



Rochester Hills Minutes City Council

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

Wednesday, April 21, 2004

8:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 8:02 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Dan Casey, Economic Development Manager
Derek Delacourt, Planner
Julie Jenuwine, Interim Finance Director*

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 April 21, 2004 amended as follows:

Add under:

ATTORNEY MATTERS

2004-0392 Adoption of Resolution to adjourn to Closed Session at the conclusion of tonight's meeting, Wednesday, April 21, 2004 for the purpose of discussing an Attorney/Client Privileged Communication.

PRESENTATIONS

2004-0388 Office of the Mayor Proclamation Recording for the Blind & Dyslexic Week

CONSENT AGENDA

2004-0383 Confirm Mayor's appointment of Vincent Mungoli to the position on the Economic Development Corporation vacated by the resignation of Ronald Mazure for a term to expire on March 31, 2007.

A motion was made by Holder, seconded by Barnett, to Approve Agenda as

Amended. The motion carried.

PUBLIC COMMENT

Mr. Mark Jacobs, 400 Renaissance Center, Detroit, of Dykema Gossett representing Grand/Sakwa, noted the need for City Council to rescind their approval of the Brownfield Redevelopment Plan and hold a second Public Hearing due to an administrative error. He indicated that errors such as this occur when "things are done in secrecy and haste." He expressed his hope that the Council would take this additional time to reconsider their approval.

Mr. Lee Zendel, 1575 Dutton Road, asked residents to email their opinions regarding the single waste hauler issue to rhfreedom03@yahoo.com. He then noted the following:

- 1. Referenced a Detroit News article regarding a Shelby Township resident who sued the City for raising taxes to pay for trash removal without a vote of the people.*
- 2. Explained that Waste Management is required to report their volumes of trash pickup in the City. He indicated that these reports appear to be inaccurate.*
- 3. Noted that in 1987 a number of large waste hauler companies pled guilty to anti-trust and price fixing allegations. He questioned whether "a \$1 million fine will have a long lasting effect on a multi-billion dollar industry."*

Ms. Debbie Geen, 3128 Walton Boulevard #187, Chairperson of the Residential Vision Committee, stressed that there is other vacant land in Rochester Hills that is "prime for development." She asked that the Mayor and City Council work to "protect the character of the area."

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Raschke encouraged more resident participation in City boards and commissions, and that Council members be invited to attend homeowners association meetings in an effort to harbor better communication in the community.

Ms. Hill announced that the Michigan Historic Preservation Network was having its statewide conference April 22nd and 23rd and encouraged residents to attend.

Mr. Barnett encouraged residents to take advantage of all the outdoor activities available in the City parks and through RARA.

Ms. Holder reminded residents that the Public Comments portion of the meeting was intended for discussion of items not on the Agenda. She indicated that her step-son is serving in the armed forces and stated that everyone's prayers for the men and women overseas would be appreciated.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

2004-0392

Adoption of Resolution to adjourn to Closed Session at the conclusion of tonight's meeting, Wednesday, April 21, 2004 for the purpose of discussing an Attorney/Client Privileged Communication.

Attachments: 2004-0392 Supplemental Information.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, at the conclusion of tonight's Regular meeting, Wednesday, April 21, 2004 for the purpose of discussing an Attorney/Client Privileged Communication.
Council will not reconvene to Open Session at the conclusion of the Closed Session.

The motion carried.

Enactment No: RES0136-2004

PRESENTATIONS

2004-0371

Update from State and County Officials

Attachments: Agenda Summary.pdf; 2004-0371 Master Report.pdf

Ms. Sue Ann Douglas, County Commissioner for District 12:

* Presented City Council with a video tape of a meeting County Commissioners had with the Mayor of Detroit discussing the water and sewer rates and the seeming disparity of service and fees among participating communities.

* Noted that the Commissioners took a position on a resolution to support the direct election of the Oakland County Intermediate School Board.

* Warned that the State administration planned to shift tax collection to the month of July and that County Commissioners do not support this change.

* Explained that, despite a shortage of space, jail prisoners will be shifted to the County level.

* Indicated that E-commerce revenues are increasing in Oakland County.

* Announced vacancies on the Solid Waste Committee, noting that meetings are held in the evenings.

Mr. Martin Knollenberg, County Commissioner for District 13:

* Elaborated on the water and sewer rate issue, noting that the County Commission had passed three (3) resolutions placing a moratorium on rate increases and requesting full disclosure of rates and their determination. It was also requested that the Commissioners choose the Oakland County representative on the water and sewer board.

* Announced that the senior prescription discount program was renewed for three (3) more years.

Mr. Tom McMillin, County Commissioner for District 11:

* Noted that they are trying to increase the distribution of Homeland Security money to the County from the State.

* Described his petition campaign to resolve the Tienken Road barricade issue. He noted that opposition to the barricade is growing in Auburn Hills as the area continues to build.

Presented

2004-0358

Office of the Mayor Proclamation National Nurses Week

Attachments: Proclamation.pdf

OFFICE OF THE MAYOR
Proclamation

NATIONAL NURSES WEEK
May 6 - 12, 2004

WHEREAS, The nearly 2.7 million registered nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, The American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increased delivery of primary and preventative health care; and

WHEREAS, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, The American Nurses Association has declared the week of May 6-12 as NATIONAL NURSES WEEK with the theme "Nurses: Your Voice, Your Health, Your Life" in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system.

NOW, THEREFORE BE IT RESOLVED, that I, Pat Somerville, Mayor of Rochester Hills, recognize May 6 - 12 as National Nurses Week, and ask that all residents of Rochester Hills join me in honoring the registered nurses who care for all of us.

In witness whereof, I have hereunto set my hand and caused my Seal to be affixed this 29th day of March 2004 in the City of Rochester Hills, Michigan.

Pat Somerville, Mayor
City of Rochester Hills

Presented

2004-0388

Office of the Mayor Proclamation Recording for the Blind & Dyslexic Week

Attachments: Recording for the Blind & Dyslexic Week.pdf; 2004-0388 Supplemental Information.pdf

OFFICE OF THE MAYOR
CITY OF ROCHESTER HILLS
PROCLAMATION

Recording for the Blind & Dyslexic Week
April 19 - April 24, 2004

WHEREAS, Recording for the Blind & Dyslexic (RFB&D) is a national nonprofit organization serving people who cannot read standard print due to visual, learning or other physical disability; and

WHEREAS, the mission of the RFB&B is to promote educational and professional success by converting printed materials into audio format for students with reading disabilities; and

WHEREAS, Anne T. Macdonald founded RECORDING FOR THE BLIND in 1948 to help blinded World War II veterans obtain an education under the G.I. Bill; and

WHEREAS, the RFB&D Michigan Studio has more than 150 committed volunteers who work in teams to record audio textbooks which include descriptions of graphs, charts, diagrams, maps, tables and so forth, enabling reading-disabled students to have equal access to written materials; and

WHEREAS, by producing 5,690 hours of recorded text in 2003, the RFB&D Michigan Studio has filled a need that no other organization or government agency is serving.

NOW, THEREFORE, BE IT RESOLVED, that on behalf of the residents and City Council of Rochester Hills, I do hereby proclaim the week of April 19 - April 24, 2004, as Recording for the Blind & Dyslexic Week and ask that all residents of Rochester Hills join me in honoring the dedicated volunteers that make this outstanding program possible.

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.

2004-0354

Approval of Waiver of Jurisdiction - Waiving Jurisdiction of the Economic Development Corporation (EDC) of the City of Rochester Hills, EDC of Oakland County, applicant.

Attachments: Agenda Summary.pdf; 2004-0354 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Exhibit Enterprises, Inc., a Michigan corporation, and/or a Michigan limited liability company to be formed (collectively, the "Company"), desires to acquire, renovate and equip a manufacturing facility in the City of Rochester Hills (the Project"); and

Whereas, the Company is interested in pursuing the issuance of tax-exempt revenue bonds ("Bonds") through the Economic Development Corporation of the County of Oakland ("Oakland County EDC") as a means of financing its proposed Project; and

Whereas, the Oakland County EDC is currently active in assisting qualifying non-governmental organizations through the entire process of issuing Bonds; and

Whereas, Act 338 of the Michigan Public Acts of 1974, as amended ("EDC Act"), requires a waiver of jurisdiction by the governing body of any municipality in which a project to be financed under the EDC Act is located if that municipality has an economic development corporation and the financing is to be undertaken by a different economic development corporation;

Now Therefore Be It Resolved, that pursuant to the EDC Act, the Rochester Hills

City Council hereby approves the aforementioned waiver of jurisdiction with respect to the Company's Project to allow the Oakland County EDC jurisdiction to issue Bonds therefore.

Enactment No: RES0122-2004

2004-0355

Approval of Bonding Project - Resolution of support for the Economic Development Corporation of Oakland County's bonding project, EDC of Oakland County, applicant.

Attachments: Agenda Summary.pdf; Project Plan.pdf; 2004-0355 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, there exists in the County of Oakland the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the County's economy and to provide needed services and facilities to the County, the City of Rochester Hills, and their residents; and

Whereas, the Economic Development Corporation Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), provides a means for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City and the County; and

Whereas, the Economic Development Corporation of the County of Oakland (the "EDC") has commenced proceedings for the assistance, pursuant to the provisions of the Act and through the issuance of its limited obligation economic development revenue bonds, of the Exhibit Enterprises, Inc. Project (the "Project") which is located in this City; and

Whereas, the EDC has determined that the Project is reasonable and necessary to effectuate the purposes of the Act, that the Project Plan prepared in connection with the Project satisfies all of the requirements of Section 8 of the Act regarding project plans, that the persons who will be active in the management of the Project for at least one (1) year after the projected date of the County Board of Commissioners' approval of the Project Plan will have sufficient ability and experience to manage the Plan properly, that the proposed method of financing the Project is feasible, and the EDC has approved the Project Plan in the form attached hereto as Exhibit A; and

Whereas, before this Project can proceed under the Act, this City Council must approve the Project Plan; and

Whereas, this City Council has reviewed the subject Project Plan and concurs in the determinations of the EDC with respect thereto;

Resolved, that in accordance with the Act, the Rochester Hills City Council hereby approves the Project Plan attached to this resolution as Exhibit A.

Be it Further Resolved, that the Rochester Hills City Clerk be and hereby is instructed to communicate this approval of the Project to the Board of Directors of the EDC by delivering to said Board of Directors a certified copy of this resolution.

Enactment No: RES0123-2004

2004-0365 Acceptance of the Storm Sewer Easement granted by Donal J. Loomis and Jennifer Spenner for Sidwell #15-15-326-004

Attachments: Agenda Summary.pdf; Easement.pdf; 2004-0365 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 storm sewer easement granted by Donal J. Loomis and Jennifer Spenner, for the construction, operation, maintenance, repair and/or replacement of a storm sewer over, on, under, through and across land more particularly described as Parcel No. 15-15-326-004.

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

Enactment No: RES0124-2004

2004-0370 Acceptance of the Storm Sewer Easement granted by David Lucas and Lee Ann Lucas, for Sidwell #15-15-326-017.

Attachments: Agenda Summary.pdf; Easement.pdf; 2004-0370 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 storm sewer easement granted by David Lucas and Lee Ann Lucas, for the construction, operation, maintenance, repair and/or replacement of a storm sewer over, on, under, through and across land more particularly described as Parcel No. 15-15-326-017.

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

Enactment No: RES0125-2004

Passed The Consent Agenda

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

2004-0360 Request for Purchase Authorization - DPS/FLEET: Purchase of one (1) new debris body for the City's Vactor Jet, in the amount not-to-exceed \$32,118.73; Jack Doheny Supplies, Inc., Northville, MI

Attachments: Agenda Summary.pdf; 2004-0360 Resolution.pdf

Mr. Robbins questioned why the debris body was not replaced when the vehicle was repaired following a traffic accident, as well as the purpose of replacing the debris body on an older vehicle as opposed to purchasing a new vehicle.

Ms. Julie Jenuwine, Interim Finance Director, explained that the City's insurance carrier only paid for the damages to the vehicle as a result of the collision. The damage to the debris body was a result of the age of the vehicle and normal wear and tear. Ms. Jenuwine further explained that it was more economical to replace the debris body at a cost of \$32,000--resulting in a depreciation schedule of \$6,000 per year over five (5) years--as opposed to paying \$279,000 for the purchase of a new vactor jet vehicle.

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

Resolved, that the Rochester Hills City Council hereby authorizes a purchase order to Jack Doheny Supplies, Inc., Northville, Michigan for the purchase of one (1) new debris body for the City's Vactor Jet in the amount of \$32,118.73 as the sole distributor for vactor parts and service.

The motion carried.

Enactment No: RES0127-2004

2004-0383

Confirm Mayor's appointment of Vincent Munglioli to the position on the Economic Development Corporation vacated by the resignation of Ronald Mazure for a term to expire on March 31, 2007

Attachments: Agenda Summary.pdf; Questionnaire Munglioli.pdf; 2004-0383 Supplemental Information.pdf

(Supplemental addition to the Consent Agenda was inadvertently missed during the Consent Agenda vote. Vote was taken following Consent Agenda vote.)

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

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Vincent Munglioli to fill the vacancy of Ronald Mazure on the Economic Development Corporation for a term to expire on March 31, 2007.

The motion carried.

Enactment No: RES0135-2004

PUBLIC HEARINGS

2004-0364

Reprogramming of Community Development Block Grant Funds for Program Year 2002 of \$30,000.00 from Removal of Architectural Barriers (Activity Number 2400) to Parks/Recreational Facilities (Activity Number 3436)

Attachments: Agenda Summary2.pdf; Agenda Summary.pdf; Public Hearing Notice2.pdf; Public Hearing Notice.pdf; Memo Snyder CDBG Overview.pdf; Memo Snyder Funding Alts.pdf; 2004-0364 Resolution.pdf

Ms. Julie Jenuwine, Interim Finance Director, briefly explained that extra monies in the CDBG funds can be used to fund ADA compliant vault toilets in Bloomer Park and the Veterans Memorial Park.

Mr. Robbins questioned whether these funds could be used for other projects/programs such as Rochester-Avon Recreation Authority (RARA).

Mr. Barnett questioned whether construction had begun on the vault toilets.

Ms. Hill cautioned that there are restrictions as to how these funds can be allocated.

Ms. Jenuwine indicated that she was not aware of the construction status of the vault toilet project and did not have a comprehensive list of the alternative programs/projects for which these funds could be allocated.

It was determined by Council that the matter be tabled until further information were made available.

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

Resolved, that the Rochester Hills City Council hereby Tables by Resolution the Reallocation Funding Application, as follows:

Reprogram From Existing:

* (2400) Removal of Architectural Barriers - \$30,000.00

Reprogram To:

* (3436) Parks/Recreational Facilities - \$30,000.00

Be It Further Resolved that City Council requests that the Fiscal Team provide detailed information regarding the other possible reallocation options for these funds and that this matter be brought back before City Council at the next Regular Meeting dated May 5, 2004.

The motion carried.

Enactment No: RES0145-2004

(Recess 9:17 p.m. - 9:35 p.m.)

ORDINANCE FOR INTRODUCTION

2004-0106

Rezoning Request (City File No. 02-027, City Place) - a request to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres from R-4, One Family Residential to B-2, General Business, located east of Rochester Road and south of Avon, known as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015, G&V Properties, LLC applicant.

Attachments: Agenda Summary Second reading.pdf; Agenda Summary First Reading.pdf; Map aerial.pdf; Report Staff 20040301.pdf; City Place PUD Plans 2.pdf; City_Place_PUD[1].pdf; Memo Delacourt 20040312.pdf; Minutes pc 20040316.pdf; Minutes hdc 20031009.pdf; Minutes pc 2

Mr. Derek Delacourt, Planner, explained that the applicant was seeking to change the underlying zoning of the proposed development as well as PUD rezoning, noting that the project had received support from the Planning Commission.

Mr. Joseph Galvin of Miller, Canfield, Paddock and Stone, PLC, 150 West Jefferson, Detroit, attorney for the developer, explained that all conditions and requests have been met with the exception of two (2) outstanding issues:

1) Requirement of a 180 Foot Right-of-Way: Mr. Galvin stated that a 150 foot right-of-way would be adequate as neither MDOT (who owns Rochester Road), nor the City of Troy (where Rochester Road enters that community) require a 180 foot right-of-way. Furthermore, Mr. Galvin stressed that some financial lenders may hesitate to participate in the development if the developer is required to meet the 180 foot right-of-way.

2) Final Site Plan Review by the Planning Commission: Mr. Galvin stressed that the development plans have been sufficiently reviewed by Staff, the Planning Commission and the City Council and this final step would not be necessary.

However, Mr. Galvin conceded that the developer would agree to the provision that the Final Site Plan return to the Planning Commission for final approval and that the development be permitted to provide a 150 foot right-of-way, rather than the 180 foot right-of-way required by the City's Master Plan.

Mr. Eric Kaiser, Chairperson of the Planning Commission, stated that he does not think

the 180 foot right-of-way requirement should be changed. Rather, he indicated that the development can proceed with a 150 foot right-of-way assuming that the Site Plan allows for the 180 foot right-of-way if, in the future, that extra space is needed. He stressed that the PUD agreement should contain language that would outline a "triggering event" that will specify when it would be necessary to modify the development to meet the 180 foot right-of-way.

PUBLIC COMMENT:

Ms. Darlene Polk, 1605 Glen Meadow Court, stated that she lives across from the proposed development and expressed her concern for noise pollution as a result of the proposed four (4) story building due to "bounce back." She also questioned the development's impact on traffic safety in that vicinity.

Ms. Debbie Geen, 3128 Walton Boulevard #187, Chairperson of the Residential Vision Committee, expressed her concern for the traffic problems resulting from this development. She also cautioned that this could set a "legal precedent to rezone other vacant areas."

COUNCIL, ADMINISTRATION AND APPLICANT RESPONSE:

Council members, Staff members and the project applicant addressed specific concerns regarding the City Place project:

- * The issue of additional noise pollution and the height of the buildings in the development will be addressed further along in the approval process.*
- * Once the historic house currently located on the property is moved, the applicant will apply to have the historic district designation delisted.*
- * Language clarifying that the sign ordinance will be adhered to will be included in the final PUD plan.*
- * No buildings will be constructed within the 180 foot right-of-way.*
- * According to the developer, the "detail and quality of [the proposed] buildings is very high," with masonry throughout.*
- * The development is interconnected with Eddington Farms, and can be accessed without residents having to use Rochester Road.*
- * A noise study was conducted that determined that noise to the east will be reduced, while noise to the west will increase. However, it was noted that the study did not take into consideration the extensive landscaping planned.*
- * No decision has been made by MDOT regarding the placement of a traffic light at the development, however, staff is confident it will be installed.*
- * The plan was changed to move the buildings closer to Rochester Road, in an effort to reduce the impact on Eddington Farms residents.*

Council, Staff and the applicant came to a consensus agreement that the PUD agreement would include language that would require Planning Commission approval of the Final Site Plan and that the plan would provide for a 150 foot right-of-way with the understanding that that provision could be changed, if needed, via a future amendment.

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

Resolved that an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to from R-4, One Family Residential to B-2, General Business, identified as Parcel Nos. 15-23-301-002, 15-23-300-035 and 15-23-152-015, located east of Rochester Road and south of Avon, is hereby accepted for First Reading.

The motion carried.

Enactment No: RES0146-2004

2004-0314

Rezoning Request (City File No. 02-027, City Place) - a request to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to PUD (Planned Unit Development), located east of Rochester Road and south of Avon, known as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015 G&V Investments, LLC, applicant.

Attachments: 2004-0314 Agenda Summary second reading.pdf; Report Staff 20040312.pdf; City Place Ord. 2.pdf; 2004-0314 Resolution.pdf

SEE PREVIOUS DISCUSSION.

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

Resolved that an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 29 acres to PUD (Planned Unit Development, identified as Parcel Nos. 15-23-300-035, 15-23-301-002 and 15-23-152-015, located east of Rochester Road and south of Avon, is hereby accepted for First Reading.

The motion carried.

Enactment No: RES0147-2004

(Recess 10:59 p.m. - 11:15 p.m.)

UNFINISHED BUSINESS

2004-0313

Request for Purchase Authorization: PARKS/FORESTRY: Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, blanket purchase order not-to-exceed \$130,000.00 (\$26,000.00 annually); Melrose Pyrotechnics, Inc., Kingsbury, IN

Attachments: Agenda Summary.pdf; 041504 E-mail Staran J.pdf; 2004-0313 Resolution.pdf

Mr. Staran explained that the contract has been rewritten to meet the requirements of the purchasing ordinance. He noted that the only outstanding issue is the requirement that all the funding be in place prior to approval of the contract. However, he indicated that Council can vote to waive that requirement and approve the contract.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Melrose Pyrotechnics, Inc., Kingsbury, IN, for the Festival of the Hills Fireworks Display for 2004, 2005, 2006, 2007 and 2008, in the amount not-

to-exceed \$130,000.

Be It Further Resolved, that the Rochester Hills City Council, in accordance with Chapter 2-273(b) of the Purchasing Ordinance, recognizing that more than the necessary funding is committed, but not totally received, hereby waives the requirement that funds are available for the first fiscal period at the time of issuance of a long term contract, deeming this action to be in the best interest of the City of Rochester Hills.

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

The motion carried.

Enactment No: RES0131-2004

2004-0377

Rescind Approval of Brownfield Plan - Madison Park (City File No. 03-023) a proposed mixed-use development located on the south side of Hamlin Road, east of the proposed Adams Road realignment, identified as Parcel Nos. 15-29-151-015, 15-29-151-008, 15-29-151-017, 15-29-151-012, 15-29-151-011, 15-29-176-004, 15-29-176-008 and 15-29-176-006.

Attachments: Agenda Summary.pdf; Anzek re Brownfield Public Hearing.pdf; 2004-0377 Resolution.pdf

President Dalton explained that it was necessary to rescind Council's previous vote of approval of the Brownfield Redevelopment Plan due to an administrative error.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard #187, Chairperson of the Residential Vision Committee, stated that she and her committee feel City Council "rushed to judgement without the scientific and public support." She questioned why residents "are not given the opportunity to be part of a massive zoning change." She questioned whether rescinding the Brownfield Redevelopment Plan would impact the remediation plan. She stressed her belief that the "developers are more in control than the elected officials."

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

Resolved that the Rochester Hills City Council hereby rescinds resolution number RES0111-2004 adopted at the April 7, 2004 Regular City Council meeting approving the Brownfield Plan for Madison Park (City File No. 03-023) a proposed mixed-use development located on the south side of Hamlin Road, east of the proposed Adams Road realignment, identified as Parcel Nos. 15-29-151-015, 15-29-151-008, 15-29-151-017, 15-29-151-012, 15-29-151-011, 15-29-176-004, 15-29-176-008 and 15-29-176-006.

The motion carried.

Enactment No: RES0132-2004

2004-0379

Set Public Hearing for Madison Park Brownfield Redevelopment Plan for Wednesday, May 19, 2004 at 7:30 pm

Attachments: Agenda Summary.pdf; Public Hearing Notice 051904.pdf; 2004-0379 Resolution.pdf

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

Resolved: That the Rochester Hills City Council shall hold a Public Hearing on the Madison Park Brownfield Redevelopment Plan on Wednesday, May 19, 2004 at 7:30 PM at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

Be It Further Resolved that the Clerk shall cause notice of the Public Hearing pursuant to MCL 125-2663, Section 13.

The motion carried.

Enactment No: RES0128-2004

NEW BUSINESS

2004-0356 Discussion regarding Offers to Purchase 1750 W. Hamlin, City of Rochester Hills property - Presented by Dan Casey, Economic Development Manager.

Attachments: Agenda Summary.pdf; Map Aerial 1750 Hamlin.pdf; Analysis of Offers.pdf; 2004-0356 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, explained that, despite the previous advice of real estate experts that the property in question should be sold as one piece, Mr. Dan Casey, Economic Development Manager, has found interested parties who are considering purchasing the smaller western property. Mr. Anzek asked Council if they would consider selling the property in pieces.

Mr. Casey noted that currently there appears to be no market for a property the size of all the properties combined. However, there is interest in the small building to the west, noting that there are few buildings of this size for sale in the area. He explained that some of the proposed uses would require rezoning to office use, a zoning change that could possibly result in an increase in the property value.

Council members voiced the following concerns:

** Will removing the more desirable portions of the property make it more difficult to sell the remaining pieces?*

** Could separating the properties result in an overall financial loss?*

** If the property is broken down and sold separately, will the monies still be designated for the eventual construction of the new DPS facility?*

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, stressed that there is no way of knowing what the future holds in terms of construction costs and, thus, questioned the Council's concern over "a couple hundred thousand dollars."

Mr. Anzek noted that a financial analysis would likely be required to address the DPS facility financing issue. He suggested that he and Mr. Casey examine the issue further and return before Council at a later date with more information addressing their specific concerns.

Discussed

2004-0381 Request to reschedule Wednesday, April 28, 2004 Regular City Council Work Session to Monday, May 3, 2004 and move it to the Dairy Barns at the

Rochester Hills Museum at Van Hoosen Farms.

Attachments: Agenda Summary.pdf; 2004-0381 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to change the meeting date of the Regular Work Session scheduled for Wednesday, April 28, 2004 to Monday, May 3, 2004 and the location from the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive to the Dairy Barns at the Rochester Hills Museum at Van Hoosen Farms, 1005 Van Hoosen Road, Rochester Hills, MI

Further Resolved that the City Clerk shall provide proper notice of the Meeting Time change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

The motion carried.

Enactment No: RES0134-2004

COUNCIL COMMITTEE REPORTS

Mr. Duistermars explained that the Public Safety Committee (PSC) meeting would be postponed until Monday, May 10th.

Mr. Barnett announced that the Community Development & Viability (CDV) Committee would meet the next day (April 22nd).

Ms. Hill noted that the Financial Services Committee (FSC) would be meeting Thursday, April 29th to discuss water and sewer rates and asked that any information gleaned at the upcoming CDV meeting be brought forward for the Financial Services Committee. She explained that the Administrative & Information Services (AIS) Committee had determined that the other communication committees should begin using paperless packets during their monthly meetings beginning in May.

NEXT MEETING DATE

Regular Work Session - Monday, May 3, 2004 at 7:30 p.m. at the Dairy Barns at the Rochester Hills Museum at Van Hoosen Farms.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 12:10 a.m.

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

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

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

Approved as presented at the June 2, 2004 Regular City Council Meeting.