

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, January 15, 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: Pat Somerville, Mayor
Beverly Jasinski, City Clerk
John Staran, City Attorney
Scott Cope, Director, Building Department
Michael Hartner, Director, Parks & Forestry
Roger Rouse, Director, Department of Public Work
Bob Spaman, Finance Director
Alan Buckenmeyer, Parks Operations Manager
Derek Delacourt, Planner II, Planning Department

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated January 9, 2003 from Susan Koliba-Galeczka, City Council Liaison).

President Dalton stated Agenda Item **9b** (Adoption of Resolution to Set Closed Session) would be added to the Agenda.

Resolution A0001-2003-R0001

MOTION by Duistermars, seconded by Holder,

Now Therefore Be It Resolved, That the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of January 15, 2003, amended as follows:

Renumber: **Agenda Item 9 to 9a** (Adoption of Resolution to Set Closed Session) at the close of business tonight for the purpose of discussing a confidential attorney/client privileged communication. At the conclusion of the Closed Session, Council will not return to open session.

Add: **Agenda Item 9b** (Adoption of Resolution to Set Closed Session) at the close of business of the January 22, 2003 Regular Work Session for the purpose of discussing a confidential attorney/client privileged communication. At the conclusion of the Closed Session, Council will not return to open session.

THE REMAINDER OF THE AGENDA REMAINED THE SAME

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

Mayor Somerville had nothing to report at this time.

7. COUNCIL COMMENTS

Member Hill stated the Rochester Hills Museum would be holding a special series on Saturdays in January, beginning with January 15, 2003.

Member Barnett stated the Rochester Avon Recreation Authority (RARA) had published the 2003 Winter/Spring brochure listing the events, classes and trips planned through the end of March, 2003. He indicated additional information regarding the various activities could be obtained by contacting the RARA Offices at 248-656-8308.

Member Holder noted Council Meetings were now being held at the facility located at 1700 W. Hamlin Road.

8. ATTORNEY'S REPORT

Attorney Staran had nothing to report at this time.

9. CLOSED SESSION

- 9a. ADOPTION OF RESOLUTION TO CONVENE TO CLOSED SESSION** at the close of business of the Regular Meeting (January 15, 2003) for the purpose of discussing a confidential attorney/client privileged communication. At the conclusion of the Closed Session, Council will not return to open session. (Members received copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Susan Koliba-Galeczka, City Council Liaison, with attachments)

Resolution A0008-2003-R0002

MOTION by Hill, seconded by Barnett,

Now Therefore Be It Resolved That the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business of this Regular Meeting (January 15, 2003), and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss a confidential attorney/client privileged communication.

ROLL CALL VOTE:

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

MOTION CARRIED

- 9b. ADOPTION OF RESOLUTION TO CONVENE TO CLOSED SESSION** at the close of business of the January 22, 2003 Regular Work Session for the purpose of discussing a confidential attorney/client privileged communication. At the conclusion of the Closed Session, Council will not return to open session. (Members received copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Susan Koliba-Galeczka, City Council Liaison, with attachments)

Resolution A0008-2003-R0003

MOTION by Barnett, seconded by Duistermars,

Now Therefore Be It Resolved That the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business of the January 22, 2003 City Council Work Session, and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss a confidential attorney/client privileged communication.

ROLL CALL VOTE:

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

MOTION CARRIED

President Dalton stated Agenda Item **10** would be held later in the meeting as he had been informed Ms. Krupiarz was coming from Lansing and had not arrived. He indicated Council would continue with the balance of the Agenda and would return to Agenda Item **10** when she arrived.

- 11. CONSENT AGENDA** (All matters listed 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 the Consent Agenda for separate discussion.)

Member Robbins requested Item **11g** be removed from the Consent Agenda for separate discussion.

Consent Agenda Items **11a, 11b, 11c, 11d, 11e, 11f** and **11h** were approved by a single motion.

- 11a. Approval of Minutes** – Regular Work Session of November 6, 2002. (Members received a copy of the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, November 6, 2002).

Resolution A0005-2003-R0004

MOTION by Golden, seconded by Duistermars,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, November 6, 2002, be approved as presented.

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

MOTION CARRIED

- 11b. Approval of Minutes** - Regular Meeting, November 13, 2002 (A0005) (Members received a copy of the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, November 13, 2002).

Resolution A0005-2003-R0005

MOTION by Golden, seconded by Duistermars,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, November 13, 2002, be approved as presented.

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

MOTION CARRIED

- 11c. Approval of Minutes** - Regular Work Session, November 20, 2002 (A0005) (Members received a copy of the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, November 20, 2002).

Resolution A0005-2003-R0006

MOTION by Golden, seconded by Duistermars,

Now Therefore Be It Resolved, That the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, November 20, 2002, be approved as presented.

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

MOTION CARRIED

- 11d. Approval of Minutes** - Special Meeting, November 20, 2002 (A0005) (Members received a copy of the Minutes of a Special Rochester Hills City Council Meeting held on Wednesday, November 20, 2002).

Resolution A0005-2003-R0007

MOTION by Golden, seconded by Duistermars,

Now Therefore Be It Resolved, That the Minutes of a Special Rochester Hills City Council Meeting held on Wednesday, November 20, 2002, be approved as presented.

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

MOTION CARRIED

- 11e. Request for Purchase Authorization** - CLERK'S: 2003 Postage Permits, blanket purchase order not-to-exceed \$50,000.00; Rochester Post Office, Rochester, MI (A0467) (Members received a copy of a Regular Meeting Action Summary Sheet dated December 20, 2002 from Jane Leslie, Deputy Clerk, with attachments)

Resolution A0467-2003-R0008

MOTION by Golden, seconded by Duistermars,

Resolved that the Rochester Hills City Council hereby authorizes a blanket purchase order to the Postmaster-Rochester, Rochester, Michigan, for Permit 1041, First Class Presort, and Permit 136, Standard/Bulk Presort, postage in the amount not-to-exceed \$50,000.00 through December 31, 2003.

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

MOTION CARRIED

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- 11f. Request for Purchase Authorization** - CLERK'S: 2003 Postage by Phone, metered mail, blanket purchase order not-to-exceed \$50,000.00; Pitney Bowes, Inc., Louisville, KY (A0468) (Members received a copy of a Regular Meeting Action Summary Sheet dated December 23, 2002 from Jane Leslie, Deputy Clerk, with attachments)

Resolution A0468-2003-R0009

MOTION by Golden, seconded by Duistermars,

Whereas, the City of Rochester Hills leases Pitney Bowes postage equipment,

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Pitney Bowes, Inc. – Postage by Phone, for metered postage in the amount not-to-exceed \$50,000.00 through December 31, 2003.

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

MOTION CARRIED

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- 11h. Adoption of Resolution** authorizing the County Bond Counsel to proceed with the necessary actions to refund the Crake and Chester Drain Debt (A0472) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Bob Spaman, Finance Director, with attachments)

Resolution A0472-2003-R0010

MOTION by Golden, seconded by Duistermars,

Whereas, pursuant to the provisions of Chapter 20 of Act No. 40, Public Acts of Michigan, 1956, as amended, the Chester Drainage District has issued its Drain (LTGO) Bonds dated February 1, 1995 (the "Prior Bonds"), in the original principal amount of \$2,450,000 to defray part of the cost of acquiring and constructing the Chester Drain in anticipation of the collection of the several installments against the City of Rochester Hills (the "City") on the Special Assessment Roll for the Chester Drain; and

Whereas, the City of has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City; and

Whereas, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

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

1. The Chester Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended, in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.

2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of, the redemption premiums on, and the interest on the Prior Bonds that are refunded without further payment by the City.

3. The City agrees and consents to the imposition of special assessments against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.

4. The Manager, or if there is no Manager, the Mayor is authorized to file an Application for State Treasurer's Approval to Issue Bonds with respect to the Refunding Bonds.

5. The Clerk, Treasurer, Manager or Mayor is authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Clerk, Treasurer, Manager or Mayor is authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Clerk, Treasurer, Manager or Mayor is authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of beneficial owners of the Refunding Bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate attached hereto as Appendix A (the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

Roll Call Vote:

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

MOTION CARRIED

Resolution A0472-2003-R0011

MOTION by Golden, seconded by Duistermars,

Whereas, pursuant to the provisions of Chapter 20 of Act No. 40, Public Acts of Michigan, 1956, as amended, the Crake Drainage District has issued its (LTGO) Drain Bonds, dated August 1, 1991 (the "Prior Bonds"), in the original principal amount of \$1,940,000 to defray part of the cost of acquiring and constructing the Crake Drain in anticipation of the collection of the several installments against the City of Rochester Hills (the "City"), the County of Oakland (the "County") and the State of Michigan (the "State") on the Special Assessment Roll for the Crake Drain; and

Whereas, the City of has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City, the County and the State; and

Whereas, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

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

1. The Crake Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended, in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.
2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of, the redemption premiums on, and the interest on the Prior Bonds that are refunded without further payment by the City, the County or the State.
3. The City agrees and consents to the imposition of special assessments against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.
4. The Manager, or if there is no Manager, the Mayor is authorized to file an Application for State Treasurer's Approval to Issue Bonds with respect to the Refunding Bonds.

5. The Clerk, Treasurer, Manager or Mayor is authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Clerk, Treasurer, Manager or Mayor is authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Clerk, Treasurer, Manager or Mayor is authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of beneficial owners of the Refunding Bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate attached hereto as Appendix A (the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

Roll Call Vote:

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

MOTION CARRIED

11g. Request for Purchase Authorization - DPS/FLEET: Excavator, purchase order in the amount of \$132,250.00; Michigan Cat, Shelby Township, MI (A0466) (Members received a copy of a Regular Meeting Action Summary Sheet dated December 17, 2002 from Julie Hamilton, Purchasing Analyst, Fiscal Team, with attachments)

Member Robbins suggested this request be postponed for one (1) year due to the many Budget constraints being imposed.

Member Golden questioned what additional expenses the City would incur if the request were postponed for a year.

Mr. Rousse estimated a delay could cost the City an additional Ten Thousand (\$10,000.00) to Fifteen Thousand (\$15,000.00) Dollars, based on the cost of inflation; the additional repairs that would have to be made to the current Excavator, and the reduction in the trade-in value of the current equipment. He indicated this purchase would not have any impact on the Budget due to the fact the funds would come from the Enterprise Fund, noting the funds had been set aside for this new vehicle.

Member Robbins questioned whether funds contained in the Enterprise Fund could be used for other items. Mr. Spaman indicated the funds could not be moved due to the fact the Enterprise Fund was an internal service fund.

Mr. Rousse provided an explanation of the four (4) bids received regarding this equipment, noting the lowest bid that met the specifications for the vehicle was received from Michigan Cat.

Member Robbins requested an explanation of why the funds could not be utilized for other items, and how the funds are allocated to the Enterprise Fund. Mr. Spaman explained the funds are designated as replacement funds for the vehicle, based on an estimate of the replacement cost and life expectancy. He stated the funds are allocated per Charter through the Schedule C rates provided by the State.

Member Duistermars questioned whether the interest earned in the Enterprise Fund ran at the same rate as inflation. Mr. Spaman indicated the current interest rate was not very high.

Member Golden indicated this vehicle provided a necessary service for the City.

Member Duistermars questioned how the vehicle was used. Mr. Rouse indicated it was a multi-purpose vehicle, although its primary purpose was for ditching. He stated it was also used on road repairs and water main repairs.

Resolution A0466-2003-R0012

MOTION by Golden, seconded by Hill,

Whereas, sealed bids were solicited for the purchase of one new excavator and the lowest responsive, responsible bidder was selected; and

Whereas, after review and evaluation of the bids, Michigan Cat was determined to be the lowest responsible, responsive bidder in the best interest of the City.

Now Therefore Be It Resolved that the Rochester Hills City Council authorizes the purchase of one M318C Excavator to Michigan Cat of Shelby Township, Michigan, as the lowest responsible, responsive bidder in the amount of \$132,250.00.

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

MOTION CARRIED

12. PUBLIC COMMENTS

Lee Zendel, 1575 Dutton Road, referred to the Council Work Session held in February, 2002 regarding the solid waste issue. He stated the consultant working on the issue had discussed his questions with him, and provided him with a copy of a study conducted by the Resource Recovery and Recycling Authority of Southwest Oakland County entitled "Curbside Solid Waste Service Rates 2002 Report". He stated the study indicated the median rate was One Hundred Thirty-three (\$133.00) Dollars per year, with the average rate being One Hundred Thirty-six (\$136.00) Dollars per year. He felt the study should have adjusted the rates based on old and new contracts. He stated the consultant had also provided him with copies of spreadsheets, which included results regarding complaints. He discussed the average complaint calls reflected

in the study per Oakland County City. He felt the complaint calls were numerous in some of the Communities serviced by Waste Management. He suggested one (1) of the reasons for utilizing a single waste hauler was to provide better service. He noted his formula $c - p = s$, which he indicated would be referenced at a future City Council Meeting.

Thomas Stevenson, 708 River Bend Drive, stated he was a member of the Citizens Ad Hoc Committee that reviewed the solid waste issue. He disputed the figures cited by Mr. **Zendel** with respect this matter. He indicated research conducted by the Ad Hoc Committee included contacting the surrounding Communities to discuss their complaint calls, which were not as high as had been quoted by Mr. **Zendel**. He noted service was also a big consideration for a single hauler, along with completing the job properly. He indicated many times the waste haulers included the compost materials in the same truck, which was against the law. He stated the City's Ordinance required the residents to separate recyclables at the curb; however, the contractors were not required to keep the recyclables separate. He suggested the numbers quoted by Mr. **Zendel** be reviewed.

13. LEGISLATIVE / ADMINISTRATIVE RESPONSE

Member Golden stated she had received telephone calls from residents regarding the solid waste issue, and requested the Community Development and Viability (CDV) Committee provide Council Members with information to allow a response to those questions. She suggested the telephone calls could be referred to the CDV Committee Members for response, and that a Council Work Session be scheduled regarding this matter. She indicated the concerns expressed by residents included the implication that a single hauler was the intent of the City due to the RFP's that had been issued in connection with the study; whether the City could be legally challenged if a single hauler was not utilized; the Charter reference to franchises; what would happen to long-term contracts held by some of the current haulers, and the issue of advance seasonal billing. She requested an update on this situation as quickly as possible.

Member Barnett provided a brief explanation of the status of the solid waste issue at the CDV Committee level. He stated the CDV Committee was directed by City Council several years ago to review the solid waste issue, and created a Citizens Ad Hoc Committee to study the matter and report back to the CDV Committee with a recommendation. He stated once the recommendation was received from the Ad Hoc Committee, the CDV Committee began working with a consultant to secure the information necessary for City Council to make a final decision. He explained the CDV Committee had not received the consultant's report and had not made a recommendation at this time. He indicated once the report was received, it would be provided to Council Members for discussion, and the resident concerns expressed by Member Golden would be addressed. He stated until the report is received and reviewed, all information being presented in the newspaper was merely speculation. He clarified no decision had been made on this issue; and no recommendation was given to City Council by the CDV Committee. He stated despite a recent newspaper article, the Financial Services Committee had not discussed the issue. He suggested any questions be directed to him as Chairman of the CDV Committee.

Member Hill stated it was premature to request information that had not been reviewed by the CDV Committee. She also felt it was premature for articles to appear in the newspaper when the

CDV Committee had not completed its review of the matter. She explained the CDV Committee had requested the professional services of a consultant to provide the information necessary to allow City Council to make a well-informed decision. She stated that information was being gathered and the project is on-track at this time. She indicated until all the information and figures are available, no decision could be made. She felt articles being printed prematurely in the newspaper were generating the volume of resident questions, particularly since the CDV Committee had not made a decision.

Member Golden questioned whether the Financial Services Committee would review the issue. President Dalton indicated the Financial Services Committee would not review the matter unless requested to do so by City Council.

Member Golden stated there was also concern on the part of the waste hauler vendors about this decision, because they were unable to determine if they would be able to continue transacting business in the City; whether they should make improvements to their services; whether they should add trucks or employees, or repair their trucks.

President Dalton clarified the City Council had referred this issue to the CDV Committee to establish a citizen-driven committee to research the matter, which is what the CDV Committee had done. He noted the CDV Committee did not have the authority to sign contracts.

Member Duistermars indicated the Ad Hoc Committee had concluded its work and brought a recommendation to the CDV Committee; however, the CDV Committee believed additional information was necessary and began working with a consultant to gather that data.

Member Barnett stated the original request for a consultant was approximately Seventy-two Thousand (\$72,000.00) Dollars; however, due to the work performed by the Citizens Ad Hoc Committee, the amount required by the consultant to complete the project dropped to approximately Forty Thousand (\$40,000.00) to Forty-five Thousand (\$45,000.00) Dollars. He indicated the effective work performed by the Ad Hoc Committee, saved the City in excess of Twenty-five Thousand (\$25,000.00) Dollars.

President Dalton noted the Rails-to-Trails presenter had arrived and Council would return to Agenda Item **10** after a brief recess to allow the presentation equipment to be set up.

(Recess: 8:06 PM to 8:13 PM)

10. PRESENTATION regarding Rails-to-Trails. (A0377) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 10, 2003, from Susan Koliba-Galeczka)

Nancy Krupiarz, State Director of the Rails-to-Trails Conservancy, Michigan Chapter, stated the Rails-to-Trails was given a grant in April, 2002 to develop a Master Plan for the development of the Clinton River Trail, and a Management Plan to provide structure for the development and operation of the Trail. She stated she was in the process of meeting with Parks and Recreation

Directors from the five (5) Communities, the Road Commission for Oakland County, and the Clinton River Watershed Council in an attempt to determine the best coordination of the Plan.

Ms. Krupiarz indicated the ownership and management of the existing Trails throughout the State were reviewed; along with the benefits of the various options for managing a trail by multiple communities, and the benefits of joint operation, to determine the best structure for the Clinton River Trail.

Ms. Krupiarz stated the Thirteen Hundred (1,300) miles of trail in Michigan were owned in different ways, although Fifty (50%) Percent were owned by the Michigan Department of Natural Resources (DNR). She noted the trails consisted of ownership between Townships, private ownership, County ownership, and City ownership. She indicated only Three (3%) Percent were operating according to an inter-local government agreement.

Ms. Krupiarz reviewed the management profile of the trails, noting the DNR was turning over some State trails to the Counties to operate and maintain. She explained the benefits of working together included:

- The fact the Clinton River Trail was part of a regional trail covering a great portion of Southeast Michigan;
- The Clinton River Trail was an important connector for the Statewide Trail System, running from Lake Huron to Lake Michigan;
- Would avoid competition for grants; would allow joint application for grants;
- Combined fund raising efforts;
- Standard signage and standard operating guidelines;
- Quality control standards – keeping the entire trail up to par;
- Collective brainstorming for dollars and determining the next step for the trail, and
- Bigger perspective for the good of the trail users.

Ms. Krupiarz stated the Master Plan was being prepared by Norm Cox of the Greenway Collaborative, and would be presented to the Communities shortly.

Ms. Krupiarz described the administrative benefits of one (1) body, which included:

- Monitoring of the trail full time;
- Accepting funds, defining volunteer work, answering questions;
- Processing bids and contracts – helps from one grant to the next for the whole trail;
- Economies of scale;
- More visibility and clout as a regional trail system, and
- Providing momentum for trail connections.

Ms. Krupiarz discussed the alternatives for trail management, including:

- Trail Commission, such as the Paint Creek Trail Commission, which is an inter-local government commission ---
 - Equal representation from each jurisdiction

- Usually has staff to handle administrative and clerical matters
- Staff would handle administration of contracts
- Standard board protocol
- Decisions handled through one (1) body
- Memorandum of Understanding (which is less restrictive) ---
 - Municipalities agree to signage, policies, and to meet regularly
 - May have joint grant writing
 - Less bureaucracy
 - Municipalities do same administrative and trail related work
 - Self-enforcement
- County management ---
 - Less flexibility
 - County-wide networking for dollars and ideas
 - Oakland County Trail Advisory Committee handles currently
- Individual management ---
 - Each Community does what it wants
 - Trail wholly-owned by one (1) jurisdiction
 - No coordination or strategy for a regional trail
 - Competition for grants
 - Reduced networking

Ms. Krupiarz noted there were many trails in Michigan that were operated through inter-local agreements, including the Paint Creek Trail, the Pollyann Trail Oakland, the Huron Valley Trail, the Downriver Linked Greenways Initiative, and the Macomb-Orchard Trail.

Ms. Krupiarz indicated the Pere-Marquette Trail, the Musketawa Trail, the Saginaw Valley Rail-Trail, the Lakeshore Trail, the Kent Trails, the Pollyann Trail-Lapeer County, the Wadhams to Avoca Trail, and the Bridge to Bay Trail were examples of County managed trails.

Ms. Krupiarz stated the majority of multi-jurisdictional trails nationwide were managed through Memorandums of Understanding. She noted Ohio divided the State into Park Districts, with each Park District providing management of the trail in its District. She stated the State of Florida had a State Greenways Commission, with the majority of the trails being State-owned and State-managed. She stated the Mohawk-Hudson Bikeway in New York was a multi-jurisdictional trail, but was individually managed.

Ms. Krupiarz stated the Nancy Assabet River Trail in Massachusetts was similar to the Clinton River Trail. She indicated that Trail traversed five (5) communities, which had formed an inter-municipal agreement to collaborate; however, one (1) community was designated as the lead community to handle grants, and one (1) community was designated as the management community for administrative purposes. She noted the communities shared administrative costs.

Ms. Krupiarz referred to a National Parks Study that was conducted through the Philadelphia Office in 2000, which indicated the structure chosen by the communities depended on which components of the greenway were the most important, i.e., whether it was being developed for economic development, for geography reasons, for historical/heritage reasons, for environmental

stewardship, or purely for recreation. She explained another consideration for the structure depended on the availability of staff, and the priority of the management functions, such as property development; public outreach in terms of marketing and promotion; everyday and long-term maintenance, and the handling of resource problems such as washouts or flooding.

Ms. Krupiarz stated the Paint Creek Trail Commission had done a fine job of the property development tasks, public outreach and maintenance of the Trail. She noted the Committee felt the Commission was too restrictive because some of the Communities would like to develop the Trail according to their City Plans, including possible realignment and location of buildings, and the expense of membership. She suggested a hybrid form of membership with the Paint Creek Trail Commission might be considered. She indicated the hybrid membership would not include all the restrictions and membership fees, but would provide some shared amenities such as staff for public outreach; utilization of the Commission handle routine telephone calls; one (1) representative for the Trail at conferences, public meetings and other events; coordination of contracts for repair and maintenance; trail patrol oversight, and other cost savings opportunities. She noted some smaller Communities did not have the resources for a large Trail Commission.

Ms. Krupiarz stated the advantages to the Clinton River Trail Communities would be regular meetings to compare notes; the Communities would develop their portion of the Trail when and how they wanted; and they would use their own resources for construction and improvements, but without the burden of maintenance fees.

Ms. Krupiarz stated this presentation was basically a status report that would be presented to each Community for feedback.

Member Golden stated as the Council Representative to the Paint Creek Trailways Commission, she was present when this presentation was made before the Rochester City Council, which she felt went quite well and was well-received. She stated she and Bill Stark, the Trail Coordinator for the Paint Creek Trail, made a presentation to the Village of Orion regarding a small piece of Trail right-of-way, which was a potential connection to the Pollyann Trail. She stated the Greater Rochester Area had a tremendous opportunity to make the area the cycling capital of the State, which would increase tourism. She stated the White House had recognized the Paint Creek Trail as a Millennium Trail, and the Commission was chosen to represent the Southeastern Michigan Trail System. She noted other communities across the State considered the Paint Creek Trail a model.

Member Golden discussed the savings and pooling of resources by the member Communities, such as a bike patrol; the coordination with the Boy Scout Troops, and the emergency marking system. She stated the Commission had discussed the possibility of temporarily assuming the jurisdiction of the Rochester and Rochester Hills portion of the Trail, to avoid duplication of effort, and because the Commission had part-time staff, experience, and a mechanism in place. She suggested this would be an interim situation and would provide the other Communities time for discussion and review prior to making a decision.

Member Hill stated the scarcity of resources was a good reason for the Communities to join together and provide a benefit for the Community. She questioned how the Communities would

make decisions regarding the government of the Trail. Ms. Krupiarz stated an Advisory Committee, in conjunction with the parks and recreation directors, was attempting to come to a consensus to be presented to each Community.

Member Hill suggested another Work Session should be scheduled to allow Council to discuss the matter and the direction this matter should proceed. She felt it would be beneficial to have a continuity of standards on the Trail, as well as on the Macomb-Orchard Trail segment. Ms. Krupiarz indicated the Master Plan would be provided to each Community, which included signage, surface, and intersection treatments. She noted the Plan would not contain operating guidelines, hours of operation, or monitoring of events along the Trail.

Member Golden suggested Mr. Stark would be willing to participate in a Work Session to review the budget items and provide an understanding of the workload involved.

Member Duistermars questioned whether the other Communities participating in inter-local agreements dealt with how the trail looked, particularly with respect to signage, or whether they allowed the individual Communities to utilize their own image and Community identity. Ms. Krupiarz stated that would be a focal point of the discussions. Member Golden noted the Paint Creek Trail Commission had debated many issues, although they usually arrived at a unanimous decision.

(Depart President Dalton: 8:49 PM)

Member Duistermars suggested the public sector should be encouraged to become involved in the development of the Trail. Member Golden suggested Council could review the inter-governmental agreement at a future Work Session, which would outline the financial issues.

Member Duistermars noted if one (1) particular Community carried more of a financial burden, that Community would want stronger voting rights. He indicated he would encourage more public and private involvement with the Trail. Ms. Krupiarz stated the Paint Creek Trail Commission sought public and private involvement through events such as the National Trails Day and other projects along the Trail. She noted there had been some corporate involvement.

(Return President Dalton: 8:51 PM)

Member Golden indicated many of the organizational and financial issues could be reviewed at a future City Council Work Session. President Dalton agreed a future Work Session would be scheduled.

President Dalton suggested it might be beneficial to have all the Communities meet together to discuss these issues. Ms. Krupiarz indicated that was the purpose of forming an Advisory Committee. President Dalton stated a joint meeting would allow each Community to understand how the other Communities felt about the matter. He offered the City's assistance for holding such a meeting. Ms. Krupiarz noted all Communities had been invited to the initial meeting for the formation of the Advisory Committee, and it would be beneficial for each Community to

have a representative on that Committee. Member Hill noted the meetings had been held on Wednesday nights, which prevented the Rochester Hills City Council from attending.

President Dalton thanked Ms. Krupiarz for her presentation, and requested she provide him with information regarding meetings dates and times.

Mr. Hartner thanked Ms. Krupiarz for her coordinating efforts with the Communities. He noted the Communities appeared to have the same goal of a continuous Trail; however, there were many differences in opinion about the best way to proceed. He also thanked her for her help with respect to the Greenways participation with the Grant during the City's purchase of the Trail.

Member Hill questioned whether Ms. Krupiarz had made this presentation before all the Communities involved. Ms. Krupiarz indicated Rochester Hills was the second Community to receive this presentation.

(Recess: 8:56 PM to 9:05 PM)

14. PUBLIC HEARINGS

14a. 2003 Budget Amendments (A0373) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Bob Spaman, Finance Director, with attachments)

(i) Public Hearing

President Dalton **opened** the Public Hearing at 9:12 PM.

There being no persons wishing to speak, President Dalton **closed** the Public Hearing at 9:13 PM.

(ii) Adoption of Resolution to Undesignate Funds.

Resolution A0373-2003-R0013

MOTION by Barnett, seconded by Robbins,

Whereas, a public hearing was held on January 15, 2002 to **undesignate** fund balance.

Now Therefore Be It Resolved that the Rochester Hills City Council hereby **undesignates** the following fund balances:

592 – Water & Sewer SCADA Project	\$800,759
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631 – Buildings & Grounds Pathways/Vault Toilets for Bloomer & Yates Parks	\$ 90,130
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Pathways/Vault Toilets for Borden Park	149,527
636 – MIS	
Legistar Minutes Tracking Project	\$175,000
661 – Fleet	
Dump Trucks	\$447,160
848 – LDFA	
Adams Road Engineering	\$247,387
Ayes:	Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins
Nays:	None
Absent:	None

MOTION CARRIED

(iii) Adoption of Resolution to Approve Amendments to 2003 Budget.

Resolution A0373–2003–R0014

MOTION by Holder, seconded by Robbins,

Whereas, a public hearing was held on January 15, 2003 to amend and adopt new fund totals:

Now Therefore Be It Resolved that the Rochester Hills City Council hereby amends and adopts the following 2003 Budgets:

592 – Water & Sewer	\$31,130,697
631 – Buildings & Grounds	\$4,806,722
636 – MIS	\$2,859,313
661 – Fleet	\$3,070,911
848 – LDFA	\$1,747,387

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

MOTION CARRIED

15. PETITIONERS REQUESTS

15a. Hazelton Meadows Condominiums, a One-Family Residential Detached Condominium Development containing approximately 1.44 acres located on Hazelton Street, east of Livernois Road, zoned R-4, One Family Residential District; Parcel No. 15-34-101-040 (A0465) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Derek Delacourt, Planner, Planning Department, with attachments)

(i) Request for Sidewalk Waiver

Resolution A0465-2003-R0015

MOTION by Robbins, seconded by Duistermars,

Now Therefore Be It Resolved that the Rochester Hills City Council hereby waives the requirement for a portion of the sidewalk, from the eastern property line for Unit Two to the western property line of Unit One for Hazelton Meadows Condominiums (City File No. 02-022), Parcel Number 15-34-101-040, in accordance with the provisions of Section 122-95 of the Subdivision Ordinance, based on plans dated received by the Planning Department on November 21, 2002, with the following findings:

Findings:

1. The proposed sidewalk would not connect with any existing sidewalk nor would it connect with one in the foreseeable future, and
2. The proposed sidewalk would not connect with any existing sidewalk and the construction of a sidewalk would result in the creation of a hazard at the unconnected end of the sidewalk.

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

Nays: None

Absent: None

MOTION CARRIED

Member Hill noted the first (1st) condition contained in the Preliminary Site Condominium Plan resolution could be deleted, as the Sidewalk Waiver had just been approved by Council.

(ii) Request for Approval of the Preliminary Site Condominium Plan

Resolution A0465-2003-R0016

MOTION by Duistermars, seconded by Golden,

Now Therefore Be It Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Hazelton Meadows Condominiums (City File No. 02-022) a 2 unit development on 1.44 acres, known as Parcel Number 15-34-101-040 and zoned R-4 (One Family Residential), based on plans dated received by the Planning Department on November 21, 2002, with the following findings and subject to the following conditions:

Findings:

1. The proposed preliminary plan conforms to all applicable Ordinance Code provisions and regulations.

2. The proposed preliminary plan has demonstrated availability and adequacy of utilities.
3. The proposed preliminary plan presents a reasonable lot layout and orientation.
4. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. That prior to issuance of a Land Improvement Permit, any additional issues be addressed during construction review by the City's Engineering Services Department.
2. The applicant shall show all survey markers and easements in accordance with City Ordinance on revised preliminary site plans, to be verified by the City's Public Service Department prior to Final Plan submittal.

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

MOTION CARRIED

16. ORDINANCE ADOPTION

- 16a. Acceptance for First Reading** - a proposed Ordinance to Amend Chapter 70, Offenses, Article III, Offenses Against Public Peace, Division 1, generally, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Section 70-91 prohibiting the resisting or obstructing of law enforcement and to deem such offenses as misdemeanors, and to prescribe a penalty for said violations (A0473) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Susan Koliba-Galeczka, City Council Liaison, with attachments)

Member Duistermars noted the word "*not*" had been added to the last sentence of the proposed Ordinance, which now read: "... or by a sentence of **not** more than 93 days...".

Resolution A0473-2003-R0017

MOTION by Duistermars, seconded by Golden,

Now Therefore Be It Resolved that an Ordinance to amend Chapter 70, Offences, Article III, Offenses Against Public Peace, Division 1, Generally, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Section 70-91 prohibiting the resisting or obstructing law enforcement and to deem such offenses as misdemeanors, and to prescribe a penalty for said violations, is hereby accepted for **First Reading**.

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

MOTION CARRIED

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- 16b. Acceptance of Second Reading and Adoption** - a proposed amendment to Chapter 102, Utilities, of the Code of Ordinances, of the City of Rochester Hills, Oakland County, Michigan, to incorporate therein amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the City of Rochester Hills; to streamline necessary procedures for compliance with the aforementioned Federal amendments and for improvement of the efficiency, operation, and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program; to establish new regulatory requirements for centralized waste treatment facility dischargers and for groundwater dischargers; to place new responsibility upon industrial users for conducting self-monitoring and waste minimization activities; and to modify the appeal and reconsideration process available to industrial users for redress of administrative actions by the City of Detroit Water and Sewerage Department and the City of Rochester Hills (A0356) (Members received a copy of a Regular Meeting Action Summary Sheet dated January 9, 2003 from Susan Koliba-Galeczka, City Council Liaison, with attachments)

Resolution A0356-2003-R0018

MOTION by Golden, seconded by Robbins,

Now Therefore Be It Resolved that an ordinance to amend Chapter 102, Utilities, of the Code of Ordinances, of the City of Rochester Hills, Oakland County, Michigan, to incorporate therein amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the City of Rochester Hills; to streamline necessary procedures for compliance with the aforementioned Federal amendments and for improvement of the efficiency, operation, and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program; to establish new regulatory requirements for centralized waste treatment facility discharges and for groundwater dischargers; to place new responsibility upon industrial users for conducting self-monitoring and waste minimization activities; and to modify the appeal and reconsideration process available to industrial users for redress of administrative actions by the City of Detroit Water and Sewerage Department and the City of Rochester Hills is hereby accepted for **Second Reading and Adoption**, and shall become effective on **January 24, 2003**, the date following its publication in the *Rochester Eccentric Newspaper* on January 23, 2003.

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

MOTION CARRIED

17. COUNCIL COMMITTEE REPORTS

Member Duistermars stated the Public Safety Committee met on January 13, 2003 and had revised its meeting date and time to the first (1st) Monday of each month at 7:30 PM, with the exception of Labor Day. He indicated police issues were discussed and it was determined a Five (5) Year Plan would be prepared by a newly formed subcommittee consisting of Captain Smith, Chief Walterhouse, and a Council Member and Resident Member of the Public Safety Committee.

Member Golden stated she and Mr. Stark, the Paint Creek Trail Coordinator, made a presentation to the Village of Orion, and it was determined a Committee would be formed. She indicated any Council Member who wished to receive further information or participate should notify her.

Member Hill stated the Administration and Information Services (AIS) Committee met and had changed its meeting date and time to the first (1st) Tuesday of each month, at 8:00 AM. She stated proposed amendments to the City's Fee Ordinance were reviewed; however, due to some language revisions, the amendments would be reviewed again at the February meeting. She indicated the Committee finished discussion regarding the patent assignment issue, with the consensus of the Committee being to recommend Council no longer pursue the matter. She stated it was also the Committee's recommendation that if the Administration expressed an interest in developing or implementing an incentive program prior to dealing with this issue, some type of support program be pursued. She explained the reason for the recommendation was that the Committee did not find any other Community in Michigan that had such a policy, and the Committee did not feel it was necessary as Municipalities were not normally in the business of research and development.

Member Hill stated the AIS Committee discussed the information required to begin salary discussions, which would be compiled. She indicated the recent MIS Survey was discussed, and the MIS Department would compile the results and bring them forward to the AIS Committee in February.

Member Hill stated the Capital Improvement Plan (CIP) Policy Team met to review the time line for the 2004 CIP. She indicated the deadline for projects to be submitted was February 21, 2003. She suggested if any Council Member had a project to submit, that information be provided to the Council Liaison.

18. ANY OTHER BUSINESS

No other business was presented.

19. NEXT MEETING DATE

19a. Wednesday, January 22, 2003 - 7:30 PM - Work Session

President Dalton stated a Joint Meeting with the Planning Commission was scheduled for January 28, 2003.

20. ADJOURNMENT

There being no further business to discuss before Council, upon motion duly made and seconded, President Dalton adjourned the meeting at 9:25 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