

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, October 1, 2003 at 7:30 p.m.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

2. ROLE CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder, Gerald Robbins (7:45 p.m.)

Absent: None

QUORUM PRESENT

Others Present: Pat Somerville, Mayor (8:11 p.m.)
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director of Planning/Zoning
Paul Davis, City Engineer
Derek Delacourt, Planner II
Jamie Smith, Media Specialist
Bob Spaman, Director of Finance
Greg Walterhouse, Fire Chief

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated September 25, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0001-2003-R0345

MOTION by Hill, seconded by Duistermars,

Resolved, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of October 1, 2003 as presented.

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

Nays: None

Absent: None

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton wished resident Bert Dulude a happy 100th birthday, also noting that she is City Clerk Beverley Jasinski's mother.

6. MAYOR'S REPORT

Mayor Somerville discussed the following:

- Clarified that not only senior citizens qualify for CDBG money. It is also available to low-income residents.
- Announced that flu shots will be provided to residents ages 18 and older on October 14th and 15th and asked that interested individuals contact her office at (248) 656-4664 for more details.
- Stated that there is no hunting in Rochester Hills, and provided details from the appropriate City ordinances.

7. COUNCIL COMMENTS

Ms. Holder reminded residents to vote on November 4th. She indicated that she had received email complaints regarding signs "scattered" throughout the City, and explained that ordinance officers are working at periodic times on weekends to remove these signs. She stressed that, while the Fire Department collects a \$25 burning permit fee as mandated by the new burning ordinance, it is the City Council that initiated the changes to the ordinance and any complaints should be directed to Council.

Mr. Barnett announced that the Rochester Hills Community Coalition, in its efforts to combat substance abuse, was awarded a \$72,000 grant to continue their work.

Ms. Golden discussed the following:

- Noted she too has received resident emails expressing confusion that, due to the new burning ordinance, residents are no longer permitted to burn brush and logs. She stressed that this new requirement is actually a mandate by the State of Michigan and Rochester Hills' new ordinance brings the community into compliance with that mandate.
- Acknowledged complaints from residents regarding the service of a specific waste hauler, and expressed concern that trash service in the City will deteriorate unless a decision is made regarding the Citywide waste disposal issue.
- Described a study by the U.S. Census Bureau that compared the City Manager form of government to the Strong Mayor form, which indicated that City Manager-run municipalities spend more funds for infrastructure.
- Asked interested residents to email her (goldenl@ameritech.net) for more information regarding the Bald Mountain "land swap" noting a DNR decision is pending.

- Requested that Council review the compensation review process for the Assistant to the Mayor position.

Ms. Hill responded to Ms. Golden that the solid waste issue will return before Council in a future Work Session and is not “a dead issue.” She explained that, with regard to the compensation issue, data has been collected and is currently being reviewed by the Administration & Information Services (AIS) Committee.

(Mr. Robbins Entered 7:45 p.m.)

Ms. Hill clarified information presented by Ms. Golden at the previous Regular Meeting that had given the impression that Phoenix, Arizona has a Strong Mayor form of government, however, after researching the issue further, she determined that Phoenix has a City Manager/Strong Mayor form of government.

Mr. Duistermars, as a former resident of Phoenix, explained that Phoenix has a larger population than Detroit and its administrative government is very complex, noting that the Mayor is a strong “figure head” involved in administration and legislation.

8. ATTORNEY’S REPORT

City Attorney John Staran announced that the Oakland Circuit Court upheld the opinion of the Sign Board of Appeals limiting the number of tenants listed on the directory sign for the property known as Autumn Plaza on Auburn Road.

- 9. PRESENTATION** - MML Superior Delivery of Services Award for Bloomer Park Renovations (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 24, 2003 from Susan Galeczka, City Council Liaison)

Mr. Mike Hartner, Director of Parks & Forestry, announced receipt of a Superior Delivery of Services Award from the Michigan Municipal League (MML) for Bloomer Park. He then introduced **Mr. Alan Buckenmeyer**, Parks Operations Manager.

Mr. Buckenmeyer offered a brief history of Bloomer Park and listed the improvements that led to the receipt of the MML award. He described the improvements to parking lots, the addition of City water/sewer service, the renovation and stabilization of existing buildings, the addition of playgrounds and, through private funding, the addition of the Velodrome. He stressed that the award represents eight (8) years of improvements to the park.

Mr. Hartner then presented the plaque to City Council President John Dalton.

Ms. Hill noted that residents near the park who were fearful when the Velodrome was proposed, are now very pleased with that project and the new playgrounds.

Ms. Golden asked Mr. Delacourt about the status of the Bloomer Shelter historic designation.

Mr. Derek Delacourt, Planner II, indicated that it is on the list of properties to be studied.

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

10a. Approval of Minutes - Regular Meeting, September 17, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 25, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0346

MOTION by Barnett, seconded by Hill,

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, September 17, 2003 be approved as presented.

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

Nays: None

Absent: None

MOTION CARRIED

10b. Request for Purchase Authorization - MAYOR/FISCAL: Self Insurance Protection/Risk Management Services, amendment to blanket purchase order in the amount of \$1,500.00 for a new not-to-exceed total of \$556,500.00; Michigan Municipal Risk Management Association, Livonia, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 22, 2003 from Bob Spaman, Director of Finance)

Resolution A0448-2003-R0347

MOTION by Barnett, seconded by Hill,

Resolved, that the Rochester Hills City Council authorize an increase of \$1,500 to the blanket purchase order to Michigan Municipal Risk Management Authority, Livonia, Michigan, for self-insurance protection and risk management services in the amount not-to-exceed \$556,500 through December 31, 2003.

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

Nays: None

Absent: None

MOTION CARRIED

10c. Approval of Agreement - 2003 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Livernois

Road (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 16, 2003 from Kim Murphey, Administrative Coordinator)

Resolution A0712–2003–R0348

MOTION by Barnett, seconded by Hill,

Resolved, that the Rochester Hills City Council approve the 2003-2004 Winter Maintenance Agreement between the City of Rochester Hills and the Board of Road Commissioners for Oakland County. The Agreement shall provide that the City of Rochester Hills perform winter maintenance on Livernois Road between South Boulevard and Tienken Road and be compensated by RCOC at the following reimbursement rates:

0.85 miles at \$2,946.15 per mile	\$ 2,504.23
2.72 miles at \$4,180.08 per mile	\$11,369.82
1.51 miles at \$5,155.75 per mile	<u>\$ 7,785.18</u>
Total:	\$21,659.23

Be It Further Resolved that the Rochester Hills City Council authorize the Mayor and Clerk to execute the Agreement on behalf of the City of Rochester Hills.

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

Nays: None

Absent: None

MOTION CARRIED

11. PUBLIC COMMENTS

Ms. Theresa Wilson, 182 Vreeland, expressed her disappointment and opposition to the new leaf-burning ordinance and asked that special consideration be given to residents with large lots. She stated her belief that residents opposing leaf burning were not represented on the ad hoc committee that studied the issue. She also questioned where the proceeds of the \$25 permit fee are applied.

Mr. Lee Zendel, 1575 Dutton Road, quoted from several news articles describing a trash hauler strike in Chicago, explaining that union trash haulers are striking in protest of commercial haulers. He then noted that the recent reduction in the legal level of intoxication for drunk driving from 0.1 to 0.08 would increase the workload of City Police enforcement.

Mr. Kenneth Collister, 1235 Avon Circle West, a fifty (50) year resident of the City, questioned why the new burning ordinance allows leaf burning, but bans the burning of brush. He then requested an ordinance to ban the feeding of deer.

12. LEGISLATIVE / ADMINISTRATIVE RESPONSE

President Dalton asked Chief Walterhouse to address the issue of the \$25 burning permit fee and to explain the reason the burning of brush is no longer permitted.

Chief Greg Walterhouse, Fire Chief, explained that the permit funds are to offset administrative costs. He then explained that it is a State of Michigan mandate that brush cannot be burned within an incorporated city.

Mr. Staran concurred that the ordinance banning the burning of brush brought the City into compliance with the State mandate and that the issue was discussed in a previous Work Session meeting.

Mr. Duistermars also confirmed that the ordinance brought the City into compliance.

Resident Wilson questioned why the fire permit money is used for administrative costs when it is her perception that when a citizen visits the Fire Department and requests a burning permit “all the fireman does is push [a] button.”

Chief Walterhouse explained that, per Council’s direction, the Fire Department is aggressively enforcing this new ordinance which involves following up on complaints of burning, educating the public, and court time as a result of increased ticketing.

Ms. Golden suggested that residents visit the Older Persons’ Commission (OPC) website for information regarding assistance with yard cleanup.

Ms. Hill assured residents that the people chosen for the ad hoc committee were equally representative of the three (3) positions with regard to this matter: for burning, against burning, neutral toward burning. She then praised the committee for their cooperation and the resulting proposal.

Mr. Duistermars questioned whether the ordinance allows burning in containers or possibly barbeque pits.

Mr. Staran explained that that would not be in keeping with the ordinance.

13. PETITIONERS’ REQUESTS

13a. Request for Approvals for Country Club Village - located south of Auburn between Rochester and John R., Parcel Nos. 15-35-203-001, 15-35-202-005, and 15-35-476-002, zoned R-3 (Single Family Residential); Applicant: East Coast Limited Partnership, Bloomfield Hills, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 23, 2003 from Derek Delacourt, Planner II)

Mr. Derek Delacourt, Planner II, explained that the applicant is requesting Final Site Condo Approval and it has been reviewed by all applicable City Staff, received approval from the

Department of Environmental Quality (DEQ), all conditions have been addressed and the Planning Department has recommended approval.

Mr. Jon Weaver, East Course Limited Partnership, 40900 Woodward Avenue, Suite 130, Bloomfield Hills, Michigan, as the applicant and developer, indicated that he has signed agreements with neighboring residents of the development. He explained that, while they have agreed to certain restrictions regarding swing sets and playscapes to homes being built adjacent to Bendelow, it is not a “one size fits all” solution and should not be applied to the entire development.

RESIDENT COMMENT:

Mr. Robert Jenkins, 3621 Bendelow, produced petitions signed by seventy-five percent (75%) of residents along Bendelow that addressed the following:

- Written agreement from developer regarding sidewalks along Bendelow.
- Drainage issues along Bendelow; noting that ditches should be placed where there are fewer driveways.
- Restrictions of swimming pools and playscapes to homes whose backyards face Bendelow.

Mr. Wallace McQuay, 435 East Nawakwa Road, expressed his opposition to the use of Nawakwa Road for construction traffic and his belief that basements and swimming pools are inappropriate considering the high water table. He also suggested a way to burn leaves without producing excessive smoke.

Mr. Alton Fields, 3650 Vardon, conceding that the developer has “put a lot of time and effort into trying to please everybody”, noted some short falls:

- Residents were not informed of a Planning Commission meeting on September 2, 2003.
- The developer is making promises with which the builder may not comply.
- The access point for neighbors to enter the new development is through private property.
- Residents who wish to connect to the water line on Vardon Road must pay a contractor to do so. Questioned whether this can be accomplished without cutting down trees.

Mr. Joe Ovlasuk, 3261 Bendelow, explained that it was his impression that Bendelow was supposed to be the construction entrance for the first phase of the project. He also expressed concern that the plans make it appear that his home is part of the Country Club Subdivision and suggested moving the signs further back.

ADMINISTRATIVE/APPLICANT RESPONSE:

Mr. Delacourt addressed the following questions as posed by residents:

- Acknowledged that a Planning Commission meeting was held on September 2, 2003, however, unfortunately an administrative error prevented notifications from being mailed to interested parties. The discussion was repeated at the following meeting.

- Explained that, while it was originally determined that construction traffic would be directed off of Auburn Road, this would have resulted in considerable construction traffic traveling across the entire site. Thus, City Staff determined that construction traffic should enter off of Nawakwa for Phase I only.
- Noted that a sidewalk was approved as part of the preliminary plan for the west side of Bendelow to be constructed during Phase II, III or IV and would be maintained by the Subdivision Association.
- Explained that the open space between Vardon Road and the Wild Flower Subdivision stub street will remain Greenspace, as Vardon is a private street; however, the streets are aligned and could be connected in the future, were Vardon ever to become a public road.
- Suggested that the question regarding the water main would be best addressed by the applicant or Mr. Paul Davis, City Engineer.
- Acknowledged that, due to the twenty-five (25) foot buffer and the trees and plantings, it was the recommendation of the City Staff that additional restrictions—such as playscapes—were unnecessary.
- Was unable to address the number of sump pumps planned for the development.

Ms. Hill asked if there was any pedestrian access to the new development as had been suggested during a previous Council meeting discussion.

Mr. Weaver noted that there was some resistance from the neighbors on Vardon Road who indicated “they did not want any pedestrian connections.” He noted that the plans now call for pedestrian access near the school.

Mr. Davis, with regard to the water main issue, explained that approximately two (2) years ago a homeowner approached the City requesting to connect to the City water system. The resident was accommodated at his expense and the offer was made to residents of Nawakwa to be included in the water main. This plan did not gain support from residents, however, it was suggested that the water main could pass under existing trees. Mr. Davis explained that the City does not favor placing water mains under trees as it makes responding to breaks more difficult among other issues. He stressed that the Vardon Road water main issue is separate from the Country Club Village development.

Mr. Staran, addressing Mr. Fields’ question regarding whether the subsequent builder would be required to adhere to the plans approved by Council, noted that the restrictions “run with the land.”

Mr. Bob Griffith, Vardon Road, stated he does not want a road in front of his house and will not agree to an easement. He suggested that Wild Flower Subdivision residents could pass into the new development if an opening were made in the fence were near the mailboxes. He also

suggested that the water main could be connected at the end of the road, so as not to disturb his maple trees.

Mr. Weaver noted that the new development restricts aboveground pools, but has no restrictions for in-ground pools. Having heard Mr. Griffith's position, he stated he would arrange a meeting with the Wild Flower Subdivision residents to discuss his suggestions and would report back to Council at a future meeting.

COUNCIL DISCUSSION:

Mr. Robbins asked Mr. Delacourt if he had the petitions signed by the Bendelow Road residents requesting specific provisions be included in the final plan approval.

Mr. Delacourt acknowledged that he did have the petitions and felt it was appropriate to consider them for Phase II of the project.

Mr. Robbins noted that there were also concerns regarding Michelson that have yet to be addressed.

Mr. Delacourt explained that the Planning Department continues to support the current alignment, noting that if it were moved north it would impact more residents. He also explained that the landscape plan is designed to mitigate any difficulties.

Mr. Robbins questioned how many homes would be impacted by construction traffic.

Mr. Weaver noted that there are four (4) homes along Nawakwa.

Resident McQuay stressed that there are two (2) streets that connect to Nawakwa and those residents were unaware of the meeting.

Mr. Delacourt acknowledged the side streets but was unaware of the number of homes on them.

Mr. Robbins questioned why construction of Phase I is starting at the inside of the development.

Mr. Weaver explained that it is where much of the open space improvements are necessary for storm water management and where utilities will be stubbing. Also, they wanted to construct the clubhouse facility and renovate the historic portion of the development.

Mr. Barnett asked if the developer planned to construct the entire infrastructure during Phase I.

Mr. Delacourt explained that the developer is not permitted to put in the rest of the infrastructure for the other phases until the plans are reviewed by Staff and approved by Council.

Mr. Barnett clarified that there was no other option with regard to construction traffic access for Phase I.

Mr. Delacourt confirmed that temporary construction access to cross the site would also have to be approved.

Mr. Barnett also questioned the implementation of the storm water regulations and deep-water reservoirs.

Mr. Weaver explained in detail using the displayed site plan, that their plan calls for rebuilding and restoring the creek, thus creating a more natural environment. He also noted that the Watershed Council was involved in these discussions, and were helpful in establishing the phasing process of the project.

Mr. Barnett questioned the time frame for constructing the balance of the phases.

Mr. Weaver noted that the engineering has been completed on the balance of the site and anticipates submitting plans for City Staff review within the next few weeks.

Mr. Barnett, acknowledging his unfamiliarity with East Course Limited partnership, asked if the developer had any other major projects currently in process.

Mr. Weaver, while acknowledging that they take the Country Club Village project very seriously and cited it as a “very important piece of property,” noted that they are involved in several thousand acres of development throughout the metropolitan area.

Ms. Hill noted that, while the master deed and bylaws of the condominium were submitted to City Staff, Council had not received them for review.

Mr. Delacourt explained that typically the master deed, bylaws and exhibit B are reviewed by Staff and the City Attorney and then recorded with Oakland County.

Ms. Hill requested that in the future the information be provided to Council. She then noted that the resolutions submitted were unclear that the issues under consideration were for Phase I only and not for the entire project.

Ms. Golden praised the improvements made to the plan citing the open space, the neighborhood park and the preservation of the clubhouse.

13a.i Flood Plain Use Permit

Resolution A0643–2003–R0349

MOTION by Barnett, seconded by Holder,

Whereas, the East Course Limited Partnership, of 40900 Woodward Avenue, Suite 130, Bloomfield Hills, MI 48304 is the applicant for a Flood Plain Use Permit for Country Club Village, a 256-lot site condominium development on approximately 118 acres located east of Rochester Road and north of M-59 and identified as Parcel Nos. 15-35-203-001, 15-35-202-005, 15-35-276-002; and

Whereas, the Department of Public Services/Engineering Services has recommended approval of the Flood Plain Use Permit application as submitted,

Resolved, that the City Council finds, after reviewing supporting documentation, the recommendation of the Department of Public Services, and all the factors outlined for consideration in Section 114-159 items 1-13 of the codified ordinance as submitted by East Course Limited Partnership, that approval of the permit application is consistent with the public's health, safety and welfare, and supports the issuance of said permit.

To aid City Council in their determination for the issuance of a Flood Plain Use Permit, the applicable criteria as specified in section 114-159 have been addressed. They are as listed in the attached document dated September 17, 2003.

Approval is recommended based on the following reasons:

- 1) The applicant has supplied a complete floodplain use permit that adequately addresses the thirteen (13) items as listed in Section 114-159.
- 2) The applicant, through a detailed hydraulic study, has demonstrated that the resulting development will not cause an increase in the 100-year floodplain elevation in the Gibson or McIntyre Drains throughout the site and at the upstream property lines of the site.
- 3) The applicant has applied for and received the necessary permit from the Michigan Department of Environmental Quality for the proposed work within the floodplain. Included within the MDEQ permit is the excavation of 101,000 cubic yards of material from the 100-year floodplain to create detention areas and secondary treatment areas, dredging of 3,000 lineal feet of stream bed within existing banks to remove accumulated sediment upstream of an existing dam, and the placement of 2,247 cubic yards of clean fill within the 100-year floodplain and streams for the construction of residential lots and public road stream crossings.
- 4) The proposed development offers an opportunity to improve existing floodplain capacity, sedimentation control and treatment and environmental enhancement to the watershed through the addition of a deep-water basin.
- 5) The proposed development is consistent within the present R-3 zoning.
- 6) The proposed development has incorporated the use of best management practices to reduce erosive velocities in the drain sections traversing the subject property.
- 7) The proposed floodplain is designed with vehicular crossings elevated above the 100-year floodplain that will provide safe and sufficient passage to ordinary and emergency vehicles.

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

Nays: None

Absent: None

MOTION CARRIED

13a.ii Open Space Plan Agreement

Resolution A0643–2003–R0350

MOTION by Hill, seconded by Golden,

Resolved that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Open Space Plan Agreement for Country Club Village, City File No. 97-004, a 256-lot site condominium development on approximately 118 acres, located east of Rochester Road and north of M-59 and zoned R-3, One Family Residential district between the City of Rochester Hills and East Course Limited Partnership, a Michigan limited liability company, whose address is 40900 Woodward Avenue, Suite 130, Bloomfield Hills, MI 48304, affecting property identified as Parcel Nos. 15-35-203-001, 15-35-202-005 and 15-35-276-002.

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

Nays: None

Absent: None

MOTION CARRIED

13a.iii Agreement for Maintenance of Storm Water Detention System

Resolution A0643–2003–R0351

MOTION by Duistermars, seconded by Barnett,

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Agreement for Maintenance of Storm Water Detention System, an agreement relative to the use and maintenance of the retention facilities in Country Club Village, City File No. 97-004, between the City of Rochester Hills and East Course Limited Partnership, a Michigan limited liability company, whose address is 40900 Woodward Avenue, Suite 130, Bloomfield Hills, MI 48304, affecting property identified as Parcel Nos. 15-35-203-001, 15-35-202-005, 15-35-276-002.

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

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

Nays: None

Absent: None

MOTION CARRIED

13a.iv Final Site Condominium Plan

Resolution A0643–2003–R0352

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Country Club Village, City File No. 97-004, a 256-unit site condominium development on approximately 118 acres and identified as Parcel Nos. 15-35-203-001, 15-35-202-005 and 15-35-476-002, based on plans dated received by the Planning Department on August 27, 2003 with the following two (2) findings and subject to the following 23 conditions.

FINDINGS:

1. The Phase I Final Plan is in compliance with the previously approved Preliminary Plan.
2. After conformance with the following conditions, the Final Plan will conform to all applicable City ordinances, standards, regulations, and requirements.

CONDITIONS:

1. That all counts regarding transplanted trees correspond between the plans and tree survey list, to be reviewed and approved by the City's Landscape Architect and Forestry Department prior to issuance of a Land Improvement permit.
2. Provision of a performance and maintenance guarantee in the amount of \$119,114, as adjusted if necessary by the City, to ensure the proper installation of replacement trees. Upon approval of the installation by the City's Landscape Architect, a maintenance guarantee equal to 25% shall be retained for a minimum of two years. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
3. That tree protection fencing for all trees to be saved be indicated on revised plans in a location to be reviewed and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit.
4. That the tree transplant table and transplanted trees identified on the plans be adjusted to include all trees proposed to be transplanted, to be reviewed and approved by Staff prior to issuance of a Land Improvement Permit.
5. That all remaining Engineering issues be addressed prior to issuance of a Land Improvement Permit.
6. That Landscaping along the southern portion of Bendelow indicated as part of Phase I construction be delayed until review and approval of Phase II construction plans.

7. That all upland seed mixes be reviewed and approved by the City's wetland Consultant prior to issuance of a Land Improvement Permit.
8. That the applicant receive all applicable Oakland County Drain and Soil Erosion Permits prior to issuance of a Land Improvement Permit.
9. That access for construction vehicles during Phase I be from Nawakwa.

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

Nays: None

Absent: None

MOTION CARRIED

(Recess 9:23 p.m. – 9:40 p.m.)

14. ORDINANCE ADOPTION

- 14a. Acceptance for Second Reading and Adoption** - an Ordinance to amend Sections 54-31 and 54-36 of Chapter 54, Fees, and Section 110-48 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to change the fees relating to birth certificates, death certificates and zoning maps (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 24, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0710-2003–R0353

MOTION by Robbins, seconded by Barnett,

Resolved an Ordinance to amend Sections 54-31 and 54-36 of Chapter 54, Fees, and Section 110-48 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to change the fees relating to birth certificates, death certificates, and zoning maps is hereby accepted for **Second Reading and Adoption** and shall become effective on Friday, October 10, 2003 the day following its publication on Thursday, October 9, 2003 in the *Rochester Eccentric* newspaper.

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

Nays: None

Absent: None

MOTION CARRIED

- 14b. Acceptance for Second Reading and Adoption** - an Ordinance to amend Section 30-29 of 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 the Cliffview Apartments, and repeal conflicting Ordinances (Members

received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 24, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0631–2003–R0354

MOTION by Barnett, seconded by Robbins,

Resolved that an Ordinance to amend Section 30-29 of 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 the Cliffview Apartments, and repeal conflicting Ordinances is hereby accepted for **Second Reading and Adoption** and shall become effective on Friday, October 10, 2003 the day following its publication on Thursday, October 9, 2003 in the *Rochester Eccentric* newspaper.

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

Nays: None

Absent: None

MOTION CARRIED

15. REPORTS AND COMMUNICATIONS

- 15a. Designation of Delegate and Alternate** to National League of Cities' Annual Business Meeting to be held on Saturday, December 13, 2003 at the Congress of Cities (December 9-13, 2003) in Nashville, TN (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 24, 2003 from Susan Galeczka, City Council Liaison)

Ms. Holder stated that she has made travel arrangements to attend the conference.

President Dalton noted that no other members of Council would be attending.

Resolution A0217–2003–R0355

MOTION by Robbins, seconded by Golden,

Resolved That the City Council of Rochester Hills names Barb Holder as the City Council's official voting delegate to the National League of Cities' Annual Business Meeting to be held December 13, 2003, at the Congress of Cities, Nashville, TN.

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

Nays: None

Absent: None

MOTION CARRIED

16. ADMINISTRATION

16a. Adoption of 2004 Budget (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 12, 2003 from Bob Spaman, Director of Finance)

Mr. Lee Zendel, 1575 Dutton Road, indicated that the final budget proposal to be presented did not include the \$13.0 million Department of Public Service (DPS) garage renovation project because the buildings and property at 1700 West Hamlin Road had not yet sold. He asked that, since that project is not going forward, that the water reservoir project be initiated.

Ms. Hill explained that Item 16C on the evening's agenda dealt with the water reservoir issue and would initiate a feasibility study to evaluate the project.

Ms. Holder stated that she had intended to request returning the DPS garage renovation project to the budget, noting that there is "good momentum on this project," and that the interest rates are very favorable.

Ms. Hill noted that she would prefer bringing the issue back as a budget amendment at a future date, rather than putting it back in the budget.

Mr. Duistermars noted that he considers DPS one of the main priorities in the community and that the current facility is inadequate to service the nearly 80,000 residents of the City. He indicated that now would be a good time to take advantage of the City's low bond rates, as well as the current low construction costs that have resulted in the City Hall renovation project coming in under budget.

Mr. Robbins questioned Mr. Spaman as to the source of the funds for the project and questioned whether the project would have to be acted on were it returned to the budget.

Mr. Spaman explained that part of the \$13.0 million was to be derived from the sale of the West Hamlin Road buildings and property, the RFPs for which have been "grossly inadequate." He further noted that, if the project were returned to the budget, it would not have to be acted on, however, he suggested that, like the reservoir project, it should not be in the budget until a "plan is devised."

Mr. Barnett stated he is uncomfortable moving forward with the DPS project without the sale of the West Hamlin Road property, but he would like it known that the project is still a priority, taking precedence over the reservoir project.

Mr. Spaman assured Mr. Barnett that the project is a top-rated priority, but noted the difficulty of moving forward without the funding option. He suggested bonding for the entire \$13.0 million, but noted that whatever the City does will affect water and sewer rates.

Mr. Barnett, noting the level of interest in the sale of the West Hamlin Road property, suggested that more discussion on the subject is needed. He asked Mr. Spaman's opinion regarding putting the project back in the budget.

Mr. Spaman recommended leaving the project out of the budget until these issues are resolved.

Mr. Duistermars stressed that the property is still for sale.

Mr. Spaman, acknowledging that the City was still pursuing the sale, explained that they were meeting with a prospective buyer who had offered 75% of what the City paid for the property. He noted that engaging a real estate broker may be the next step.

Ms. Holder suggested the possibility that the building could sell in the near future for the asking price.

Mr. Spaman explained that price is not the only consideration of the sale; there are some other conditions of the sale as well.

Ms. Holder noted that there are situations that cannot be publicly stated.

Ms. Holder moved to keep the DPS project in the budget; seconded by Mr. Duistermars.

Mr. Barnett again stressed the priority of the project and his concern that other projects may come forward that may “start pecking away at that fund balance.”

Mr. Spaman explained that money will not be set aside for the project, but rather will be funded through the sale of the West Hamlin Property and the sale of bonds. He stressed that the City does not currently have the cash reserves to pay for the project.

Mr. Barnett asked what would happen prior to the sale of the West Hamlin Road property if the DPS project were reinstated in the budget.

Mr. Anzek stated that Council did authorize \$900,000 for the initial design of the facility and that work could move forward while the City continues in its efforts to sell the property.

Ms. Hill concurred that the project is a priority, however, she expressed her concern that moving forward without a solid funding plan presents a dilemma. She questioned whether it is necessary to return the entire amount to the budget, or could it be done incrementally.

Mr. Spaman explained that the City cannot bond for just professional services, noting there is a time frame of three (3) years.

Ms. Hill acknowledged the time frame, but again expressed her desire for further discussion to examine other options. She noted that the project is a priority as evidenced by its inclusion in the CIP. She suggested a future budget amendment.

Mr. Duistermars asked if, assuming the property cannot be sold, bonds could be used to fund the construction of the project.

Mr. Spaman stated that the entire project can be bonded.

Mr. Duistermars noted that, if the entire project were bonded and then the property sold, those bonds could not be bought back.

Mr. Spaman explained that bonds are typically callable after ten (10) years. He also noted that, if bonds were sold to fund the entire project and then the West Hamlin Road property were sold, those funds would be placed in the sewer and water budget and could be used for the reservoir project.

Mr. Rousse recommended keeping the project in the budget, explaining that bond and construction rates are currently low and the sewer and water fund has no debts and is in very good financial condition. He also noted that, as the economy recovers, the value of the West Hamlin Road property will likely increase.

Mr. Dalton expressed his opposition to bonding the entire project, questioning the reasoning of borrowing money over twenty (20) years when the West Hamlin Road property could sell at any time and the City would only need to bond for half the amount needed. He also noted that bonding the entire project would, in effect, increase the project budget from \$13.0 million to \$20.0 million.

Resolution A0477–2003–R0356

MOTION by Holder, seconded by Duistermars,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Be It Resolved, that the City Council of the City of Rochester Hills hereby reinstates the Department of Public Service Garage project to the Budget for 2004 in the amount of \$13.0 million, the revenue of which to be generated from the future sale of the City-owned building and property at 1700 West Hamlin Road in the amount of \$6.5 million and bonding in the amount of \$6.5 million.

Roll Call Vote:

Ayes: Holder, Barnett, Duistermars, Robbins

Nays: Dalton, Golden, Hill,

Absent: None

MOTION CARRIED

16a.i General and Special Revenue Funds

Resolution A0477–2003–R0357

MOTION by Duistermars, seconded by Holder,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Whereas, at its September 17, 2003 meeting City Council adopted the tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millages Limitation, to be levied in December 2003 to provide the tax revenues included in the Proposed 2004 Budget.

Resolved, that the City Council of the City of Rochester Hills hereby adopts the **General Fund** Budget for 2004 as follows:

Fund Balance	\$ 206,367
City Taxes	\$ 9,524,081
Licenses & Permits	\$ 1,642,000
State Shared Revenue	\$ 5,816,993
Charges for Service	\$ 4,928,007
Fines & Forfeitures	\$ 109,000
Investment Earnings	\$ 130,000
Other Revenue	\$ 222,110
Total General Fund Revenues	\$ 22,578,558
Total General Fund Expenditures	\$ 22,578,558

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Major Road Fund** Budget for 2004 as follows:

Fund Balance	\$ 547,907
State Shared Revenue	\$ 3,178,267
Charges for Service	\$ 262,920
Investment Earnings	\$ 100,000
Other Revenue	\$ 921,000
Transfer-In	\$ 1,571,230

Total Major Road Fund Revenues	\$ 6,581,324
Total Major Road Fund Expenditures	\$ 6,581,324

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Local Road Fund** Budget for 2004 as follows:

Fund Balance	\$ 1,892,555
Licenses & Permits	\$ 36,000
State Shared Revenue	\$ 1,197,083
Municipal Contributions	\$ 40,000
Charges for Service	\$ 91,700
Investment Earnings	\$ 65,000
Other Revenue	\$ 52,247
Transfer-In	\$ 1,294,567
Total Local Road Fund Revenues	\$ 4,669,152
Total Local Road Fund Expenditures	\$ 4,669,152

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Fire Fund** Budget for 2004 as follows:

Fund Balance	\$ 560,712
City Taxes	\$ 5,828,358
Charges for Service	\$ 590,455
Fines & Forfeitures	\$ 6,000
Investment Earnings	\$ 40,000
Other Revenue	\$ 4,000
Transfer-In	\$ 50,000
Total Fire Fund Revenues	\$ 7,079,525
Total Fire Fund Expenditures	\$ 7,079,525

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Special Police Protection Fund** Budget for 2004 as follows:

Fund Balance	\$ 121,768
City Taxes	\$ 3,796,021
State Shared Revenue	\$ 66,000
Municipal Contributions	\$ 182,411
Charges for Service	\$ 96,400
Fines & Forfeitures	\$ 369,100
Investment Earnings	\$ 30,000
Transfer-In	\$ 2,566,700
Total Special Police Protection Fund Revenues	\$ 7,228,400
Total Special Police Protection Fund Expenditures	\$ 7,228,400

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **VanHoosen Jones Stoney Creek Perpetual Care Fund** Budget for 2004 as follows:

Charges for Service	\$	50,000
Investment Earnings	\$	10,000
Total Stoney Creek Perpetual Care Fund Revenues	\$	60,000

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Rochester-Avon Recreation Authority (R.A.R.A.) Millage** for 2004 as follows:

City Taxes	\$	494,270
Total Rochester-Avon Recreation Authority Revenues	\$	494,270
Total Rochester-Avon Recreation Authority Expenditures	\$	494,270

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Pathway Millage Fund** Budget for 2004 as follows:

City Taxes	\$	584,359
Investment Earnings	\$	4,000
Total Pathway Millage Fund Revenues	\$	588,359
Total Pathway Millage Fund Expenditures	\$	588,359

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Solid Waste Management Fund** Budget for 2004 as follows:

Fund Balance	\$	72,625
Investment Earnings	\$	800
Total Solid Waste Management Fund Revenues	\$	73,425
Total Solid Waste Management Fund Expenditures	\$	73,425

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Public Improvement Drains Fund** Budget for 2004 as follows:

City Taxes	\$	1,258,606
State Shared Revenue	\$	250,000
Licenses & Permits	\$	500
Charges for Service	\$	127,500
Investment Earnings	\$	40,000
Other Revenue	\$	9,456,000

Total Public Improvement Drains Fund Revenues	\$ 11,132,606
Total Public Improvement Drains Fund Expenditures	\$ 11,132,606

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Development Finance Authority Fund Budget** for 2004 as follows:

Fund Balance	\$ 84,135
City Taxes	\$ 185,296
Municipal Contributions	\$ 183,934
Investment Earnings	\$ 25,000
Transfer-In	\$ 121,635

Total Local Development Finance Authority Fund Revenues	\$ 600,000
Total Local Development Finance Authority Fund Expenditures	\$ 600,000

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Older Persons Millage Fund Budget** for 2004 as follows:

City Taxes	\$ 824,630
Total Older Persons Millage Fund Revenue	\$ 824,630
Total Older Persons Millage Fund Expenditures	\$ 824,630

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road Improvement Bond Debt-2001 Series Fund Budget** for 2004 as follows:

Transfer-In	\$ 170,750
Total Local Road Improvement Bond Debt-2001 Series Fund Revenues	\$ 170,750
Total Local Road Improvement Bond Debt-2001 Series Fund Expenditures	\$ 170,750

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road SAD Bond Debt – 2001 Series Fund Budget** for 2004 as follows:

Fund Balance	\$ 41,897
Investment Earnings	\$ 29,601
Other Revenue	\$ 26,977
Transfer-In	\$ 126,325

Total Local Road SAD Bond Debt – 2001 Series Fund Revenues	\$ 224,800
Total Local Road SAD Bond Debt – 2001 Series Fund Expenditures	\$ 224,800

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road Improvement Bond Debt-2002 Series Fund** Budget for 2004 as follows:

Transfer-In	\$ 326,136
Total Local Road Improvement Bond Debt- 2002 Series Fund Revenues	\$ 326,136
Total Local Road Improvement Bond Debt- 2001 Series Fund Expenditures	\$ 326,136

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Drain Debt Fund** Budget for 2004 as follows:

City Taxes	\$ 1,813,050
Investment Earnings	\$ 4,000
Total Drain Fund Revenues	\$ 1,817,050
Total Drain Fund Expenditure	\$ 1,817,050

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road Improvement Bond Debt-1989 Series Fund** Budget for 2004 as follows:

Fund Balance	\$ 23,998
Investment Earning	\$ 400
Other Revenue	\$ 14,711
Transfer-In	\$ 67,691
Total Local Road Improvement Bond Debt- 1989 Series Fund Revenues	\$ 106,800
Total Local Road Improvement Bond Debt- 1989 Series Fund Expenditures	\$ 106,800

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road Improvement Bond Debt-1994 Series Fund** Budget for 2004 as follows:

Fund Balance	\$ 103,099
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Investment Earnings	\$	16,243
Other Revenue	\$	14,126
Transfer-In	\$	65,775
Total Local Road Improvement Bond Debt- 1994 Series Fund Revenues	\$	199,243
Total Local Road Improvement Bond Debt- 1994 Series Fund Expenditures	\$	199,243

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Local Road Improvement Bond Debt-1995 Series Fund** Budget for 2004 as follows:

Fund Balance	\$	113,406
Investment Earnings	\$	15,213
Other Revenue	\$	17,026
Transfer-In	\$	41,050
Total Local Road Improvement Bond Debt- 1995 Series Fund Revenues	\$	186,695
Total Local Road Improvement Bond Debt- 1995 Series Fund Expenditures	\$	186,695

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **OPC Building Bond Debt Fund** Budget for 2004 as follows:

Fund Balance	\$	39,720
City Taxes	\$	666,905
Investment Interest	\$	2,400
Total OPC Building Bond Debt Revenues	\$	709,025
Total OPC Building Bond Debt Expenditures	\$	709,025

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Municipal Building Bond Debt Fund** Budget for 2004 as follows:

Transfer-In	\$	700,284
Total Municipal Building Bond Debt Revenues	\$	700,284
Total Municipal Building Bond Debt Expenditures	\$	700,284

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **General Obligation Refunding Bonds- 1998 Series Fund** Budget for 2004 as follows:

City Taxes	\$	187,495
Investment Earnings	\$	2,000

Total Refunding Bonds Revenue	\$ 189,495
Total Refunding Bonds Expenditures	\$ 189,495

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **General Obligation Refunding Bonds-2002 Series Fund** Budget for 2004 as follows:

City Taxes	\$ 1,377,150
Investment Earnings	\$ 4,000
Total Refunding Bonds Revenues	\$ 1,381,150
Total Refunding Bonds Expenditures	\$ 1,381,150

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Michigan Transportation Refunding Bonds-1998 Series Fund** Budget for 2004 as follows:

Transfer-In	\$ 480,810
Total Refunding Bonds Revenues	\$ 480,810
Total Refunding Bonds Expenditures	\$ 480,810

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Fire Apparatus Fund** Budget for 2004 as follows:

Investment Interest	\$ 30,000
Transfer-In	\$ 1,425,743
Total Fire Apparatus Fund Revenues	\$ 1,455,743
Total Fire Apparatus Fund Expenditures	\$ 1,455,743

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Pathway Construction Fund** Budget for 2004 as follows:

Charges for Service	\$ 2,600
Investment Earnings	\$ 15,000
Transfer-In	\$ 416,762
Total Pathway Construction Fund Revenues	\$ 434,362
Total Pathway Construction Fund Expenditures	\$ 434,362

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Capital Improvement Plan Fund** Budget for 2004 as follows:

Investment Earnings	\$ 7,000
Transfer-In	\$ 766,215

Total Capital Improvement Plan Fund Revenues	\$ 773,215
Total Capital Improvement Plan Fund Expenditures	\$ 773,215

Be It Further Resolved, that the City Council for the City of Rochester Hills hereby adopts the **Economic Development Corporation Fund** Budget for 2004 as follows:

Fund Balance	\$ 645
Investment Earnings	\$ 20
Total Economic Development Corporation Fund Revenues	\$ 665
Total Economic Development Corporation Fund Expenditure	\$ 665

Roll Call Vote:

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

MOTION CARRIED

16a.ii Enterprise Fund

Resolution A0477–2003–R0358

MOTION by Holder, seconded by Duistermars,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Sewer Fund** Budget for 2004 as follows:

Retained Earnings	\$ 2,142,982
Licenses & Permits	\$ 5,150
Charges for Service	\$ 9,323,280
Fines & Forfeitures	\$ 35,000
Investment Earnings	\$ 78,600
Other Revenue	\$ 10,345,500

Total Sewer Fund Revenues	\$ 21,930,512
Total Sewer Fund Expenditures	\$ 21,930,512

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Water Fund** Budget for 2004 as follows:

Retained Earnings	\$ 1,790,434
Licenses & Permits	\$ 20,200
Charges for Service	\$ 12,782,200
Fines & Forfeitures	\$ 50,000
Investment Earnings	\$ 98,655
Other Revenue	\$ 9,520,000

Total Water Fund Expenditures	\$ 24,261,489
Total Water Fund Expenditures	\$ 24,261,489

Grand Total Water & Sewer Fund Revenues	\$ 46,192,001
Grand Total Water & Sewer Fund Expenditures	\$ 46,192,001

Roll Call Vote:

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

MOTION CARRIED

16a.iii Internal Service Funds

Resolution A0477–2003–R0359

MOTION by Barnett, seconded by Duistermars,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Now Therefore Be It Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Building and Grounds Fund** Budget for 2004 as follows:

Retained Earnings	\$ 195,640
Charges for Service	\$2,793,956
Investment Earnings	\$ 25,000
Transfer-In	\$1,302,425
Total Building and Grounds Fund Revenues	\$4,317,021
Total Building and Grounds Fund Expenditures	\$4,317,021

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Management Information Systems Fund** Budget for 2004 as follows:

Retained Earnings	\$ 853,250
Charges for Services	\$2,069,334
Investment Earnings	\$ 25,000
Total Management Information Systems Fund Revenues	\$2,947,584
Total Management Information Systems Fund Expenditures	\$2,947,584

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Fleet Equipment Fund** Budget for 2004 as follows:

Retained Earnings	\$ 798,913
Charges for Services	\$1,957,771
Investment Earnings	\$ 32,000
Transfer-In	\$ 45,000
Total Fleet Equipment Fund Revenues	\$2,833,684
Total Fleet Equipment Fund Expenditures	\$2,833,684

Be It Further Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Insurance Fund** Budget for 2004 as follows:

Charges for Service	\$ 610,000
Total Insurance Fund Revenues	\$ 610,000
Total Insurance Fund Expenditures	\$ 610,000

Roll Call Vote:

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

MOTION CARRIED

16a.iv Older Persons' Commission (OPC)

Resolution A0477–2003–R0360

MOTION by Duistermars, seconded by Golden,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Now Therefore Be It Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Older Persons' Commission** Budget for 2004 as follows:

Federal Grant	\$ 410,000
State Shared Revenue	\$ 20,000
Municipal Contributions	\$1,168,575
Charges for Services	\$ 826,000
Investment Earnings	\$ 25,000
Other Revenue	\$ 930,129
Total Older Persons' Commission Revenues	\$3,379,704
Total Older Persons' Commission Expenditures	\$3,379,704

Roll Call Vote:

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

Nays: None

Absent: None

MOTION CARRIED

16a.v Rochester Avon Recreation Authority (RARA)

Resolution A0477–2003–R0361

MOTION by Barnett, seconded by Duistermars,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, Section 3.2, the Mayor as the Chief Executive

Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the Mayor of the proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Now Therefore Be It Resolved, that the City Council of the City of Rochester Hills hereby adopts the **Rochester Avon Recreation Authority (R.A.R.A.)** Budget for 2004 as follows:

Fund Balance	\$ 36,000
Municipal Contribution	\$ 560,947
Charges for Services	\$1,050,669
Investment Earnings	\$ 13,000
Other Revenue	\$ 9,000
Total Rochester Avon Recreation Authority Revenues	\$1,669,616
Total Rochester Avon Recreation Authority Expenditures	\$1,669,616

Roll Call Vote:

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

Nays: None

Absent: None

MOTION CARRIED

- 16b. Request for Purchase Authorization** - DPS: Professional Services for Tienken Road and Kings Cove Intersection, Traffic Signal and Bridge, blanket purchase order not-to-exceed \$159,350.00; Hubbell, Roth & Clark, Inc., Pontiac, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 8, 2003 from Paul Davis, City Engineer)

Mr. Paul Davis, City Engineer, appeared before Council to discuss moving the Tienken Road project forward.

RESIDENT COMMENT:

Mr. Richard Stinson, 1363 Autumn Lane, explained that he has been waiting for some sort of traffic relief for this area.

COUNCIL DISCUSSION:

Ms. Hill questioned the breakdown of funds as described in the packet information and the time frame of the project.

Mr. Davis explained that the project would likely fall within two (2) separate budget years with funds from both budgets equaling \$3.0 million. The remaining budget money would have to be derived from a different source.

Ms. Hill questioned why, when this project has been discussed extensively over the years and has always been for an expansion to three (3) lanes, it now comes before Council as a five (5) lane expansion. She also questioned the lack of a Council Work Session to discuss this matter more thoroughly.

Ms. Golden stressed that pedestrian safety is at issue and this project presents “tremendous engineering challenges.” She supported holding a Work Session to examine the issue more closely.

Ms. Hill noted that five (5) lanes of traffic has never been considered and there has been no Council consensus reached on the subject. Additionally, previous public input was primarily regarding the traffic signal issue. She expressed her opposition to expanding the plan to include five (5) lanes of traffic.

Mr. Robbins moved the resolution; seconded by Ms. Golden.

Mr. Barnett expressed his concern that he did not have a clear understanding of the plan being presented and suggested that a short presentation at the next City Council Work Session meeting would be appropriate.

Mr. Davis explained that the original three (3) lane plan was based on a 1999 traffic count. He noted that traffic counts have increased substantially, thus facilitating the need for five (5) lanes of traffic. He stressed that the increase in the number of lanes is to accommodate future traffic demands. He suggested building the five (5) lane bridge but only striping it for three (3) lanes.

Mr. Hill expressed her belief that every major road in the City is at a traffic level that would require five (5) lanes, but that would result in increased traffic from other communities. She again suggested a Work Session to give residents the opportunity to express their opinion and to examine the plan in greater detail.

Ms. Holder recalled that the consensus of Council following the original report was to make the road three (3) lanes, noting that an increase would have resulted in removing houses on the south side of Tienken Road.

Mr. Duistermars noted that there is no way to dissuade people from other communities from driving through Rochester Hills.

Mr. Robbins suggested that a Council member make a motion to postpone the motion on the floor.

Resolution A0704–2003–R0362

MOTION by Hill, seconded by Barnett,

Resolved that City Council will POSTPONE the motion on the resolution to award a contract for Professional Services between Hubbell, Roth & Clark, Inc. and the City of Rochester Hills for the Tienken Road & Kings Cove Intersection-Traffic Signal & Bridge Study in the amount not-to-exceed \$159,350.00 and authorize the Mayor and Clerk to execute a contract on behalf of the City.

Be it further resolved that this matter be brought back before City Council for further discussion and evaluation during a future City Council Work Session meeting.

Ayes: Dalton, Barnett, Golden, Hill, Holder

Nays: Duistermars, Robbins

Absent: None

MOTION CARRIED

- 16c. Request for Purchase Authorization** - DPS: Professional Services for Water Distribution Model Evaluation, Phase II, blanket purchase order not-to-exceed \$18,500.00; Finkbeiner, Pettis & Strout, Inc., Novi, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 15, 2003 from Barbara Key, Contract Specialist)

Resolution A0707–2003–R0363

MOTION by Robbins, seconded by Golden,

Whereas, a quality based selection process determined an engineering firm best suited to provide professional engineering services to the City of Rochester Hills. Finkbeiner, Pettis, and Strout, Inc. exhibited extensive experience in pipe network analysis, and had resources, as well as the knowledge of the City of Rochester Hills water system; and

Whereas, Finkbeiner, Pettis & Strout, Inc. prepared the Phase I initial evaluation and report in 2002. Finkbeiner, Pettis & Strout, Inc. remains committed to the schedule required to complete the requirements set forth by the City of Detroit Water & Sewer Department and the City of Rochester Hills for Phase II.

Resolved that City Council award the Continuing Services Agreement between Finkbeiner, Pettis & Strout, Inc. and the City of Rochester Hills for Professional Engineering Services for the Water Distribution Model Evaluation Phase II Project in the amount not-to-exceed \$18,500.00 and authorize the Mayor and Clerk to execute a contract on behalf of the City.

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

Nays: None

Absent: None

MOTION CARRIED

- 16d. Request for Purchase Authorization - FIRE:** Roof Rehabilitation and Phenolic Foam Insulation Abatement at Public Safety Building, blanket purchase order not-to-exceed \$93,000.00; Newton Crane Roofing, Inc., Pontiac, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 16, 2003 from Gregory Waltherhouse, Fire Chief)

Chief Greg Waltherhouse, Fire Chief, described a class action lawsuit that resulted in an \$8,000 payment to the City to be applied to the replacement of the roof.

Resolution A0396–2003–R0364

MOTION by Duistermars, seconded by Golden,

Whereas, under the terms of settlement of a class action lawsuit for phenolic foam insulation, bids were solicited and received for roof rehabilitation and phenolic foam insulation abatement at the Public Safety Building, and

Whereas, Newton Crane Roof, Inc. submitted the lowest responsive responsible bid for the remediation work and replacement of the slope portion of the roof outside of the dispatch area of the building;

Resolved that the Rochester Hills City Council award a contract for roof rehabilitation and phenolic foam insulation abatement at the Public Safety Building to Newton Crane Roofing, Inc., Pontiac, Michigan in the amount not-to-exceed \$93,000.

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

Nays: None

Absent: None

MOTION CARRIED

- 16e. Request for Purchase Authorization - PLANNING:** Remote Video Camera System, blanket purchase order not-to-exceed \$101,026.00; Provideo Systems, Inc., Perrysburg, OH (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 18, 2003 from Jamie Smith, Media Specialist)

Mr. Duistermars noted that this was discussed extensively at a previous Work Session meeting and it will result in a substantial savings.

Mr. Robbins asked why this request was being initiated by the Planning Department.

Mr. Anzek explained that he was acting as Council's representative on the City Hall renovation committee addressing Council's concerns and issues regarding Council Chambers. Subsequently, the Mayor requested that he enter into a management role with the communications division and oversee their operations.

Mr. Robbins requested assurances that the Council broadcasts would be of a professional nature.

Mr. Smith assured Mr. Robbins that any concerns would be corrected.

Mr. Barnett noted that the cost for an analog system would be \$85,000 and this digital system will accommodate upgrades in the future.

Mr. Smith confirmed that, while analog systems are still available, technical support for those systems is diminishing.

Mr. Barnett questioned how many technicians will be necessary to operate this system.

Mr. Smith estimated that three (3) technicians would be necessary, noting that two (2) camera operator positions would be eliminated from the floor, stressing that that was one of the reasons for the new remote system, to eliminate the intrusiveness of those camera operators.

Ms. Holder stated that this issue was initiated by resident requests for improved video and audio broadcast quality.

Ms. Golden questioned why it is not possible to maintain and utilize the current equipment, also noting that a camera was purchased recently.

Mr. Anzek explained that the current equipment is nearly fifteen (15) years old. He also stressed that the technology has improved to provide better quality and flexibility.

Mr. Smith noted that the recent camera acquisition was not for broadcast purposes, but was to be used externally.

Resolution A0713–2003–R0365

MOTION by Duistermars, seconded by Barnett,

Whereas, the Contract of Lease between the Rochester Hills Building Authority and the City of Rochester Hills requires change orders exceed \$75,000 be approved by City Council, and

Whereas, proposals were received and evaluated with Pro Video System, Inc selected as providing the best value for the City, utilizing a digital system,

Resolved that the Rochester Hills City Council approve the purchase of a remote video camera system for the City Hall Auditorium to Pro Video Systems, Inc., Perrysburg, Ohio in the amount not-to-exceed \$101,026.00.

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

Nays: Golden

Absent: None

MOTION CARRIED

(Recess 11:28 p.m. – 11:35 p.m.)

16f. Approval of Request to rename City Departments (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated October 1, 2003 from Pat Somerville, Mayor)

16f.i Department of Planning/Zoning and Administration Services to the Department of Planning and Development

Resolution A 0715–2003–R0366

MOTION by Robbins, seconded by Golden,

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter defines and establishes the Administrative Departments of the City; and

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter states “Council shall have the power to reorganize or eliminate existing Departments and create other Departments” as part of the proper administration of the business of the City; and

Whereas, a recent review of Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter revealed many of the Department names listed under that Section were not accurately reflected; and

Whereas, a request has been made to change the name of the Department of Planning/Zoning and Administrative Services to the **Department of Planning and Development** to more accurately reflect the services currently provided by that Department; and

Whereas, the renaming of this Department will not result in any significant overlap of responsibilities between two or more Departments.

Now Therefore Be It Resolved that the Rochester Hills City Council hereby authorizes a revision to Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter, to rename the Department of Planning/Zoning & Administrative Services as the **Department of Planning and Development**.

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

Nays: None

Absent: None

MOTION CARRIED

16f.ii Department of Data Processing to Department of Management Information Systems

Resolution A0715 –2003–R0367

MOTION by Robbins, seconded by Golden,

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter defines and establishes the Administrative Departments of the City; and

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter states “Council shall have the power to reorganize or eliminate existing Departments and create other Departments” as part of the proper administration of the business of the City; and

Whereas, a recent review of Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter revealed many of the Department names listed under that Section were not accurately reflected; and

Whereas, a request has been made to change the name of the Department of Data Processing to the new name of the **Department of Management Information Systems** to more accurately reflect the services currently provided by that Department, and

Whereas, the renaming of this Department will not result in any significant overlap of responsibilities between two or more Departments.

Now Therefore Be It Resolved that the Rochester Hills City Council hereby authorizes a revision to Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter, to rename the Department of Data Services as the **Department of Management Information Systems**.

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

Nays: None

Absent: None

MOTION CARRIED

16f.iii Department of Water & Sewer/Public Services to Department of Public Services/Engineering

Resolution A 0715 –2003–R0368

MOTION by Robbins, seconded by Golden,

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter defines and establishes the Administrative Departments of the City; and

Whereas, Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter states “Council shall have the power to reorganize or eliminate existing Departments and create other Departments” as part of the proper administration of the business of the City; and

Whereas, a recent review of Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter revealed many of the Department names listed under that Section were not accurately reflected; and

Whereas, a request has been made to reflect the merger of the Department of Engineering and the Department of Water & Sewer/Public Services to the new name of the **Department of Public Service/Engineering** to more accurately reflect the services currently provided by that Department; and

Whereas, the renaming of this Department will not result in any significant overlap of responsibilities between two or more Departments.

Now Therefore Be It Resolved that the Rochester Hills City Council hereby authorizes a revision to Section 8.9 (Administrative Departments) of Chapter VIII (City Administration) of the City of Rochester Hills Charter, to rename the Department of Engineering as the **Department of Public Service/Engineering**.

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

MOTION CARRIED

17. COUNCIL COMMITTEE REPORTS

Council had nothing to report.

18. ANY OTHER BUSINESS

Ms. Golden clarified that the Community Development Block Grant (CDBG) Home Chore Program is for residents age 62 years and older and/or disabled individuals.

19. NEXT MEETING DATE - Wednesday, October 15, 2003 Regular Meeting.

20. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 11:37 p.m.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET A. STRATE
Administrative Secretary
City Clerk's Office

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills