had been earmarked as a funding source for the new DPS Facility, would be placed in the Water & Sewer Replacement Fund to be used for future replacement costs in lieu of bonding for those projects.

Mr. Dalton, acknowledging that he opposed the previous motion to approve the DPS Facility, indicated that he would support Option 2, as the need for the reservoirs is so great.

President Hill concurred with Mr. Dalton and also suggested that Rochester Hills consider charging customers incrementally based on their water usage as a means of encouraging water conservation.

Ms. Jenuwine, responding to a question from Ms. Holder regarding the City's history of "subsidizing" water and sewer rates, explained that water and sewer expenditures have always exceeded revenues.

Mr. Dalton asked that the record reflect his contention that the reservoirs would save the City approximately \$1.5 million per year.

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

Whereas, the City of Rochester Hills (the "City") proposes to issue its tax-exempt bonds (the "Bonds") under Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to finance the hereinafter described capital improvements in the City (collectively the "Project"); and

Whereas, it is anticipated that the City will advance a portion of the costs of the Project prior to the issuance of the Bonds, such advance to be repaid from proceeds of the Bonds upon the issuance thereof; and

Whereas, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the City intends by this resolution to qualify amounts advanced by the City to the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

Now, Therefore, Be It Resolved by the City Council of the City of Rochester Hills, Oakland County, Michigan, as follows:

1. The Project shall consist of the following capital improvements: (i) acquiring, constructing and equipping a new Department of Public Services building, including any related site improvements, such building to be located on Auburn Road just east of Barclay Circle, and (ii) acquiring and constructing two water storage reservoirs, including any related site improvements.
2. The maximum principal amount of Bonds expected to be issued for the Project is \$24,000,000.
3. The City hereby declares its official intent to issue the Bonds to finance the costs of the Project, and hereby declares that it reasonably expects to reimburse the City's advances to the Project as anticipated by this resolution.
4. The Bonds shall be authorized by proper proceedings subsequent to this resolution.
5. The Clerk is hereby instructed to publish the notice attached hereto as Exhibit A once in a newspaper of general circulation in the City of Rochester Hills, which notice shall not be less than ¼ page in size in such newspaper, with such changes as the Clerk shall deem necessary or appropriate, upon the advice of bond counsel.
6. All prior resolutions and parts of resolutions insofar as they may be in conflict with this resolution are hereby rescinded.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Holder, Raschke and Robbins

Nay: Hill and Barnett

Enactment No: RES0392-2005

2005-0721

Rescind Resolution RES0376-2005 regarding Amendments to City Council Rules of Procedure

Attachments: Agenda Summary.pdf; 11/02/05 Agenda Summary.pdf; Rules of Procedures Draft changes 110205.pdf; 0721 Resolution to Rescind.pdf; 0721 Resolution to Adopt.pdf

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

Resolved that the Rochester Hills City Council hereby rescinds Resolution RES0376-2005 adopted at the Regular City Council Meeting of November 2, 2005 which amended the City Council Rules of Procedures.

The motion carried by the following vote:

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

Enactment No: RES0393-2005

Attachments: Agenda Summary.pdf; 11/02/05 Agenda Summary.pdf; Rules of Procedures Draft changes 110205.pdf; 0721 Resolution to Rescind.pdf; 0721 Resolution to Adopt.pdf

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

Resolved that, with the establishment of the Rochester Hills Government Youth Council and the desire on the part of the Clerk's Department for more flexibility in staffing Council meetings, the Rochester Hills City Council hereby adopts the following changes to the City Council Rules of Procedure:

Article IV - Council Officers and Duties: Section.03, Duties of Council Officers

SUBDIVIDE (b) The Vice-President into two sub sections:

- * (i) Use current language regarding Vice President
- * ADD a new (ii) which states: Shall serve as the Council liaison to the Rochester Hills Government Youth Council (RHGYC)

Article VII - Boards, Commissions and Committees: Section.03 - City Council Communication Committees

- * (ii) 2 CHANGE youth representation to RHGYC Members to read: ... and members of the Administration, to be appointed by the Mayor, and a maximum of three (3) Rochester Hills Government Youth Council (RHGYC) Members appointed by the RHGYC...
- * (ii) ADD 5 which states RHGYC Members shall be appointed by the RHGYC at their October monthly meeting and serve a one (1) year term commencing in October and ending in August to coincide with the school year. RHGYC Members are required to attend a minimum of one (1) meeting per quarter.
- * Renumber remaining Sections respectively
- * (ii) 7 CHANGE to reflect appointment of RHGYC Members to read: Committee Members except for the RHGYC Members shall be appointed to the Committee...

Article II, General Rules: Section.04, Journal of Proceedings Section

- * (a) i CHANGE to Audio tape recordings shall be made of each public meeting by the Clerk or his/her designee except for Special Meetings, which are specifically held to adopt a Resolution to convene to Closed Session. The tapes shall be retained for at least one (1) year and one (1) day following the meeting.

The motion carried by the following vote:

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

Enactment No: RES0393-2005

NEW BUSINESS

2005-0724

Approval of Amended Storm Water Detention Pond Agreement between the City of Rochester Hills and Kay Family Asset Company regarding City File No.

96-016.2 - Manchester Knolls Subdivision II, Kay Family Asset Company, L.L.C., applicant

Attachments: Agenda Summary SWDP.pdf; Agreement Stormwater.pdf; 0724 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, explained that this agreement had originally been approved by City Council in June, however, there was one minor adjustment that came to light following review by the State. He noted that this "slight variation" was insignificant and recommended approval by Council.

Mr. Dave Duggan, General Manager of Kay Family Asset Company, LLC, 57 Kay Industrial Drive, Lake Orion, owner, was present to answer any questions posed by City Council.

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

Resolved that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Storm Water Detention Pond Amended Agreement, an agreement relative to the use and maintenance of the detention facilities in Manchester Knolls Subdivision II, City File No. 96-016.2, subject to insertion of the Liber and page numbers for the First and Second Amended Agreements prior to execution by the City. The affected property is Zoned R-1, One-Family Residential, and identified as part of Parcel Number 15-02-200-014.

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

The motion carried by the following vote:

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

Enactment No: RES0394-2005

2005-0739

Acceptance of Amendment to Declaration of Covenants and Restrictions - Manchester Knolls Subdivision II

Attachments: Agenda Summary DCR.pdf; Agreement DCR.pdf; 0739 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby accepts the Amendment to Declaration of Covenants and Restrictions for Manchester Knolls Subdivision II, incorporating the second phase of the development in conformance with the Final Plat. The affected property is Zoned R-1, One-Family Residential, and identified as Parcel Number 15-08-251-002, Kay Family Asset, LLC, applicant.

The motion carried by the following vote:

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

Enactment No: RES0395-2005

2005-0723

Request for Final Plat Approval - City File No. 96-016.2 - Manchester Knolls Subdivision II, an 18-lot subdivision on approximately 12.8 acres, located south of Tienken and east of Brewster Road, zoned R-1, One-Family Residential, known as Parcel No. 15-08-251-002, Kay Family Asset, LLC, applicant

Attachments: Agenda Summary FP.pdf; Map aerial.pdf; Final Plat.pdf; Memo Moore 20051024.pdf; Letter Landtech.pdf; 0723 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby approves the Final Plat for Manchester Knolls Subdivision II (City File No. 96-016.2), located south of Tienken and east of Brewster Road, subject to submittal of all required performance guarantees, fees, and other requirements that must be met prior to release of the Mylar. The affected property is zoned R-1, One Family Residential and identified as parcel number 15-08-251-002.

The motion carried by the following vote:

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

Enactment No: RES0396-2005

2004-0604

Request for a Transfer of a Class C License from Palm Beach Recreation, Inc., 23050 W. Eight Mile, Southfield, MI 48304 to Papa Joe's Oakland, LLC to be located at 6900 N. Rochester Road

Attachments: Agenda Summary.pdf; 102705 AIS Agenda summary.pdf; 2005 New app & supp doc.pdf; 2004 Floor Plan.pdf; 2004 AIS Agenda Summary.pdf; 2004 Old Application.pdf; 090204 Memo Strate.pdf; 071304 AIS Agenda Summary.pdf; 071304 AIS Draft Minutes Excerpt.pdf; 2005 A

Mr. Tony Curtis, Curtis Properties Group, LLC, 2025 Rochester Road, applicant; and **Mr. Eric Eggan**, Honigman Miller Schwartz & Cohn, LLP, 222 North Washington Square, Lansing, attorney for applicant, were present to answer questions posed by City Council.

Mr. Dalton commended the applicant for seeking and securing a transfer license after having been discouraged from seeing three "new from quota" Class C liquor licenses.

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

Resolved that the request from Papa Joe's Oakland, LLC to transfer ownership of 2005 Class C licensed business (in escrow) with Sunday Sales from Palm Beach Recreation, Inc.; transfer location (Governmental Unit)(MCL436.1531 (1) from 23050 West Eight Mile, Southfield, Michigan 48034, Oakland County; Cancel existing Dance permit, A-Concourse Permit, and Official Permit (Bowling) and request a new SDM license to be held in conjunction, new Official Permit (Food), five new additional bar permits (for a total of six bars) and one direct connection to 6900 North Rochester Road, Rochester Hills, Oakland County, Michigan 48306 be considered for approval.

The motion carried by the following vote:

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

Enactment No: RES0397-2005

2005-0709

Request for Purchase Authorization - PARKS: Purchase and installation of a modular tile sports floor system for Borden Park basketball (three) courts and tennis (four) courts, Spencer Park tennis (two) courts and Avondale Park basketball (two) courts and tennis (two) courts; purchase order not-to-exceed \$175,402.00; Mateflex, Utica, New York

Attachments: Agenda Summary.pdf; Tabulation.pdf; 0709 Resolution.pdf

Ms. Holder indicated that, although she "has nothing against" the City's Parks, she

could not justify spending \$175,000 from the General Fund when the roads are in need of repair. She suggested that the decision be postponed until the road issue is addressed.

Mr. Robbins stated that Council "can't let the negativity over the roads hold you hostage." He suggested closing the Parks if the City is not going to make necessary repairs.

Mr. Duistermars noted that closing the Parks has been suggested as a possible solution to the local roads funding issue. However, he stressed that such an action would not provide nearly enough funds to repair and maintain local roads.

President Hill reminded Council that the request before Council is for the purchase of a budgeted item and not the possible closure of City Parks.

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

Resolved that the Rochester Hills City Council hereby approves a purchase order to Mateflex, Utica, New York for the purchase and installation of a modular tile sports floor system in the amount of \$175,402.00 as the best value for the City.

The motion carried by the following vote:

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

Nay: Holder

Enactment No: RES0398-2005

2005-0750

Request for Purchase Authorization - DPS: Purchase and installation of fan ventilation equipment for the Borden Park Maintenance Building, purchase order not-to-exceed \$8,578.00; Design & Quality Electric, Inc., Rochester, Michigan

Attachments: Agenda Summary.pdf; Tabulation.pdf; 0750 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby approves a purchase order to Design & Quality Electric, Inc., Rochester, Michigan, for purchase and installation of fan ventilation equipment for the Borden Park Maintenance Building in the amount of \$8,578.00 as the lowest, responsive, responsible bidder.

The motion carried by the following vote:

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

Enactment No: RES0399-2005

2005-0753

Request for Purchase Authorization - CITY WIDE: Office Supplies and equipment, blanket purchase order in the amount not-to-exceed \$109,000.00; Office Depot Business Services Division, Plymouth, Michigan

Attachments: Agenda Summary.pdf; 0753 Resolution.pdf

Mr. Duistermars indicated that this is a budgeted item.

President Hill noted that this is a routine purchase and was not included on the Consent Agenda because the dollar amount exceeded the Consent Agenda threshold.

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 Office Depot Business Services Division, Plymouth, Michigan, for office supplies and equipment in the amount not-to-exceed \$109,000 through December 31, 2006.

The motion carried by the following vote:

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

Enactment No: RES0400-2005

2005-0764

Request for Purchase Authorization - MIS: Wide Area Network and Internet Services, blanket purchase order in the amount not-to-exceed \$154,000.00 through December 31, 2008; Comcast Commercial Services Inc., Philadelphia, PA

Attachments: Agenda Summary.pdf; 0764 Resolution.pdf

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, questioned whether these services would be necessary if County Executive L. Brooks Patterson succeeds in his plan for wireless Internet throughout Oakland County.

STAFF/COUNCIL DISCUSSION:

Mr. Krajewski explained that the wireless access as proposed by Mr. Patterson would work at a much slower speed than wide area network that is being proposed.

President Hill further noted that, as Rochester Hills is not a "pilot community" for Mr. Patterson's plan, the County's wireless service will not be available for several years.

Mr. Robbins also noted that the County's wireless service would not be secure.

Mr. Krajewski further explained that there is a natural ridge that runs along Livernois that would prevent a wireless signal from reaching all of the City buildings unless a new tower were erected.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Comcast Commercial Services, Inc., of Philadelphia, Pennsylvania, for wide area Network and Internet services for a three-year term in the amount not-to-exceed \$154,000.00 through December 31, 2008.

Further Resolved that the Mayor is authorized to execute the contract on behalf of the City.

The motion carried by the following vote:

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

Enactment No: RES0401-2005

2005-0757

Request to Amend to the Oakland County Sheriff's Department 2004-2008 Law Enforcement Services Agreement to add a Patrol Sergeant

Attachments: Agenda Summary.pdf; 0757 Resolution.pdf

Mr. Lee Zendel, 1575 Dutton Road, noted that, while he is happy that the City is adding another patrol sergeant to the police services, he feels that one additional officer is inadequate.

COUNCIL DISCUSSION:

Mr. Barnett asked Mr. Staran for an update regarding the new false alarm ordinance.

City Attorney John Staran explained that a draft of the ordinance has been forwarded to Fire Chief Ron Crowell and Captain Bob Smith of the Oakland County Sheriff's Department (OCSD) for their review and he anticipated that it would be coming before Council "in short order."

President Hill noted that, while she agrees that an additional patrol sergeant was necessary to ensure supervision of officers at all times, she was in favor of promoting an existing patrol officer to sergeant rather than adding an additional officer. She also noted that prior to Council approval of the new false alarm ordinance, special attention should be paid to the enforcement aspects of the new ordinance.

Mr. Dalton indicated that the amended contract with the OCSD is awaiting review by the Oakland County Board of Commissioners. He explained that the addition of this new patrol sergeant will not only address the lack of supervision issue, but will allow one officer to begin implementation of the anticipated new false alarm program.

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

Whereas, the Rochester Hills City Council acknowledges the importance of public safety and known benefits to adding an Oakland County Patrol Sergeant to the Rochester Hills substation; and

Whereas, the Rochester Hills City Council has appropriated funds in the Approved 2006 Budget for an additional Sheriff's Deputy; and

Whereas, the Rochester Hills City Council wishes to carry out the objective in the 2006 budget.

Resolved that the Rochester Hills City Council authorizes the Mayor to forward to the Oakland County Board of Commissioners a request to amend the Contract between the City of Rochester Hills and the Oakland County Sheriff's Department for the law enforcement services of an additional Patrol Sergeant

Be It Further Resolved that the Mayor is authorized to execute the same on the behalf of the City.

The motion carried by the following vote:

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

Nay: Hill

Enactment No: RES0402-2005

2005-0770

Request to approve transfer of funds from the General Fund to the Capital Improvement Fund for 2006 to Local Road Fund and dedicate 0.5000 mill of General Fund

Attachments: Agenda Summary.pdf; 0770 Resolution.pdf

Mr. Dalton moved the resolution to transfer the half mill (\$1.7 million) from the General Fund to the Local Road Fund, and **Mr. Robbins** supported the motion.

Ms. Holder suggested that this matter be postponed for consideration by the new Council.

Mr. Barnett agreed, noting that these funds were part of the local roads plan in conjunction with the failed local roads millage. He indicated that the entire roads issue would need to be re-evaluated, including the disposition of these funds.

President Hill disagreed, noting that these monies had been levied by this Council with the intent that they be used for local roads and this Council should ensure that they are used in the manner they were intended, for local roads. She stated, "Frankly, as a taxpayer, I have been billed now with the intent that these would be used for the local roads." She acknowledged that it is not enough money to solve the local roads problem, but it would help with snow plowing, patching of potholes and possibly some overlays.

Mr. Dalton "agreed with most of what" President Hill stated. He further noted that the next Council can move the money again if they so choose. He expressed his concern that if the monies remain in General Fund they will likely be spent for something other than local roads.

Ms. Raschke made a motion to postpone the motion on the table and **Ms. Holder** supported the motion to postpone.

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

Resolved that the Rochester Hills City Council hereby Postpones approval of the transfer for 2006 the 0.5000 mill Variance Transfer (approximately \$1.7 million) from General Fund (101.990420) to the Capital Improvement Fund (420.699101 approved in the 2006 Budget) to the Local Road Fund (203.699420) until the incoming Council has been seated.

The motion carried by the following vote:

Aye: Barnett, Holder, Raschke and Robbins

Nay: Hill, Dalton and Duistermars

COUNCIL COMMITTEE REPORTS

Administration & Information Services (AIS) Committee:

Ms. Holder, Chair of AIS, noted that the AIS issues had been addressed earlier in the Council meeting.

Financial Services (FS) Committee:

Mr. Dalton, Chair of the FS Committee, had nothing to report.

Planning Commission (PC):

President Holder, Council representative to the PC, noted that the two previous meetings had been cancelled and, thus, she had nothing to report.

Older Persons Commission (OPC):

Mr. Dalton, Council representative to the OPC, announced that their Holiday Open House would take place the weekend after Thanksgiving.

ANY OTHER BUSINESS

Mr. Duistermars, Council representative to the Zoning/Sign Board of Appeals, indicated that petitioners before the ZBA are repeatedly requesting extensions to the length of time construction trailers are permitted to remain at construction sites. He explained that the time limit is 30 days and suggested that perhaps it could be increased to 60 days.

President Hill asked City Attorney John Staran to examine that portion of the ordinance and return to Council with a recommendation on the matter.

Mr. Robbins thanked Mr. Staran for his "guidance and direction" during the years Mr. Robbins has served on City Council.

Mr. Staran expressed his appreciation for "the assistance and respect" the departing Council members have shown him. He stated that he has "gained a great deal of respect and admiration for each of you."

President Hill requested that the City Administration provide answers to the questions asked at a previous Council meeting regarding the hourly rates paid to the City's former grant writer.

NEXT MEETING DATE:

- Special Meeting - Monday, November 28, 2005 at 6:00 p.m.
- Rescheduled Regular Meeting - Wednesday, November 30, 2005 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 10:33 p.m.

MELINDA HILL, President
Rochester Hills City Council

JANE LESLIE, Clerk
City of Rochester Hills

MARGARET A. MANZ
Administrative Secretary
City Clerk's Office

Approved as presented at the April 19, 2006 Regular City Council Meeting.