



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, August 3, 2005

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Hill called the Regular Rochester Hills City Council Meeting to order at 7:40 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Jane Leslie, City Clerk
Dan Casey, Economic Development Manager
Ron Crowell, Fire Chief
Paul Davis, City Engineer
Julie Jenuwine, Director of Finance
Pam Lee, City Accountant
Deborah Millhouse, Deputy Director of Planning/Development
Roger Rousse, Director of DPS/Engineering
Paul Shumejko, Transportation Engineer*

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 August 3, 2005 as presented.

A motion was made by Barnett, seconded by Dalton, to Approve the Agenda as Presented.

The motion carried by the following vote:

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

PUBLIC COMMENT

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, suggested that the City Council and Mayor had, on more than one occasion, entered into deals with private developers for the use of City parklands. She indicated that these "deals" are examples of "the basis for a complete lack of trust on the part of residents towards local government in Rochester Hills." Ms. Geen then noted that she was unable to gain access to a copy of the proposed 2006 budget prior to this meeting and questioned, "What are Rochester Hills City officials trying to Hide?" She suggested that all City officials show "budget leadership" by accepting 10% pay cuts.

President Hill responded to Ms. Geen's accusations, explaining that no members of Council had seen the proposed budget, but it would be distributed following the Mayor's upcoming presentation and would be available to the public the following day. She stressed that the budget process consisted of several open meetings at which public participation is sought and encouraged. President Hill further clarified that no park property has been given away or sold to private developers.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Holder announced the following:

* The Mayor's office will be sponsoring a flu clinic on October 17th and 18th and encouraged interested parties to call 248-646-4664 for more information.

* The Rochester Hills Fire Department "Fill The Boot" campaign raised over \$1,600.

* Veteran of the Year Ed Leafdale, DPS General Foreman, was asked to throw out the first pitch at Comerica Park that evening.

* Was told at the last Council meeting by the Chairperson of the Residential Vision Committee that the other committee members wish to remain anonymous.

Mr. Barnett encouraged residents to contact RARA at www.rararecreation.org or 248-656-8308 for information about their fall sports programs. Noted with regard to Ms. Geen's comments that "trust is a two-way street." He stressed that the Council is working to correct misinformation "spoken from the podium."

Mr. Duistermars echoed President Hill's assertion that this was the first opportunity for anyone, including Council, to see the Mayor's proposed budget. He indicated that there will be many open meetings regarding the budget and encouraged interested parties to attend and join in the process.

Ms. Raschke thanked the men and women of the armed forces for their service to the Country. She encouraged the anonymous members of Ms. Geen's committee to come forward noting that, "If you're proud of something put your name to it."

Mayor Somerville clarified that the development of Life Time Fitness took place under the previous mayor and that, as a Council member, she had opposed it. She expressed her desire for Ms. Geen to "get her facts straight," and extended the offer for Ms. Geen to examine the budget books and meet with any City director to have her questions answered.

ATTORNEY MATTERS

City Attorney John Staran described a recent decision by the Michigan Court of Appeals that held that the burden of zoning in wetlands is spread across the entire public throughout the community and that there is no constitutional right to have the "highest and best use of every square inch of your property" in such cases.

PRESENTATIONS/RECOGNITIONS

2005-0512

Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending December 31, 2003

Attachments: Agenda Summary.pdf

President Hill presented Ms. Pam Lee, City Accountant, with the Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending December 31, 2003.

Ms. Lee noted that this was the sixteenth year that the City had received this prestigious award, stressing that this award was particularly gratifying as this was the first year of implementation of the GASB 34 requirements. She then thanked her entire staff by name for their hard work and dedication: Tanya Crowell, Lisa Cummins, Deborah Hoyle, Diane Keller, Jody Major, Kim O'Shea, Celina Tomas, Leslie Van Gieson and Cathy Zimmer.

Presented

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.

2005-0509 Approval of Minutes - Regular City Council Meeting - April 20, 2005

Attachments: Min CC 042005.pdf; 0509 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on April 20, 2005 be approved as presented.

Enactment No: RES0247-2005

2005-0511 Approval of Minutes - Work Session City Council Meeting - April 27, 2005

Attachments: Min CC 042705.pdf; 0511 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

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

Enactment No: RES0248-2005

2005-0513 Approval of Minutes - Regular City Council Meeting - May 4, 2005

Attachments: Min CC 050405.pdf; 0513 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on May 4, 2005 be approved as presented.

Enactment No: RES0249-2005

2005-0483 Special Joint City Council/Planning Commission Meeting of June 14, 2005

Attachments: 061405 Joint PC/CC minutes.pdf; 0483 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills Joint City Council/Planning Commission Meeting held on June 14, 2005 be approved as presented.

Enactment No: RES0250-2005

2005-0480

Acceptance of the Sidewalk Easement granted by Selective-Delaware, LLC, a Delaware limited liability company, for Parcel No. 15-35-203-002

Attachments: Agenda Summary.pdf; Sidewalk 07-28-05.pdf; Sidewalk Easement.pdf; 0480 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 sidewalk easement granted by Selective-Delaware, LLC, 100 Galleria Officentre, Suite 200, Southfield, Michigan 48034, for the construction, operation, maintenance, repair and/or replacement of a sidewalk easement over, on, under, through and across land more particularly described as Parcel No. 15-35-203-002.

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

Enactment No: RES0251-2005

2005-0405

Approval of Traffic Control Order YS-93 for Streets with Country Club Village, Phase 1 & 2, Section #35

Attachments: Agenda Summary.pdf; Sec 35 Regulatory Map.pdf; TCOY S-93.pdf; CCV Phase I & 2.pdf; 061405 ATSB Draft Minutes.pdf; 0405 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. YS-93 has been recommended by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

Whereas, said Traffic Control Order covers:

YS-93.1	Bendelow Road	Yield to Graham Drive
YS-93.2	Masters Court	Yield to Graham Drive
YS-93.3	Graham Drive	Yield to Connors Drive/Everett Drive
YS-93.4	Penn Court	Yield to Everett Drive
YS-93.5	Talbert Circle	Yield to Connors Drive (at their North Intersection)
YS-93.6	Talbert Circle	Yield to Connors Drive (at their South Intersection)
YS-93.7	Wade Court	Yield to Everett Drive
YS-93.8	Nawakwa Road	Yield to Everett Drive
YS-93.9	Ryder & Everett Drive	Yield to traffic within roundabout
YS-93.10	Ryder & Connors Drive	Yield to traffic within roundabout

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issue pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. YS-93 to be in effect until rescinded or superseded by subsequent

order; and that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0252-2005

2005-0476

Approval of the 2005-2006 Police/School Liaison Agreement

Attachments: Agenda Summary.pdf; 2005-2006 Signature page.pdf; 0476 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby approves the 2005-2006 Police/School Liaison Agreement between Rochester Community School District, the City of Rochester, Oakland Township and the City of Rochester Hills; and

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

Enactment No: RES0253-2005

2005-0499

Approval of 2005 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$64,681.00

Attachments: Agenda Summary.pdf; FY 2006 - SMART Credits Contract.pdf; 0499 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves the application to the Suburban Mobility Authority for Regional Transportation (SMART) in the amount of \$64,681.00 for Fiscal Year 2006 Municipal Credits as presented.

Be It Further Resolved that the Mayor is authorized to execute and deliver the agreement on behalf of the City of Rochester Hills.

Enactment No: RES0254-2005

2005-0372

Request for Approval of Final Site Condominium Plan - City File No. 02-029 - Grandview Site Condominiums, a proposed 15-unit development on approximately six acres, located east of Crooks and north of Auburn, zoned R-4, One Family Residential, Parcel No. 15-28-300-033, Grandview Construction, Inc.

Attachments: Agenda Summary.pdf; Staff Report.pdf; Map Aerial.pdf; Site Plans.pdf; 0372 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Grandview Site Condominiums (City File No. 02-029), based on the plans dated received by the Department of Planning and Development on July 22, 2005, with the following six findings and subject to the following five conditions. The affected property is zoned R-4, One-Family Residential and identified as Parcel No. 15-28-300-033.

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. Only one roadway from Auburn Road is being proposed, with all lots having access to an interior local street.
5. The eventual connection with Saddlebrook Orchards to the west will provide a second access point for both developments.
6. The final plan is in conformance with the preliminary plan approved by City Council on March 3, 2004.

Conditions:

1. The applicant shall provide a performance guarantee in an amount determined by Engineering Services prior to issuance of a Land Improvement Permit to ensure the placement of monuments and markers.
2. The applicant shall submit a Performance Bond for replacement trees in the amount of \$18,900.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
3. The applicant shall pay \$7,600.00, as adjusted if necessary by the City, into the City's Tree Fund prior to issuance of the Land Improvement Permit.
4. Tree protective fencing shall be installed, inspected and approved by the City's Landscape Architect prior to the issuance of the Land Improvement Permit for this development.
5. The applicant shall pay \$3,000.00, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.

Enactment No: RES0255-2005

2005-0373

Request for Waiver of Monuments and Markers - City File No. 02-029 - Grandview Site Condominiums

Attachments: Agenda Summary.pdf; 0373 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby grants a one-year waiver of monuments and markers for Grandview Site Condominiums (City File No. 02-029), with the following finding. The affected property is zoned R-4, One-Family Residential and identified as Parcel No. 15-28-300-033.

Finding:

1. Since improvements may commence only after final approval and since monuments and markers cannot be placed until the site is substantially improved, a one-year waiver of the requirement to place monuments and markers is both reasonable and necessary.

Enactment No: RES0256-2005

Passed The Consent Agenda

A motion was made by Barnett, seconded by Dalton, 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 Items were discussed and adopted by separate Motions:

2005-0488 Approval of Fire Records Management Agreement between Oakland County and the Rochester Hills Fire Department

Attachments: Agenda Summary.pdf; Interlocal Agreement.pdf; 0488 Resolution.pdf

Mr. Dalton praised ***Fire Chief Ron Crowell*** for bringing this forward and utilizing County resources that will save the City a substantial amount of money in the future.

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

Resolved that the Rochester Hills City Council approves the Fire Records Management Agreement between Oakland County, Michigan and the Rochester Hills Fire Department and authorizes the Mayor to execute the Agreement on behalf of the City.

The motion carried by the following vote:

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

Enactment No: RES0257-2005

2005-0502 Acceptance of Warranty Deed for Part of Grandview Site Condos, Coriander & Sage rights of way according to the master thoroughfare plan, granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, for Grandview Site Condominiums, Parcel No. 15-28-300-033

Attachments: Agenda Summary.pdf; map location.pdf; Warranty Deed.pdf; 0502 Resolution.pdf

City Attorney John Staran indicated that the City is awaiting title work to verify the ownership of the property in question. He advised Council that if they chose to approve the deeds and easements in association with this project that they include as a condition of each resolution that approval is "subject to submission of satisfactory evidence of grantor ownership."

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, 44444 Mound Road, Suite 600, Sterling Heights, Michigan 48314, to the City of Rochester Hills, a Municipal Corporation, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 for Parcel No. 15-28-300-033.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds following the submission of satisfactory evidence of grantor ownership.

The motion carried by the following vote:

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

Enactment No: RES0258-2005

2005-0503

Acceptance of the Warranty Deed for Grandview Auburn Road right of way according to the master thoroughfare plan, granted by Grandview of Rochester Hills, LLC, for the Grandview Site Condominiums

Attachments: Agenda Summary.pdf; Warranty Deed.pdf; 0503 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, 44444 Mound Road, Suite 600, Sterling Heights, Michigan 48314, to the City of Rochester Hills, a Municipal Corporation, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 for Parcel No. #15-28-300-033.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds following the submission of satisfactory evidence of grantor ownership.

The motion carried by the following vote:

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

Enactment No: RES0261-2005

2005-0505

Acceptance of a Sanitary Sewer Easement granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, for Grandview Site Condominiums, for Parcel No. 15-28-300-033

Attachments: Agenda Summary.pdf; Easement.pdf; 0505 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer Easement granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, 44444 Mound Road, Suite 600, Sterling Heights, Michigan 48314, for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer Easement over, on, under, through and across land more particularly described as Parcel No. 15-28-300-033.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds following the submission of satisfactory evidence of grantor ownership.

The motion carried by the following vote:

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

Enactment No: RES0262-2005

2005-0506

Acceptance of a Watermain Easement granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, for Grandview Site Condominiums, for Parcel No. 15-28-300-033

Attachments: Agenda Summary.pdf; Watermain Easement.pdf; 0506 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain Easement granted by Grandview of Rochester Hills, LLC, a Michigan Limited Liability Company, 44444 Mound Road, Suite 600, Sterling Heights, Michigan 48314, for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. 15-28-300-033.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds following the submission of satisfactory evidence of grantor ownership.

The motion carried by the following vote:

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

Enactment No: RES0263-2005

2005-0508

Approval of the Agreement for the Maintenance of Storm Water Detention System between Grandview of Rochester Hills, LLC, a Michigan Limited Liability Corporation, and the City of Rochester Hills for Parcel No. 15-28-300-033

Attachments: Agenda Summary.pdf; Agreement.pdf; 0508 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water Detention Agreement relative to the details of development and use, repair and maintenance of the Storm Water Detention System for Grandview Site Condominiums, City File No. 02-029, between the City of Rochester Hills and Grandview of Rochester Hills, LLC, a Michigan Limited Liability Corporation, 44444 Mound Road, Suite 600, Sterling Heights, Michigan 48314, affecting property identified as Parcel No. 15-28-300-033.

Further Resolved that the Mayor and City Clerk are authorized to execute and deliver the Agreement on behalf of the City following the submission of satisfactory evidence of property ownership.

The motion carried by the following vote:

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

Enactment No: RES0264-2005

2005-0510

Approval of the Sedimentation Basin Agreement between Grandview of Rochester Hills, LLC, a Michigan Limited Liability Corporation, and the City of Rochester Hills, for Parcel No. 15-28-300-033

Attachments: Agenda Summary.pdf; Sedimentation Basin Agreement.pdf; 0510 Resolution.pdf

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

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Sedimentation Basin Agreement, an Agreement for the protection of adjacent and downstream properties, watercourses and wetlands for the Grandview Site Condominiums, City File #02-029, between the City of Rochester Hills and Grandview of Rochester Hills, LLC, a Michigan Limited Liability Corporation, 44444 Mound, Suite 600, Sterling Heights, Macomb County, Michigan 48314, affecting property identified as Parcel No. 15-28-300-033.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds following the submission of satisfactory evidence of property ownership.

The motion carried by the following vote:

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

Enactment No: RES0265-2005

ORDINANCE FOR INTRODUCTION

2005-0259

Acceptance for First Reading - An Ordinance to add new Section 30-32 to Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify tax exemption provisions relating to Danish Village, and repeal conflicting ordinances

Attachments: AgendaSummary - Second Reading.pdf; 080305 Agenda Summary - First Reading.pdf; Map aerial.pdf; Ordinance.pdf; Agenda Summary 040605.pdf; 040605 Resolution.pdf; Letter Great Lakes Capital 20050329.pdf; Tax Exempt Ord.pdf; First Reading Resolution.pdf; 0259

Mr. Dan Casey, Economic Development Manager, explained that Lutheran Social Services of Michigan (LSSM) was seeking tax exemption status for their senior housing facility Danish Village. Currently, Danish Village is tax exempt and the City is reimbursed by the State. LSSM is seeking credits from MSHDA to improve the facility and, if approved, would pay the City a PILOT (payment in lieu of taxes) in place of the State reimbursements. Mr. Casey noted that Council has approved similar programs for other senior housing facilities in the City. He stressed that the PILOT would not be initiated until the City Treasurer has received notification from MSHDA that the credits have been awarded to LSSM.

A motion was made by Raschke, seconded by Dalton, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to add new section 30-32 of Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to provide tax exemption provisions relating to Danish Village to assist Lutheran Social Services in securing financing for renovations of Danish Village from the Michigan State Housing Development Authority (MSHDA), and further providing City Council authority to rescind this Ordinance if the MSHDA Funding has not been approved by June 30, 2006, and repeal conflicting ordinances, is hereby accepted for First Reading.

The motion carried by the following vote:

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

ORDINANCE FOR ADOPTION

2005-0370

Acceptance for Second Reading and Adoption - An Ordinance to amend Section 138-1074 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify definitions and regulations governing Adult Businesses, to supplement the Statement of Purpose for the regulations, to repeal inconsistent ordinances, and to prescribe a penalty for violations

Attachments: Agenda Summary Second Reading.pdf; 060105 CC Minutes Excerpt.pdf; 060105 Agenda Summary.pdf; 051805 Agenda Summary.pdf; Letter Staran 042905.pdf; Ordinance Amendment.pdf; 051905 First Reading Resolution.pdf; 060105 Second Reading Resolution.pdf; 0370 Reso

City Attorney John Staran explained that the changes to this ordinance were precipitated by recent court decisions and are intended to strengthen the ordinance and make it more defensible. He assured Council that the changes would in no way relax any of the adult business regulations.

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

Resolved that an Ordinance to amend Section 138-1074 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify definitions and regulations governing Adult Businesses, to supplement the Statement of Purpose for the regulations, to repeal inconsistent ordinances, and to prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption and shall become effective on August 12, 2005 following its publication on Thursday, August 11, 2005 in the Rochester Eccentric.

The motion carried by the following vote:

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

Enactment No: RES0259-2005

2005-0393

Acceptance for Second Reading and Adoption - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone one parcel of land totaling approximately 17 acres, located west of Rochdale and north of Walton, known as Parcel No. 15-09-451-002 from R-3, Single-Family Residential and RM-1, Multiple Family Residential, to RCD, One Family Cluster and to prescribe penalties for the violation thereof

Attachments: Agenda Summary.pdf; Map aerial.pdf; Ord. Amendment.pdf; First Reading Agenda Summary.pdf; Report Staff 20050603.pdf; Letter Randazzo 20050525.pdf; Minutes CC-PC 1988.pdf; Zoning Ord. Sections.pdf; First Reading Resolution.pdf; 0393 Resolution.pdf

PUBLIC COMMENT:

Mr. Carl Wellenkotter, 184 Shagbark Drive, indicated that his home is one of two houses that abut the property in question. He expressed his support for the rezoning with the condition that he and his neighbor be involved in the planning and that their concerns be "protected" during the process.

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

Resolved that an Ordinance to Amend Chapter 138, Zoning, of the Code of

Ordinances of the City of Rochester Hills to rezone one parcel of land totaling approximately 17 acres, located west of Rochdale and north of Walton, known as Parcel No. 15-09-451-002 from R-3, Single-Family Residential and RM-1, Multiple Family Residential, to RCD, One Family Cluster is hereby accepted for Second Reading and Adoption and shall become effective on August 12, 2005 following its publication on Thursday, August 11, 2005 in the Rochester Eccentric.

The motion carried by the following vote:

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

Enactment No: RES0270-2005

UNFINISHED BUSINESS

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

Attachments: Agenda Summary.pdf; 031605 Agenda Summary.pdf; Dettloff Questionnaire.pdf; email Raffler 033105.pdf; Resolution.pdf

Mr. Robbins expressed his objection to this appointment on the grounds that District 1 of the City would no longer have representation on the Planning Commission.

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

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Gerard Dettloff to the Planning Commission for a three (3) year term to expire on March 31, 2008.

The motion carried by the following vote:

Aye: Barnett, Dalton, Duistermars, Holder and Raschke

Nay: Hill and Robbins

Enactment No: RES0260-2005

NEW BUSINESS

2005-0528 Proposed 2006 Budget
a. Mayor's Presentation
b. Adoption of Resolution acknowledging receipt of 2006 Proposed Budget and setting the Budget Public Hearing for Wednesday, September 7, 2005

Attachments: Agenda Summary.pdf; 0528 Resolution.pdf

BUDGET PRESENTATION:

Mayor Somerville reviewed the fiscal status of the City of Rochester Hills, noting several 2005 Accomplishments relating to the following issues:

- * Maintaining the City's Infrastructure*
- * Strengthening the City's Tax and Employment Base*
- * Improving Processes and Efficiencies*
- * Maintaining and Increasing the Level of Service*

The Mayor then discussed the highlights of the fiscal year 2006 Budget, noting that the recommended total budget for the City of Rochester Hills for 2006 is \$95,710,550 and listing some significant funds:

General Fund	\$16,537,070
Major Roads	\$10,132,390
Drain Improvements	\$4,498,890
Fire Operating	\$6,144,640
Special Police	\$7,711,300
Water/Sewer	\$37,793,810

The Mayor noted that revenue projections for the 2006 Budget were challenging due to continued reductions in State Shared Revenues, which was down over \$1.3 million from 2001 levels, and the uncertainty of Michigan's economy. She stressed that this reduction can have a significant effect on the level of property taxes levied or services provided, as the General Fund is a primary source of operating activities within the City.

The Mayor discussed in detail revenue projections, capital projects, and operating expenditures for the coming year concluding that, "Some of the same issues debated years ago, continue to be discussed at workshops and City Council meetings. Many of these issues need to be scrutinized carefully, so that current and future generations may live in the success of the decisions we cautiously make today." Mayor Somerville went on to note, "We must, as residents, businesses, City Council and administration, work together to insure that Rochester Hills continues to be a city where people desire to live and where businesses achieve success."

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, advised Mayor Somerville and Council of a consultant who has provided the City's of Pontiac, Hamtramck and Ecorse with a budget review process to reduce expenses and increase revenue.

President Hill reminded Ms. Geen that her comments must address the Mayor's proposed budget at this time, and that any other subject should be introduced during the Public Comment portion at the beginning of Council meetings.

Mr. Duistermars noted that there would be several budget Work Session meetings at which the public is welcome to attend and participate.

President Hill confirmed those meetings noting that they will be held on August 22nd, 23rd, 24th and 25th and are proposed to be held at the Museum Dairy Barns. She then requested that Council members submit any questions or comments they have on the proposed budget to Deputy Clerk **Susan Galeczka** no later than Tuesday, August 16th to allow **Ms. Julie Jenuwine**, Director of Finance, ample time to address them. President Hill also noted that the proposed budget is available for review at City Hall, as well as the Public Library and on the City's website.

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

Whereas, the City of Rochester Hills City Council and the Administration have worked together to develop major City goals for the Fiscal Year 2006 and beyond; and

Whereas, based on these major City goals, the Fiscal Year 2006 Mayor's Proposed Budget was developed; and

Whereas, at this August 3, 2005 meeting, the Mayor has presented the 2006 Proposed Budget Plan for the Fiscal Year ending December 31, 2006.

Be It Resolved that the Rochester Hills City Council acknowledges receipt of and hereby gives notice of Public Hearing to be held at 7:30 p.m. on Wednesday, September 7, 2006, at the Rochester Hills City Hall, 1000 Rochester Hills Drive, for the purpose of presenting the 2006 Budget and providing opportunity to all interested parties to present comments thereon prior to the adoption by the Rochester Hills City Council.

Be It Further Resolved that the publication of the Notice of Public Hearing is hereby authorized.

The motion carried by the following vote:

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

(Recess 8:57 p.m. - 9:13 p.m.)

(Mr. Dalton Exited at 9:08 p.m.)

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

Absent: John Dalton

2005-0496

Recommendation of Residential Streets Ad-Hoc Committee

- a. Presentation
- b. Adoption of Resolution

Attachments: Agenda Summary.pdf; Letter Staran 090105.pdf; 080305 Agenda Summary.pdf; Residential Streets Report.pdf; 072705 Agenda Summary.pdf; Report and Millage Proposal.pdf; Supporting Information DRAFT.pdf; Local Road Millage Example.pdf; 080305 Resolution - Dire

Mr. Bill Windscheif and Mr. Ben Jones, both members of the Residential Streets Ad-Hoc Committee, presented a Power Point presentation of the Committee's proposed local streets program to address funding for maintenance, repair and reconstruction of Rochester Hills' local roads:

Residential Streets Ad-Hoc Committee Proposal

Recommendation

- * *Combination of City Policy Adjustments*
- * *A low millage to start with a graduated increase over five years*
- * *Continued use of Act 51 Local Road funding*
- * *Information campaign on the need for road funding*

Committee Process

- * *Issue Identification:*
 - *What are the objectives?*
 - *What is acceptable to fellow residents?*
 - *Propose a short-term/long-term solution?*
 - *Propose a stand-alone maintenance ballot?*
 - *Identify the local road needs versus wants.*

* *Group separated into three sub-committees to learn, discuss and research issues further.*

Three Sub-Committee Groups

- * Operations and Maintenance
- * Finance and Funding
- * Trust and Communications

Committee Conclusions

- * Good job in managing OUR money and resources
- * Good job in managing Operations and Maintenance
- * Opportunity for improvement in reestablishing trust with Citizens through better communications
- * Five-part proposal to resolve local road issues

Funding Proposal: Part 1 - Millage Request

- * A ten-year, graduated millage, beginning at 1.5 mills and increasing by 0.33 mills each year thereafter, until a maximum levy of up to 2.75 mills is reached.
- * This millage will generate approximately \$5.1 million in the first year.

Funding Proposal: Part 2 - Debt Service Payments

- * Decrease the transfers out from the Local Road Fund to the Debt Service Funds
- * The Debt Service Funds' fund balance will be used to offset the decreased transfers
- * This will generate approximately \$300,000 to the Local Road Fund in the first year

Funding Proposal: Part 3 - Capital Improvement Fund

- * Approve a temporary (two year) redirection of General Fund monies from the Capital Improvement Fund to the Local Road Fund, equaling one-half mill in 2006 and one-quarter mill in 2007
- * This will generate approximately \$1.7 million in the first year

Funding Proposal: Part 4 - Major Road Fund

- * Approve a temporary (four year) redirection of General Fund monies from the Major Road Fund to the Local Road Fund, equaling one-half mill in each of 2006 and 2007, and a quarter-mill in each of 2008 and 2009
- * This will generate approximately \$1.7 million in the first year

Funding Proposal: Part 5 - Act 51

- * Utilize the portion of Act 51 monies that are contributed to the Local Road Fund
- * This will provide approximately \$1.2 million in 2006

Funding Proposal Totals for Year One

Part 1 - Millage Request = \$5.1 million
Part 2 - Debt Service Funds = \$0.3 million
Part 3 - Capital Improvement Funds = \$1.7 million
Part 4 - Major Road Fund = \$1.7 million
Part 5 - Act 51 monies = \$1.2 million

Total for Year One = **\$10.0 million**

Core Principles of the Residential Street Program Proposal

- * Snow and ice removal service will be restored to 2003 levels
- * Subdivisions with public and paved streets will not be required to utilize a Special Assessment District (SAD) to fund the maintenance, repair, resurfacing, or reconstruction of their streets during the life of the millage
- * Streets that are partially repaved will be replaced with in-kind materials.

Proposed Ballot Language

In order to pay costs associated with the maintenance (including snow and ice removal), repair, resurfacing, and reconstruction of local residential streets and bridges, shall the City of Rochester Hills levy a new millage for a period of ten (10) years of up to 1.5 mills (\$1.50 per \$1,000 of Taxable Value) the first year, and levy an additional 0.33 mill (\$0.33 per \$1,000 of Taxable Value) beginning in the second year and an additional 0.33 mill each year thereafter until the millage reaches, but does not exceed, a maximum amount of up to 2.75 mills, on the taxable value of all property assessed for taxes in the City of Rochester Hills? If approved, the estimated amount of revenue that will be collected in the first year, if the millage is levied in full, is \$5,102,964, and in the second year an estimated additional \$1,122,652.

Proposed Council Resolution

- * Supports and accepts the Residential Streets Ad-Hoc Committee Residential Street Program proposal.
- * Approves the placement of a request for a graduated millage proposal on the November 8, 2005 General Election ballot.
- * Directs City Attorney John Staran to review and approve the proposed ballot language.
- * Authorizes the City Administration to pursue the services of a professional firm.

Action Item Proposal for the City Administration and Council

- * Prior to the millage ballot this November, but as soon as practical, the City Council will engage a firm to help in the development and production of informational and educational materials to be used extensively throughout the community in advance of the November election.
- * Adopt a written statement of the definitions, policies, and guidelines that will govern Residential Streets Program maintenance, repair, resurfacing, and reconstruction during the time covered by the millage.
- * The City shall publish, each spring, an updated list of residential streets that were repaved or reconstructed in the previous year, streets planned for the current year, and those planned for the following year.
- * The City Administration and the Community Development & Viability Committee (CDV) will keep the lines of communication open between the City and its residents regarding the priority and spending of funds generated by the Millage by continuing the interaction and involvement of the Residential Streets Ad-Hoc Committee.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, noted that other communities with higher tax bases employ Special Assessment Districts (SAD) as a means to reconstruct local subdivision roads on a timely basis. She also questioned how there can be four tax increase proposals on the November ballot while the City claims "there isn't a revenue problem."

President Hill corrected Ms. Geen's assertion that there are four tax increase proposals on the November ballot, noting that there are three proposals on the September Primary Ballot and, if approved, this proposal will be on the November General Election ballot.

Mr. John Strzalka, 2777 Winter Park, also disputed Ms. Geen's assertions and noted that no other member of her committee has ever attended any of the meetings of the Residential Streets Ad-Hoc Committee. He further stressed that many of Ms. Geen's suggestions as they relate to changes made in the City of Pontiac are not relevant to the City of Rochester Hills and would provide only short-term solutions if they were to provide any solution at all.

COUNCIL DISCUSSION:

Ms. Holder noted her support of the Committee's proposal, but expressed concern about moving money from the Major Roads Fund to the Local Roads Fund.

Mr. Barnett praised the Committee and described the proposal as "creatively responsible." He stated, "I enthusiastically support this."

Mr. Robbins stressed that all proposals on the September Primary ballot and the November General Election ballot were resident driven.

Mr. Duistermars noted that the SAD system is extremely expensive and offered his support for the Committee's proposed solutions. He stressed his belief that it is Council's responsibility to "put on the ballot those things that are fundamental for City services such as roads, fire and police."

President Hill thanked the Committee for "a job well done" and noted that there is no doubt in her mind that funding for local roads is needed. However, she did indicate that she would have preferred a half a mill dedicated directly to the residential streets program for maintenance as opposed to the use of CIP funds. She noted that the plan, as proposed, will increase the General Fund operating millage.

Mayor Somerville personally thanked everyone who served on the Residential Ad-Hoc Committee and described them as a "very dedicated group of residents."

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

Whereas, the Residential Streets Ad-Hoc Committee was formed at the request of the Mayor in early 2005, to research and evaluate the operations and management of the City's Department of Public Service, including the review of the City's financial condition; and

Whereas, at the conclusion of the Residential Streets Ad-Hoc Committee's many months of research and evaluation, the Committee prepared and provided a proposed Residential Street Program, which was presented to City Council at their Work Session held on Wednesday, July 27, 2005; and

Whereas, the Residential Streets Ad-Hoc Committee has requested, and the City Council agrees, to support the proposed Residential Street Program as follows.

Resolved that the Rochester Hills City Council hereby supports and accepts the Residential Streets Ad-Hoc Committee Residential Street Program proposal; and

Further Resolved that the Rochester Hills City Council approves the placement of a request for a graduated millage proposal of up to 2.75 mills over the next ten (10) years on the November 8, 2005 General Election ballot for the Residential Street Program to provide for the maintenance (including snow and ice removal), repair, resurfacing, and reconstruction of local residential streets and bridges; and

Further Resolved that the Rochester Hills City Council directs City Attorney John Staran to review and approve the proposed ballot language, which ballot language is to be reviewed and approved by City Council at a subsequent regular meeting; and

Further Resolved that the Rochester Hills City Council authorizes the City Administration to pursue the services of a professional firm to assist in the development of educational materials.

The motion carried by the following vote:

Aye: Barnett, Duistermars, Holder, Raschke and Robbins

Nay: Hill

Absent: Dalton

Enactment No: RES0293-2005

2005-0500

Presentation by Avon Broach Regarding its Request for Tax Abatement Under Public Act 376 of 1996

Attachments: Agenda Summary V2.pdf; 080305 Agenda Summary V1.pdf; Memo Casey 062705.pdf; Avon Sales Data.pdf; Overview of PA 376.pdf; Presentation.pdf; 0500 Resolution.pdf

Mr. Dan Casey, Economic Development Manager, provided a brief overview of the Tool and Die Renaissance Recovery Zone program under which Avon Broach had approached the City to request a tax abatement. He explained that the purpose of the program is to strengthen tool and die manufacturers and assist them in combatting the competitive ill effects of globalization. Mr. Casey noted the specific features of the program:

* Abatement of 100% of all existing real and personal property tax.

* Collaboration in a consortium of other area tool and die manufacturers.

* All abated taxes are reimbursed by the State Treasurer with the exception of the City and County mills.

Mr. Casey noted that while the program allows for a maximum abatement of fifteen years, Avon Broach was requesting a five-year abatement, resulting in the loss of approximately \$4,000 per year in tax dollars to the City. He further noted that Avon Broach has been operating in Rochester Hills since 1950 and is the only company in the City that has expressed any interest in this program. He indicated that it is very unlikely that another such request will come before Council again.

Mr. George Buhaj, owner of Avon Broach, 1089 John R Road, asked Council for their support in an effort to "move the company forward into the future and remain globally competitive."

Mr. Robert Dumont, CEO of the Michigan Tooling Association, 28237 Orchard Lake Road, Farmington Hills, explained that the association he represents is "dedicated to the advancement of the interest of tool makers throughout the State." He elaborated on the need for this program and this request:

- * The United States has lost 220,000 manufacturing jobs in the last three years.
- * Michigan lost 26,000 manufacturing jobs in the first nine months of 2004 (the period for which the most recent statistics are available.)
- * This legislation is intended to "afford viable companies the opportunity to advance their efforts in competing on a global basis."
- * If Council does not approve this abatement, "Avon Broach is dead in the water in terms of going forward under this legislation."
- * Avon Broach, in conjunction with eight other local tool and die manufacturers, has formed the Blue Water Collaborative to take advantage of this new legislation.
- * Following Council approval, the next step in the process is a formal application submitted to the State of Michigan.
- * It is not a 100% abatement for all five years, but rather the taxes "creep up" as follows:
 - Year 1 = 100% tax abatement
 - Year 2 = 100% tax abatement
 - Year 3 = 75% tax abatement
 - Year 4 = 50% tax abatement
 - Year 5 = 25% tax abatement

Ms. Elaine Parsons, Attorney with Raymond & Prokop, 26300 Northwestern Highway, Southfield, further described the Tool and Die Renaissance Recovery Zone program:

- * The program encourages small businesses to collaborate to, in effect, act as a larger, single entity, thus enabling them to better compete globally.
- * The State legislature permits only twenty such zones and eight have already been approved.
- * The State abates the Single Business Tax (SBT), which in most cases exceeds the local taxes. Thus, the "burden" is also on the State, not just the local municipalities.
- * The abatement of the SBT is dependent on approval of the Rochester Hills abatement.

COUNCIL DISCUSSION:

Council members discussed the following issues:

- * If approved, this abatement will give Avon Broach the opportunity to improve their business.
- * Many companies are not taking advantage of this program because they feel their local governments will not grant the abatement and they do not care to partner with their competitors in a collaboration.

* *This program is not intended to save failing companies, but rather to assist viable companies and hopefully encourage eventual job growth.*

Mr. Barnett expressed his hesitation at supporting this request for fear that this would create a disadvantage not just for overseas competitors, but also other tool and die companies in Rochester Hills. He also expressed his irritation that other jurisdictions that have no connection to Avon Broach, such as the community college, will be reimbursed their taxes and the City, which provides essential services to Avon Broach, will not.

Mr. Dumont explained that attempts to change the legislation to address that matter have been unsuccessful to date.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, questioned the Mayor's recent claim that there is only one tax abatement in Rochester Hills suggesting that REI received a \$30 million abatement. She inquired of Council, "How can you, in good conscience, support this tax abatement to divert funds from the general fund and ask residents for a road millage tax increase this November?"

President Hill stated that REI was not granted any kind of tax abatement.

Ms. Raschke expressed her support for the Avon Broach tax abatement, noting that the company has been a tax-paying member of the community since 1950.

At Mr. Robbins' request, **Mr. Casey** explained the purpose of a tax abatement noting that typically it is a tool to retain existing companies within a community, or to attract new business by abating 50% of any new tax revenue to be generated. However, in this case, the Tool and Die Renaissance Recovery Zone program is a 100% abatement of existing taxes intended to assist companies in "joining forces to compete for contracts and ultimately perhaps to survive the downturn in the economy and reinvest in their equipment, ultimately keeping those skilled workers in Michigan."

President Hill indicated that she understands the need for this request and found the collaborative aspect of the program "interesting because it does show that you're willing to work with each other to try to make something happen here at home." She noted that Council will make a final decision on this matter at their next regular meeting.

Discussed

2005-0504

Call the Question to Close the Debate on the Motion on the Floor to Appoint John D. Staran and Hafeli, Staran, Hallahan, Christ and Dudek, P.C. as City Attorneys effective on September 1, 2005 or such other date that John D. Staran notifies the City that he has commenced to practice at Hafeli, Staran, Hallahan, Christ and Dudek, P.C. and authorize the necessary blanket purchase order

Attachments: Agenda Summary.pdf; 0504 Resolution.pdf

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, questioned whether competitive legal bids were considered by the City and whether Mr. Staran's bid was the lowest. She requested an explanation as to why it was necessary to change law firms for one attorney.

President Hill explained that the City Attorney is appointed at the discretion of City Council and, under these circumstances, the requirement for proposals can be waived when it is deemed in the best interest of the City.

Mr. Robbins called the question, ending further discussion.

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

Resolved to Call the Question to Close the debate on the motion on the floor regarding approval of the blanket purchase order and appointment of John D. Staran and Hafeli, Staran, Hallahan, Christ and Dudek, P.C. as City Attorneys effective on September 1, 2005 or such other date that John D. Staran notifies the City that he has commenced to practice at Hafeli, Staran, Hallahan, Christ and Dudek, P.C.

The motion carried by the following vote:

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

Absent: Dalton

2005-0504 Appointment of John D. Staran and Hafeli, Staran, Hallahan, Christ and Dudek, P.C. as City Attorneys effective on September 1, 2005 or such other date that John D. Staran notifies the City that he has commenced to practice at Hafeli, Staran, Hallahan, Christ and Dudek, P.C. and authorize the necessary blanket purchase order

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

Whereas, John D. Staran, in connection with the law firms, Patterson & Patterson, Whitfield, Manikoff, Ternan and White and Beier Howlett, P.C., has served the City of Rochester Hills as Assistant City Attorney and as City Attorney since the City's incorporation in 1984; and

Whereas, John D. Staran has announced he will be leaving Beier Howlett, P.C., as of September 1, 2005, to start a new law firm, Hafeli, Staran, Hallahan, Christ and Dudek, P.C.; and

Whereas, the City Council desires to have John D. Staran continue to serve as City Attorney in connection with his new law firm.

Therefore, It Is Resolved that the City Council hereby appoints John D. Staran and Hafeli, Staran, Hallahan, Christ and Dudek, P.C. as City Attorneys effective on September 1, 2005 or such other date that John D. Staran notifies the City that he has commenced to practice at Hafeli, Staran, Hallahan, Christ and Dudek, P.C.

It Is Further Resolved that in connection with this action, as provided in Section 2-281 of the Purchasing Ordinance, the City Council waives Section 2-276(b) requiring requests for proposals or quality based selection for professional services exceeding \$50,000, deeming this action to be in the best interests of the City.

It Is Further Resolved that the City Administration is requested to process the necessary blanket purchase order in the amount remaining on the current blanket purchase order issued through December 31, 2005, after all outstanding invoices have been paid to Beier Howlett, P.C.

It Is Further Resolved that the City Clerk shall provide written notice of City Council's decision to Beier Howlett, P.C., expressing the City Council's appreciation for their years of service and instructing and authorizing Beier Howlett, P.C. to release and transfer all active and inactive City files to John D. Staran and Hafeli, Staran, Hallahan, Christ and Dudek, P.C.

The motion carried by the following vote:

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

Absent: Dalton

Enactment No: RES0271-2005

2005-0527

Adoption of Resolution to hold the August 22, 23, 24 and 25, 2005 Budget Work Session Meetings in the Rochester Hills City Hall Auditorium

Attachments: Agenda Summary.pdf; 080305 Resolution.pdf; 0527 Resolution.pdf

Council members expressed their desire to have the budget meetings held in the City Hall auditorium as opposed to the Museum Dairy Barns, noting that the venue at the Dairy Barns is more cramped and uncomfortable. It was also noted that these meetings should be televised in the interest of openness and keeping voters informed.

***President Hill** explained that it is preferable to have budget meetings off-site in a less formal setting as a means of promoting more casual, open discussion of issues with all participants at the same table as opposed to Council and administrative representatives being separated by the auditorium dais.*

***Mr. Robbins** noted that a great deal of expense went into the renovating of the City Hall and "we never use it," describing different meetings held in cramped spaces on temporary tables.*

PUBLIC COMMENT:

***Ms Debbie Geen**, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, noted that not broadcasting the budget process adds to the "secretive manner" in which Council is perceived to act.*

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

Whereas, the August 22, 23, and 25, 2005 Budget Work Session Meetings are scheduled to be held at the Rochester Hills Museum at Van Hoosen Farm - Dairy Barns at 1005 Van Hoosen Road, Rochester Hills, Michigan; and

Whereas, the regularly scheduled August 24, 2005 City Council Work Session meeting is currently scheduled to be held in the Rochester Hills City Hall Auditorium; and

Whereas, the Rochester Hills City Hall Auditorium offers greater convenience and comfort to interested parties.

Resolved that the August 22, 23, 24 and 25, 2005 Budget Work Session Meetings shall be held in the Rochester Hills City Hall Auditorium in the Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills, Michigan.

The motion failed by the following vote:

Aye: Duistermars, Raschke and Robbins

Nay: Hill, Barnett and Holder

Absent: Dalton

Attachments: Agenda Summary.pdf; 080305 Resolution.pdf; 0527 Resolution.pdf

Following the failure of the previous motion to hold all budget meetings in the City Hall auditorium, **Ms. Holder** indicated her preference for holding the meetings at the Dairy Barns "because it takes you out of the element here at City Hall." She stressed that these meetings are open to the public and everyone is welcome to attend. She further noted that audience participation in the discussion is encouraged.

Mr. Robbins reiterated his contention that the Dairy Barns environment is too cramped to comfortably hold these meetings and assured his fellow Council members that he can have the same discussion with department directors in the auditorium that he would have in the Dairy Barns.

Mr. Barnett offered to make a motion to postpone this decision until the next regular Council meeting.

It was determined that there would not be a sufficient amount of time prior to the budget meetings to reconsider this issue at the next Regular meeting; thus, Mr. Barnett's proposed motion received no support.

Discussed

NOMINATIONS/APPOINTMENTS

2005-0529

Appointment of Youth Members to the 2005/2006 Rochester Hills Government Youth Council (RHGYC)

Attachments: Agenda Summary.pdf; 080305 Agenda Summary.pdf; 0529 Resolution.pdf

Ms. Holder, Council Member Liaison to the Rochester Hills Government Youth Council (RHGYC), briefly described the application and interview process that resulted in the appointment of thirteen participants in the RHGYC for 2005/2006.

Mr. Robbins, noting that the district representation of the appointees seemed disproportionate, suggested that future recruitment efforts be concentrated in the under-represented districts and requested a list of all applicants to include the districts in which they reside.

Ms. Holder described the recruitment efforts of herself and the Clerk's Department including a presentation before the PTA Board, meetings with school principals and presentations to government classes by previous student participants.

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

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Rochester Hills Government Youth Council (RHGYC) Interview Team and appoints the following students to the RHGYC for the 2005/2006 term:

<u>Name</u>	<u>School</u>	<u>Council District</u>
Emily Burwinkle	Adams	1
Abigail Gowman	Adams	1
Kristina Hurst	Adams	2
Angie Jackson	Rochester	4
Kelley Kosuda	Rochester	2
Andy LeBlanc	Adams	2
Ryan Leclerc	Rochester	2
Adam Lomasney	Adams	1
Paras Patel	Avondale	3
Elise Pawlowski	Adams	2

<u>Name</u>	<u>School</u>	<u>Council District</u>
Camille Smith-Winberry	Rochester	2
Kyle Sucher	Notre Dame Prep	1
Alexandra Tatu	Avondale	3

Be It Further Resolved that the RHGYC terms shall be one (1) year beginning September 1, 2005 and ending August 31, 2006.

The motion carried by the following vote:

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

Absent: Dalton

COUNCIL COMMITTEE REPORTS

Leisure Activities Committee (LAC):

Mr. Duistermars, Chairperson of the LAC, indicated that the Committee discussion at their July meeting entailed ongoing parks projects and the prospect of grant funding.

ANY OTHER BUSINESS

Ms. Holder noted that she was not in attendance at the Council meeting when it was determined that the funding for Community Media Network (CMN) be suspended. She suggested that CMN had "cleaned up their act" and are "now being watched" and, thus, their funding should be reinstated at the half percent level. She indicated that the City is not in a position to take on the task of producing the programming that CMN has provided in the past. She suggested that the funding be reinstated while the City examines the feasibility of bringing these services in-house.

President Hill and **Mr. Staran** explained that the Intergovernmental Cable Communications Authority (ICCA) is in negotiations with CMN for a new contract and suggested that Council would have the opportunity to reconsider their earlier funding decision once the new contract has been thoroughly reviewed by all Council members and Mr. Staran.

President Hill noted that the Michigan Municipal League (MML) had indicated on their Internet list serve that there is proposed Federal legislation that could impact the City's receipt of cable franchise fees. She suggested that Council consider a resolution in opposition of this action.

Mr. Staran further indicated that, in addition to the impact on cable franchise fees, this legislation also proposes to preempt local regulation of cell towers.

Mr. Robbins requested that the technical appendices of the Mayor's proposed budget be distributed to Council members on CD ROM.

NEXT MEETING DATE

Regular Meeting - Wednesday, August 17, 2005 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 11:51 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*