



Rochester Hills Minutes City Council Regular Meeting

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

*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, July 12, 2006

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:36 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Barbara Holder, Greg Hooper, James Rosen and Ravi Yalamanchi

Absent: Jim Duistermars and Linda Raschke

Others Present:

*Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Enforcement
Paul Davis, City Engineer
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Robert Smith, Captain - Oakland County Sheriff's Department
John Staran, City Attorney*

Council Member Raschke provided previous notice she would be unable to attend and asked to be excused.

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 July 12, 2006 as amended as follows:

Legislative File 2006-0495 - Removal of the Butler Road Improvements Project portion of the Request for Purchase Authorization for additional design work, as well as additional professional construction engineering services.

Legislative File 2006-0496 - Removal of the Butler Road Improvements Project portion of the Request for Purchase Authorization for road improvements.

A motion was made by Hooper, seconded by Yalamanchi, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Hooper, Rosen and Yalamanchi

Absent: Duistermars and Raschke

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, referred to a prior suggestion by Council members to consolidate the General Fund. He questioned whether there is a Michigan city with a population of over 40,000 that operates with only debt millages and a general fund millage. He also asked that the Mayor investigate whether the City will be receiving revenue from all of the services Comcast has added beyond cable service.

Mr. Byrl Fultz, 3424 Rockhaven, informed Council about a parking problem near his home resulting from individuals not using the proper parking in Avondale Park and, instead, parking on his cul-de-sac. He requested no parking signs.

Mayor Barnett noted that the matter would be reviewed and addressed.

(Mr. Duistermars Entered at 7:46 p.m.)

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, James Rosen and Ravi Yalamanchi

Absent: Linda Raschke

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Yalamanchi questioned the Capital Improvement Program (CIP) process, noting that Council should have more input to ensure there is no frustration on the part of the administration if Council does not support certain projects when funding approval is sought. He also noted that the islands of some boulevards in the City are not being maintained properly.

President Rosen noted that there are several opportunities for Council members to provide feedback during the CIP process; however, it is a function of the Planning Commission. He stressed that Council does have the final say on CIP projects as "we control the purse." President Rosen also noted that the City does not own some of the boulevards in question and, thus, their maintenance is not the City's responsibility.

Mr. Ambrozaitis suggested a citywide open house for realtors. He then discussed the matter of blight in the community and assured residents that he did not seek to increase bureaucracy or regulate how people maintain their homes. Mr. Ambrozaitis then described an alleyway in the City that runs parallel to Auburn Road and suggested that the City grant an easement to the homeowners along this property that he noted would resolve a blight issue without the City incurring additional costs.

Ms. Holder suggested a possible City beautification program to enlist residents in addressing the matter of boulevard islands. She then announced an upcoming fund raising event to benefit the University of Pennsylvania Neurology Department.

Mayor Barnett noted the following:

- There is a new line item in the City's proposed budget for informational packets to be distributed to realtors who operate in Rochester Hills.*
- Irrigation would solve some of the boulevard island problems, however, past Councils chose not to include irrigation in the construction plan of these roads.*
- The DPS Director was asked to increase the mowing schedule for boulevards.*
- Information was recently distributed to Council members regarding the City property rented to a Parks Department employee as to whether the City is receiving appropriate market value for the property.*

- The Festival of the Hills had a record attendance of approximately 50,000 people and the Rochester Hills Government Youth Council conducted surveys during the event that concluded that 99.4% of attendees felt very safe attending the event.

- The Oakland County Sheriff's Department, the Rochester Hills Fire Department and the DPS workers were all praised and thanked for their assistance with the Festival of the Hills.

- The mastodon bones unearthed during road construction on Crooks Road are being carbon dated by the Cranbrook Institute and it is hoped they may be eventually housed at the City's museum.

ATTORNEY MATTERS

2006-0518 Adoption of Resolution to set Closed Session for Wednesday, July 19, 2006 at 6:30 PM for the purpose of discussing union negotiations

Attachments: Agenda Summary.pdf; 0518 Resolution.pdf

A motion was made by Duistermars, seconded by Yalamanchi, 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, on Wednesday, July 19, 2006 at 6:30 PM, Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hill, Michigan. The purpose of the Closed Session is to discuss union negotiations.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

Enactment No: RES0225-2006

PRESENTATIONS

2006-0524 Presentation by Christine Hage, RHPL Director regarding Regional Public Library

Attachments: Agenda Summary.pdf

Ms. Christine Hage, Director of the Rochester Hills Public Library, and Mr. Jack Nicholas, President of the Board of Trustees, 500 Olde Towne Road, Rochester, presented the following information to City Council regarding a potential District Library to be created among the Cities of Rochester Hills and Rochester, and Oakland Township:

- *The Rochester Hills Public Library (RHPL) has an elected governing Board of Trustees.*

- *The RHPL is not associated with the Oakland County Library Board, but rather is an independent Michigan Municipal Corporation.*

- *The District Library Law allows for more equitable operational funds and expenses by sharing costs with other communities.*

- *The bulk of the RHPL's current funding comes from a millage passed in perpetuity in 1924.*

- *Some monies are received from Oakland Township and the City of Rochester through contracts with those communities.*
- *All three communities pay the same one mill operating cost, with Oakland Township paying approximately \$700,000 annually and Rochester paying approximately \$400,000 annually.*
- *The Oakland Township Library Board requests their own library or branch in their community each time their contract comes up for renewal.*
- *The RHPL cannot afford to build a separate library for or in Oakland Township.*
- *If the RHPL were to become a District Library all three communities would share joint ownership of the Library, both in owning the building and in supporting the services.*
- *The first step in establishing a District Library is to have an organizational meeting.*
- *Council member Yalamanchi attended the organizational meeting, along with representatives from all three communities.*
- *The next step is to form a Study Committee with members appointed by each community's governing board or council.*
- *Rochester and Oakland Township have made their appointments to the Study Committee.*
- *The Study Committee will be tasked with weighing the pros and cons and determining whether the three communities want a District Library.*
- *The Study Committee would produce a draft District Library Agreement that would address such issues as what to name the new library and how it would be governed.*
- *The District Library Law provides options as to how the Library Board is selected, either as appointees or elected officials, etc.*
- *If the governing board for the District Library is elected, it must be elected at large.*
- *The draft District Library Agreement would have to identify which board appointment process would be used.*
- *The Study Committee would determine the funding mechanism for the new library, for example, a district-wide millage to replace the current funding allocations.*
- *A final District Library Agreement would need to be approved and adopted by each community's governing board or council.*
- *According to State Law the RHPL Board would have veto authority over the District Library Agreement.*
- *A Study Committee consisting of three representatives from each community as well as three members from the existing Library Board would likely be ideal to reach a consensus.*
- *If the three communities established a District Library, the RHPL would disband and turn its holdings over to the new District Library.*
- *The RHPL Board is interested in pursuing a District Library, as there are advantages*

to Rochester Hills residents such as sharing the costs and expenses with two other communities, as well as the benefit of a more stable income.

- The RHPL would no longer be vulnerable to one of the other communities withdrawing their financial support.

- According to the State of Michigan Library, the process of changing to a District Library takes approximately two years.

- The State of Michigan Library prefers the district wide format of libraries.

- There are other examples of these three communities working together in this same manner such as the Older Persons Commission and the Trailways.

- Rochester Hills can opt out of the process even if the other communities approve and adopt the Study Committee's District Library Agreement; the RHPL would remain intact and in operation.

President Rosen questioned whether Council members were interested in pursuing this proposal.

Mr. Yalamanchi, acknowledging that he had attended the initial organizational meeting, expressed his support for at least initiating the process. He stressed that there is no rush and it appears the RHPL Board plans to "take careful steps" in pursuing this process.

Mr. Ambrozaitis noted "we owe it to the taxpayers to take a peek at [this process]."

Ms. Holder questioned whether it was necessary that all three representatives appointed to the Study Committee be Council members. She proposed that two Council members and perhaps one member of the City administrative staff be appointed.

President Rosen noted he would meet with the Mayor to determine a recommendation to be brought back to Council as to the make-up of the Study Committee appointees.

Mr. Staran assured Council that there would be no problem with the current millages if the three communities were to adopt this program, however, any new millages would have to be passed by a district-wide vote.

Ms. Hage further clarified that any district-wide millage would be applied evenly among all communities; no community could be required to pay more than the others.

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.

Mr. Hooper disclosed that he has business relationships with some of the contractors identified in items on the Consent Agenda and asked if it would be necessary for him to recuse himself from those items.

City Attorney John Staran explained that he had discussed this matter with Mr. Hooper and that he had determined that there is no conflict of interest or indication that these business relationships would reduce Mr. Hooper's objectivity when considering these matters. However, he did advise Mr. Hooper to disclose the issue to his fellow Council members.

The consensus of Council was that it was unnecessary for Mr. Hooper to recuse himself as long as he disclosed these relationships prior to discussion.

2006-0481 Approval of Minutes - Special Budget Work Session City Council Meeting - February 8, 2006

Attachments: CC Minutes Special Budget WS 020806.pdf; 0461 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on February 8, 2006 be approved as presented.

Enactment No: RES0226-2006

2006-0510 Approval of Minutes - Regular City Council Meeting - February 15, 2006

Attachments: CC Minutes Regular Meeting 021506.pdf; 0510 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on February 15, 2006 be approved as presented.

Enactment No: RES0227-2006

2006-0501 Request for Purchase Authorization - DPS/Engineering: Pavement Legend Program for 2006, purchase order in the amount of \$51,520.00 and a 5% contingency in the amount of \$2,576.00; P.K. Contracting, Inc., Troy, MI

Attachments: Agenda Summary.pdf; Bid Tabulation.pdf; Engineers Estimate.pdf; Letter of Extension.pdf; 0501 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby approves a purchase order to P.K. Contracting, Inc., Troy, Michigan for the 2006 Pavement Legend Program in the amount of \$51,520.00 as the lowest, responsive, responsible bidder utilizing the Oakland County Road Commissions bid.

Further Resolved that the Rochester Hills City Council hereby authorizes a 5% contingency in the amount of \$2,576.00 to allow for quantity adjustments based on final measurements verified in the field.

Enactment No: RES0228-2006

2006-0521 Confirmation of Mayor's Appointment of Emmet Yukon to the Planning Commission to fill vacancy of Greg Hooper, term to expire March 31, 2008

Attachments: Agenda Summary.pdf; Candidate Questionnaire.pdf; 0521 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Emmet Yukon to fill the vacancy of Greg Hooper on the Planning Commission for a term to expire on March 31, 2008.

Enactment No: RES0229-2006

2006-0523 Confirmation of Mayor's Appointment of Stephen McGarry to the Economic Development Corporation to fill the vacancy of Paul Rizzardi, term to expire

March 31, 2008

Attachments: Agenda Summary.pdf; McGarry Candidate Questionnaire.pdf; 0523 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointment of Stephen McGarry to fill the vacancy of Paul Rizzardi on the Economic Development Corporation for a term to expire on March 31, 2008.

Enactment No: RES0230-2006

Passed The Consent Agenda

A motion was made by Duistermars, seconded by Yalamanchi, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

The following Consent Agenda Item was discussed and adopted by separate Motion:

2006-0492

Request Purchase Authorization - DPS: "2006" Sidewalk Replacement Program, blanket purchase order in the amount not-to-exceed \$36,610.00; A Land Construction, Inc., Dearborn Heights, MI

Attachments: Agenda Summary.pdf; Sidewalk Map.pdf; Bid Tabulation.pdf; Sidewalk Ordinance.pdf; Sidewalk Program Brochure.pdf; 0492 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that the Sidewalk Replacement Program was created in 1993. He noted that the required time frame for making the necessary repairs has been reduced from 360 days to 45 days. He indicated that a survey is done of all sidewalks at the end of winter when there is anticipated to be an upsurge in sidewalk use. Residents are sent a notice identifying which concrete slabs in front of their homes need to be repaired at their expense. He stressed that it is estimated that 64% of sidewalk repairs are the responsibility of the homeowners. In some cases where residents have experienced financial hardship, Community Development Block Grant funds were utilized to assist with the repair costs.

A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to A Land Construction, Inc., of Dearborn, Michigan as the lowest, responsive, responsible bidder in the amount of \$36,610.00.

Further Resolved that the Mayor and the City Clerk are authorized to execute the contract on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

Enactment No: RES0231-2006

ORDINANCE FOR INTRODUCTION

2005-0441 Acceptance for First Reading and Ordinance to Amend Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify review fees charged relative to subdivisions and unplatted land development, prescribe penalties for violations, and to repeal conflicting Ordinances

Attachments: Agenda Summary.pdf; First Reading Agenda Summary.pdf; Ordinance Amendment Chapter 110 - Development Fees.pdf; 071206 Memo Rouse.pdf; 0461 Resolution - First Reading.pdf; 0441 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that the purpose of amending this ordinance was to standardize the methods of collecting inspection fees.

Mr. Yalamanchi questioned the removal of the 4% road fee and whether it would be replaced with another fee.

Mr. Rouse explained that the road fee would be replaced with an escrow account into which developers would deposit a minimum balance for inspection fees from which the City would draw. He noted that if the funds were depleted prior to the completion of the project the developer would be required to replenish it; however, any excess funds would be returned to the developer at the end of the project. He noted this is currently the process for water and sewer inspections.

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

Resolved that an Ordinance to Amend Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify review fees charged relative to subdivisions and unplatted land development, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

NEW BUSINESS

2006-0447 Request for Purchase Authorization - DPS: Water Meters and Equipment, blanket purchase order in the total amount not-to-exceed \$876,145.38; Etna Supply Company, Grand Rapids, MI

Attachments: Agenda Summary.pdf; Water Meter Pricing Letter.pdf; Meter Prices 2006.pdf; 0447 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that in 2005 City Council adopted a four-year meter rehabilitation program to replace all water meters that had exceeded their warranty period. He noted that the replacement of the meters would also correspond with the anticipated completion of the automatic meter reading (AMR) project in 2008.

Mr. Yalamanchi expressed concern that the water meter supplier was the sole distributor of this type of meter and meter equipment. He suggested that if this company were to experience financial difficulties, it could be very costly for the City to change to another supplier.

Mr. Rousse assured Council that the supplier appeared to be very stable. He also noted that there is a cost savings in using these meters as the company refurbishes the used brass meters for a reduced price, thus costing less than newer plastic meters from competitors.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, expressed his concern that this supplier is the sole distributor for these meters and suggested that perhaps the City could investigate another vendor for commercial meters, thus spurring some competition.

COUNCIL DISCUSSION:

President Rosen noted that, as there are millions of these meters installed around the country, it is likely that were the company to fail another company would step in and assume their clients or take over the patent. He stressed that he is more concerned about the quality of the product than the prospect of the supplier going out of business.

Mr. Hooper questioned whether a competitive meter could be investigated.

Mr. Rousse acknowledged that this could be done, however, he stressed that there is a substantial savings to the City through the recycling process of the current meters. He indicated that he could provide some analysis as to what new meters would cost the City.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Etna Supply Company of Grand Rapids, Michigan, as sole source for the purchase of Water Meters and Equipment, in the amount not-to-exceed \$876,145.38 through December 31, 2008.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper and Rosen

Nay: Yalamanchi

Absent: Raschke

Enactment No: RES0233-2006

2006-0496

Request for Purchasing Authorization - DPS/Engineering: Approval of an amended blanket purchase order in a new not-to-exceed amount of \$46,592.00 for additional design work performed on the Avon Intersections @ Livernois & Rochester Roads Project and approval of an additional Professional Construction Engineering Services Agreement in the not-to-exceed amount of \$47,012.77 for the Avon Intersection Improvements @ Livernois & Rochester Roads Project; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Attachments: Agenda Summary.pdf; 071206 Memo Rouse.pdf; 0496 Resolution.pdf; 0496 Revised Resolution.pdf

Mr. Paul Davis, City Engineer, noted that the items before Council represent Tri-Party Funded projects that have appeared previously in the CIP and the City budgets. Addressing questions posed by *Mr. Yalamanchi*, Mr. Davis noted that the actual agreements for these projects were signed in 2005, as it was originally anticipated that construction would begin in

2005. He further noted that he did not anticipate any difficulties in receiving reimbursements from the Board of County Commissioners or the Road Commission for Oakland County.

Mr. Ambrozaitis alluded to a project that was removed from this agenda item and asked staff to be more forthcoming with project information.

Mr. Roger Rouse, Director of DPS/Engineering, and **Mr. Davis** noted that all of the information regarding this matter had yet to be reviewed by all parties and asked that they be provided the opportunity to clarify the matter in the near future.

Mr. Duistermars expressed his belief that the City's Master Thoroughfare Plan needs to be revised, noting that it includes many cost-prohibitive projects. He stressed that his primary concern when considering all road projects is safety.

Ms. Holder noted that the project to which Mr. Ambrozaitis alluded was removed from the agenda and, therefore, should not have been brought into the discussion. She asked that her fellow Council members refrain from such actions in the future.

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

Resolved that the Rochester Hills City Council hereby authorizes an amendment to the Continuing Professional Service Agreement with Orchard, Hiltz & McCliment, Inc., for additional costs incurred during the design of the Avon Intersection Improvements at Livernois and Rochester Roads Project and to increase the blanket purchase order from \$38,552.00 to a new not-to-exceed amount of \$46,592.00.

Resolved that the Rochester Hills City Council hereby authorizes an additional Professional Construction Engineering Services Agreement with Orchard, Hiltz & McCliment, Inc. for the Avon Intersection Improvements at Livernois and Rochester Roads Project in the not-to-exceed amount of \$47,012.77.

Further Resolved that the Mayor and the City Clerk are authorized to execute the contracts on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

Enactment No: RES0234-2006

2006-0495

Request for Blanket Purchase Authorization - DPS/Engineering: Avon Intersection Improvements @ Livernois & Rochester Roads, blanket purchase order not-to-exceed \$295,692.88; Cadillac Asphalt, LLC, Clarkston, MI

Attachments: Agenda Summary.pdf; 071206 Memo Rouse.pdf; Bid Tab.pdf; Revised Bid Tab.pdf; 0495 Resolution.pdf; 0495 Revised Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Cadillac Asphalt, LLC, of Clarkston, Michigan as the lowest, responsive, responsible bidder in the amount of \$295,692.88.

Further Resolved that the Mayor and the City Clerk are authorized to execute the contract on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

Enactment No: RES0235-2006

(Recess 9:14 p.m. - 9:32 p.m.)**2004-0032**

Discussion regarding proposed False Alarm Ordinance

Attachments: Agenda Summary.pdf; 051206 Proposed Amendments - Chapter 42, False Alarms.pdf; Minutes Public Safety and City Council.pdf; False Alarm Ordinance as Codified in 1998.pdf; 1996 False Alarm Amendment w/Minutes.pdf; 1988 False Alarm Ordinance w/Minutes.pdf; 1

Captain Robert Smith, Oakland County Sheriff's Department, provided Council with an overview of the false alarm problem in the City, noting that a great number of alarms to which his deputies respond are false and thus cost the community in time, manpower and resources. He noted that the proposed changes to the False Alarm Ordinance have helped to mitigate these problems to a great degree in other communities that have implemented them. He noted the following changes:

- Implement a registration process to identify alarm users in the community to include a registration fee of \$25 for residential alarms and \$50 for commercial alarms.
- Require that alarm companies be licensed to operate in the City.
- Include a system of increasing fines for violators ranging from \$70 for the third false alarm and eventually reaching the maximum of \$500 per false alarm.

Captain Smith stressed that the primary focus of the new program is not to increase revenues through registration fees and fines, but rather to identify problems and address them through education and assistance. He noted that the true savings to the taxpayers of Rochester Hills would be in increased patrol time for officers no longer diverted to false alarm calls.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, expressed his support for this new program and urged Council to adopt it as quickly as possible. Additionally, he suggested that the fines for false alarms be more substantial to better encourage compliance.

COUNCIL DISCUSSION:

Captain Smith and **City Attorney John Staran**, addressed questions and concerns raised by Council, noting the following:

- If a false alarm is triggered but the monitoring company does not contact the Sheriff's Department it would not be considered a false alarm.
- Each alarm owner will be permitted two false alarms per year without being fined.
- There will be an appeals process that includes a three-person panel comprised of a City Council member, a Mayoral appointee and a member of the Sheriff's Department.
- There are administrative costs associated with running this program, however, the primary savings to the City will be in less time wasted by patrol officers responding to these calls.

- Following a resident's first false alarm they will receive a letter asking them to contact the Sheriff's Department at which time they would be educated as to the ordinance requirements and ways to avoid further violations.
- The existing ordinance does not include an educational component or any consequences for not paying fines.
- The fines are meant to encourage compliance, rather than as a punitive measure.
- For those who do not pay the registration fee they will be given a grace period to comply after which fines will be incurred.
- Once the new ordinance is adopted there will be some time allowed before it goes into effect to allow the City to publicize the new requirements.
- The possibility of joining this system with the Fire Department's false alarm system was rejected as not feasible as the Fire Department follows a uniform international fire code.
- It may not be legal to require that businesses pay a registration fee while homeowners are not required to pay this same fee.
- State law prohibits the City from imposing a fine greater than \$500 per violation.

Mayor Barnett briefly reviewed Council's comments, noting that Council would like the administration to consider either reducing or eliminating the registration fee, while increasing fines for violations and concentrating on educating the public on these ordinance changes prior to it becoming effective.

Discussed

COUNCIL COMMITTEE REPORTS

Community Development & Viability Committee

Mr. Duistermars, Chair of the Community Development & Viability Committee, indicated that the Committee had discussed the issue of the expiring Pathways Millage at their most recent meeting.

Leisure Activities Committee

Mr. Ambrozaitis, Chair of the Leisure Activities Committee, noted that their most recent meeting had been cancelled.

Planning Commission

Mr. Hooper, Council representative on the Planning Commission, reminded Council that the most recent Planning Commission meeting had been a joint meeting with Council.

ANY OTHER BUSINESS

2006-0534

Adoption of Resolution to Set Closed Session on Thursday, July 20, 2006 at 6:30 p.m. for the purpose of discussing an Attorney Client Privileged Communication.

Following a brief discussion, Council members reached a consensus to meet in Closed Session on Thursday, July 20th at 6:30 p.m. to discuss an attorney/client privileged communication.

A motion was made by Duistermars, seconded by Holder, 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, on Thursday, July 20, 2006 at 6:30 p.m. at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan for the purpose of discussing an Attorney/Client Privileged Communication.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Rosen and Yalamanchi

Absent: Raschke

NEXT MEETING DATE

Regular Meeting - Wednesday, July 19, 2006 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 10:48 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the November 29, 2006 Regular City Council Meeting.