



Rochester Hills Minutes City Council

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

Wednesday, January 19, 2005

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hill called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.

ROLL CALL

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

Absent: Gerald Robbins

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Bev Jasinski, City Clerk
Ed Anzek, Director of Planning/Development
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ordinance Enforcement
Paul Davis, City Engineer
Bob Grace, Director of MIS
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
John Sage, Ordinance Inspector
Roger Rousse, Director of DPS/Engineering*

Council Member Robbins provided previous notice he 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 Wednesday, January 19, 2005 as presented.

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

The motion carried by the following vote:

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

Absent: Robbins

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton Road, in response to residents' complaints regarding the City's new street plowing policy, described in detail the breakdown of the City's millage rate and how tax dollars are distributed. He stressed the City's low tax base compared to other Oakland County communities and "urged residents with solutions to step forward."

Ms. Gail Bilkie, 2152 Fairmont, expressed her concern that emergency vehicles are unable to reach residents if the roads are not properly cleared of snow.

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, asked the following questions regarding the Adams Road/M-59 interchange project:

- 1) Isn't it true that in order to go out and bid and finish the M-59 interchange in 2005, the City must submit the deeds for the Grand Sakwa right-of-way property to Oakland County by spring?
- 2) Didn't the City enter into a binding agreement with MDOT and promise the delivery of the right-of-way back in the spring of 2004?
- 3) Hasn't the City given assurances to the County Executive and the Governor and even submitted a time line assuring this condemnation and delivery of the right-of-way?

Ms. Heidi Rumble, 1187 East Avon Road, asked Council for assistance with regard to a matter of sewer grinder pumps that had been installed on her property against her wishes and for which she does not feel she should pay. She explained that her property is under consideration for development and asked that an extension be granted until the status of that possible development is determined.

Ms. Suzanne White, 1598 Parke, updated Council on the efforts of Holiday Helpers of Rochester Hills and praised all of the individuals, organizations and businesses that contributed over the holiday season.

Mr. Mark Walterhouse, 1616 Stonecrest Drive, expressed his concern for the public's safety noting his skepticism that emergency vehicles can Traverse City roads when not properly plowed. He suggested utilizing employees from other departments to assist in plowing. He stressed that road maintenance is an obligation of the City.

Mr. David Kibby, 558 Whitney Drive, questioned how the City can justify the expense of the new City Hall, which he described as "one of the most expensive facilities in the state," while not plowing residential roads. He made the following suggestions:

- * Apply the money spent on City parks to the roads.
- * Close City offices until the streets are cleared of snow.
- * Sell the City offices and the land around them to pay for roads.
- * Renegotiate contracts with City drivers so they can work split shifts.
- * Eliminate the annual fireworks display.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hill asked Mr. Paul Davis, City Engineer, if he would address Ms. Rumble's issue.

Mr. Davis explained that, as Ms. Rumble's situation has gone beyond the twelve (12) months permitted in the City's ordinance, it would fall upon the Council to grant an extension.

City Attorney John Staran opined that it is an enforcement matter best suited to be

addressed through the administration. He offered to participate in further discussions with Ms. Rumble, the Mayor's office and the Engineering Department.

Mr. Staran then addressed Ms. Hilbert's questions regarding the Adams Road/M-59 interchange project, stating he is unaware of any required submission of deeds, agreements or time lines as she indicated. He stressed that the City is making progress, however, a project of this magnitude often encounters numerous delays.

Mayor Somerville addressed the snow plowing issue, noting the following:

- * The cost of any worker who takes on the duties of another department must be paid for out of that department's budget.
- * Funds dedicated by millage to other services cannot be shifted to pay for road services.
- * The old City Hall was deemed unsafe and, thus, renovation was necessary.
- * The annual fireworks celebration is paid for entirely by corporate sponsors.

Mayor Somerville encouraged all residents with questions or complaints about this matter to contact her office, and she encouraged everyone to volunteer to serve on an ad hoc committee being formed to address the local roads issue.

Mr. Roger Rouse, Director of DPS/Engineering; **Mr. Ed Anzek**, Director of Planning/Development and several Council members addressed the snow plowing issue, noting the following:

- * The City's "founding fathers" decided to have separate dedicated millages for City services, rather than having all tax dollars in a General Fund, as is the case with many other municipalities.
- * By law, the funds from dedicated millages can only be used for those designated purposes.
- * The City has attempted repeatedly over the past twenty (20) years to find dedicated money for local streets.
- * Residents do not understand how their tax dollars are distributed.
- * The City budget is available for all residents to review.
- * Council has tried to keep taxes to a minimum.
- * The City is trying to do the best job possible with the funds available.
- * The current snow plowing plan prioritizes plowing based on traffic patterns in an attempt to do the greatest good for the most people.
- * The local roads funding need is so great that even closing the Parks, as has been suggested, would only provide forty percent (40%) of the necessary funding .
- * It may be possible to negotiate split shifts for workers during upcoming contract negotiations.
- * The current snow plow plan accounts for the needs of public safety by providing "spot treatments" in the case of emergencies.
- * The renovated City Hall was paid for through bonding, which the City will be repaying

for the next twenty (20) years.

* A surplus in the Water & Sewer Fund was distributed to residents via lower rates.

* Attempts to hold informative Town Hall-type meetings have resulted in low resident turnout.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

RECOGNITIONS

2005-0060

Recognition of Dr. Daniel B. White, M.D., for his dedication to the practice of medicine

Attachments: 0060 Resolution.pdf

Whereas, Dr. Daniel B. White has served the medical needs of residents of Rochester Hills and the surrounding community for many years; and

Whereas, Dr. White served two (2) tours in Vietnam, each tour consisting of thirteen (13) months; and

Whereas, during his tour of duty, Dr. White provided medical aid to both military personnel and to the local Vietnamese people; and

Whereas, in addition to his medical practice, Dr. White has been a strong supporter of both Crittenton Hospital and the Older Person's Commission.

Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills, hereby recognize Dr. Daniel B. White, and applaud his dedication to the practice of medicine, and to the City of Rochester Hills.

Mayor Somerville read the proclamation and presented Dr. White with a plaque.

Presented

2005-0061

Recognition of Sam Harris for his generosity and kindness to people in the community

Attachments: 0061 Resolution.pdf

Whereas, membership in a community can be achieved in many ways; and

Whereas, one person might choose to participate in a community through fellowship in a social, church or service organization; and

Whereas, another may take a leading role to advance a cause or create a service for the greater good of the community, and another may contribute by volunteering to provide assistance to people who need a helping hand; and

Whereas, Sam Harris, owner of the Gold Star Restaurant in Rochester Hills, is a local, unsung hero who provided dinner free of charge for forty (40) people on Thanksgiving Day and also raised \$2,601.00 to make the holidays brighter for others; and

Whereas, Sam is an outstanding member of our community who has offered his time, effort and assistance to those in need.

Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Sam Harris for his generosity and kindness to people in the community.

Mayor Somerville read the proclamation and presented ***Mr. Harris*** with a plaque.
Presented

CONSENT AGENDA

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

2005-0037 Approval of Minutes - Special Joint Work Session with City Council and Sign Board of Appeals - October 27, 2004

Attachments: Min Joint CC and SBA 102704.pdf; 0037 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Joint Rochester Hills City Council and Sign Board of Appeals Work Session Meeting held on October 27, 2004 be approved as presented.

2005-0024 Approval of Minutes - Work Session City Council Meeting - October 27, 2004

Attachments: Min CC WS 102704.pdf; 0024 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on October 27, 2004 be approved as presented.

Enactment No: RES0002-2005

2005-0041 Approval of Minutes - Regular City Council Meeting - November 3, 2004

Attachments: Min CC Reg 110304.pdf; 0041 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 November 3, 2004 be approved as presented.

Enactment No: RES0003-2005

2004-1218 Approval of Minutes - Special Joint Planning Commission and City Council Meeting - November 16, 2004

Attachments: Minutes PC 20041116.pdf; 1218 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the Minutes of a Special Joint Rochester Hills Planning Commission and Rochester Hills City Council Meeting were approved by the Planning Commission on January 4, 2005;

Be It Resolved that the Minutes of a Special Joint Rochester Hills Planning Commission and Rochester Hills City Council Meeting held on November 16, 2004

be approved by City Council as presented.

Enactment No: RES0004-2005

2005-0014

Approval of Mechanical and Electronic Amusement Device License for C. J. Mahoney's to be located at 3260 S. Rochester Rd.

Attachments: Agenda Summary.pdf; Mahoney's Application.pdf; Full Spectrum Application.pdf; Payment Receipt.pdf; 0014 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the applicant known as C. J. Mahoney's (Mr. Curt Pagels and Mr. Tom Everson, Owners) has applied for a Mechanical Amusement Device License, has met the criteria for the license pursuant to Chapter 10, Amusements/Entertainment, and is in compliance with Chapter 138, Zoning Ordinance of the City of Rochester Hills Code of Ordinance.

Resolved that the Rochester Hills City Council hereby approves the Mechanical Amusement Device License as requested by Curt Pagels and Tom Everson, owners, C. J. Mahoney's; located at 3260 S. Rochester Rd., in accordance with Chapter 138, Zoning Ordinance of the Code of Ordinances of the City of Rochester Hills.

Be It Further Resolved that the City Clerk is authorized to issue the license.

Enactment No: RES0005-2005

2004-0906

Request for Purchase Authorization - PARKS/FORESTRY AND DPS: Clinton River Rails to Trails Project, contract for staking and shop drawing review in the amount not-to-exceed \$22,240.00; Spalding DeDecker Associates, Inc., Rochester Hills, MI

Attachments: Agenda Summary 010505.pdf; Proposal- 010505.pdf; Agenda Summary 111704.pdf; Bid Tab.pdf; 111704 Resolution.pdf; 0906 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council award the contract staking and shop drawing review for the Clinton River Rails to Trails Project to Spalding DeDecker Associates, Inc., in the amount of \$22,240.00 and to authorize the Mayor and Clerk to execute a contract on behalf of the City.

Enactment No: RES0006-2005

2005-0035

Request for Purchase Authorization - CLERK: Postage by Phone blanket purchase order not-to-exceed \$50,000.00; Pitney Bowes, Inc., Louisville, KY

Attachments: Agenda Summary.pdf; 0035 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Pitney Bowes, Inc., of Louisville, Kentucky, as sole source for the purchase of Postage by Phone for metered outgoing City mail, in the amount not-to-exceed \$50,000.00 through December 31, 2005.

Enactment No: RES0007-2005

2005-0036

Request for Purchase Authorization - CLERK: Presort Permit Postage, blanket purchase order not-to-exceed \$50,000.00; Postmaster-Rochester, Rochester, MI

Attachments: Agenda Summary.pdf; 0036 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Postmaster-Rochester, of Rochester, Michigan, as sole source for the purchase of Presort Mail permits, in the amount not-to-exceed \$50,000.00 through December 31, 2005.

Enactment No: RES0008-2005

2004-0626

Approval of North Oakland County Household Hazardous Waste (No-Haz) Interlocal 2005 Agreement between Oakland County and the City of Rochester Hills

Attachments: Agenda Summary.pdf; No-haz agenda 1-19-05.pdf; 0626 Agreement.pdf; nohaz2003-2005budget.pdf; nohaz2005projectedcosts-exhibita.pdf; 072104 Agenda Summary.pdf; Letter Oak Cty 20040618.pdf; Consortion Succession Plan.pdf; PowerPoint Presentation.pdf; 2003200

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the Rochester Hills City Council recognizes the continual need and is committed to the protection of the natural environment and the prevention of toxic materials from entering our waterways and landfills; and

Whereas, a No-Haz Interlocal Agreement has been drafted setting forth the administrative duties and obligations of the County, participating communities and the City of Rochester Hills under the No-Haz program.

Now, Therefore, It Be Resolved that the Rochester Hills City Council hereby approves the attached Interlocal Agreement and authorizes the Mayor to execute it.

Be It Further Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Oakland County in the amount not-to-exceed \$25,000.00 for administration and collection costs of participation in the household hazardous waste program.

2004-0924

Traffic Control Order PK-83 - Hampton Office Park Subdivision No. 2, Section #26: No-Parking within the right-of-way of north side of Hampton Circle from Barclay Circle (at their south intersection) to a point Twelve Hundred Fifty (1,250) feet easterly thereof.

Attachments: Agenda Summary.pdf; Traffic Control Order.pdf; Map.pdf; Minutes 030904 ATSB.pdf; DPS Summary.pdf; 0924 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. PK-83 has been issued by the Acting City Traffic Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-83.1 No Parking within the right-of-way of north side of Hampton Circle from Barclay Circle (at their south intersection) to a point Twelve Hundred Fifty (1,250) feet easterly thereof.

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

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

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. PK-83 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0010-2005

2004-0751

Traffic Control Order PK-82.1 - "No Stopping, Standing or Parking" along Munster Road from Castlebar Drive to Stanford Circle, Section 17

Attachments: Agenda Summary.pdf; TCO PK 82.1.pdf; Map 1.pdf; Map 2.pdf; Email Meadow Brook Elementary School.pdf; DPS Summary.pdf; 0751 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. PK-82.1 has been issued by the Acting City Traffic Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-82.1 No Stopping, Standing or Parking from 8:30 AM to 5:00 PM during School Days Only along the north and south sides of Munster Road from Stanford Court to 200 feet east of Castlebar.

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

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

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. PK-82.1 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0011-2005

2004-0843

Adoption of Resolution to Amend and Readopt Resolution RES0337-2004 - Confirming the Mayor's Re-appointment of Mark Walterhouse and Thomas

Stevenson to the Brownfield Redevelopment Authority to reflect three (3) year terms

Attachments: Agenda Summary.pdf; BRA Act Section 5(e).pdf; 102004 Minutes.pdf; 102004 Agenda Summary.pdf; Stevenson questionnaire.pdf; Walterhouse questionnaire.pdf; 102004 Resolution.pdf; 0843 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that Resolution RES0337-2004 adopted by the Rochester Hills City Council at a Regular Meeting held on October 20, 2004, as follows:

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Mark Walterhouse and Thomas Stevenson to the Brownfield Redevelopment Authority each for a two (2) year term to expire on November 13, 2006.

Be amended as follows:

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Mark Walterhouse and Thomas Stevenson to the Brownfield Redevelopment Authority each for a ~~two (2)~~ THREE (3) year term to expire on ~~November 13, 2006~~, NOVEMBER 13, 2007.

Further Resolved, that the Resolution as amended is hereby readopted by City Council as follows:

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Mark Walterhouse and Thomas Stevenson to the Brownfield Redevelopment Authority each for a three (3) year term to expire on November 13, 2007.

Enactment No: RES0337-2004

Passed The Consent Agenda

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

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

Absent: Robbins

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

2005-0015 Request for Purchase Authorization - MIS: PeopleSoft - Yearly Software Support 2005 in the amount not-to-exceed \$75,292.00; PeopleSoft USA, Inc., Palatine, IL

Attachments: Agenda Summary.pdf; Yearly Support Invoice 2005.pdf; 0015 Supplemental.pdf; 0015 Resolution.pdf

Mr. Duistermars, due to his employment with EDS, questioned whether voting on this item would constitute a conflict of interest.

City Attorney John Staran indicated that it would be best if Mr. Duistermars recused himself from any discussion or vote on this matter.

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

by Resolution.

Whereas, yearly software support on the PeopleSoft EnterpriseOne Version XE financial system that was purchased in 2000 is necessary for the continued use of the software system.

Whereas, the blanket purchase order covers two (2) different types of support for the PeopleSoft EnterpriseOne Version XE financial software. The first is for phone assistance when using the system and the second covers upgrades to the package. The support contract is for the 2005 calendar year.

Resolved that the Rochester Hills City Council approves the purchase of the PeopleSoft EnterpriseOne Version XE yearly software support for 2005, in the amount not-to-exceed \$75,292.00, from PeopleSoft USA, Inc, Palatine, Illinois.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Abstain: Duistermars

Absent: Robbins

Enactment No: RES0013-2005

PUBLIC HEARINGS

2005-0029 First Quarter 2005 Budget Amendments

Attachments: Agenda Summary.pdf; Public Hearing Notice.pdf; 1st Qtr Budget Amendment Memo.pdf; 2005 - 1st Qtr Budget Amendment.pdf; 0029 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, indicated that the first quarter amendments primarily represent minor reclassifications of funds into more appropriate accounts, others are "carryovers" of 2004 projects that were not completed.

President Hill opened the Public Hearing at 9:17 p.m.

There being no public comment, President Hill closed the Public Hearing at 9:18 p.m.

Mr. Dalton noted that the items presented this evening had been thoroughly reviewed by the Financial Services Committee.

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

Whereas, a Public Hearing was held on January 19, 2005 to amend and adopt new fund totals for fiscal year 2004.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2005 fund totals as amended:

101 - General Fund	\$23,489,840
202 - Major Roads	\$9,942,240 *
203 - Local Roads	\$2,874,740 *
206 - Fire	\$7,155,480 *
207 - Special Police	\$7,514,150 *
214 - Pathway Operating	\$612,640 *
232 - Tree Fund	\$179,380

244 - Public Improvement-Drains	\$6,092,040 *
402 - Fire Apparatus	\$879,570
592 - Water & Sewer	\$53,261,660
631 - Facilities	\$6,002,620
636 - Management Information Services	\$3,109,270
661 - Fleet	\$2,804,510
848 - Local Development Financing Authority	\$522,330 *

The motion carried by the following vote:

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

Absent: Robbins

Enactment No: RES0014-2005

UNFINISHED BUSINESS

2005-0038

Request to enter into Purchase Agreement for the Sale of 1750 W. Hamlin Road, City-owned property on Hamlin Road east of Crooks, known as Parcel No. 15-21-352-002, Dan Casey, Economic Development Manager of Planning and Development representing the City

Attachments: Agenda Summary.pdf; Analysis of Offers.pdf; 0038 Resolution.pdf

Mr. Dan Casey, Manager of Economic Development, and **Mr. Ed Anzek**, Director of Planning/Development, discussed the possible sale of the City-owned property at 1750 West Hamlin Road commonly known as the Letica property. Mr. Casey noted that, although the City had previously been advised by real estate consultants that the Letica property not be sold separately from the other City properties for sale, the City has received six (6) purchase offers, three (3) of which he feels merit Council consideration. Noting that the Letica property had been considered the least "attractive" to potential buyers, he recommended that the Council approve a separate sale.

City Attorney John Staran stated that Council has a great deal of discretion with regards to negotiating the sale of this property. He advised Council to keep in mind that once sold, any proposed changes to the property or existing buildings would still have to adhere to the usual approval process.

Mr. Casey stressed that the property is hampered in terms of development due, in part, to sloping and a drop off at the rear.

Mr. Anzek further noted that the property costs the City money in that it is not on the tax rolls and it does require some maintenance.

Mr. Dalton and **Mr. Barnett** were opposed to selling the Letica property separately, fearing it would be more difficult to sell the remaining properties. They also expressed concern that the bids were received prior to the rezoning of the property to ORT. They suggested that the property be re-bid at its new zoning designation, which would likely increase the sales price.

Ms. Holder and **Ms. Raschke** expressed their support for the sale, noting the length of time it has been on the market, and that once the Letica property is developed, it will likely increase the value of the other properties the City wishes to sell.

Ms. Hill noted that her first interest is in recouping as much money as possible. However, she did not feel that selling this parcel separately would likely hinder the sale of the other properties. She also requested that it be specified that any buyer, if they do not intend to demolish the existing building, completely refurbish the exterior of the building.

Ms. Raschke moved the motion in the packet to pursue further negotiations with Walton Associates, as they were the highest bidder.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, advised Council to take into consideration "the whole picture." He stressed that the longer the City waits to sell this property in an attempt to extract \$100,000 or \$200,000 more from a potential buyer, those monies will likely be lost due to increases in construction costs when the new DPS Facility is finally built.

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

Whereas, the City of Rochester Hills owns property identified as 15-21-353-001, totaling 0.51 acres; and 15-21-352-002, further described as 1750 W. Hamlin Road, containing a manufacturing building that totals 6,486 square feet on 2.05 acres; and

Whereas, the City of Rochester Hills has received six (6) written offers to purchase the above identified properties; and

Whereas, the City of Rochester Hills is desirous of entering into a purchase agreement with Walton Associates after further negotiation, based on its initial offer of \$510,000.00; and

Whereas, Walton Associates has agreed to deed to the City at no cost necessary right-of-way for the construction of a boulevard on Hamlin Road; and

Whereas, Walton Associates has agreed in principal to provide a minimum of three (3) parking spaces and signage for general public use and access to the Clinton River Trail.

Resolved that the Rochester Hills City Council authorizes the Planning and Development Department and Purchasing Department to pursue further negotiations with Walton Associates towards a potential Purchase Agreement for the sale of 15-21-353-001 and 15-21-352-002, further described as 1750 W. Hamlin Road, based on Walton Associates initial offer of \$510,000.00; and

Be It Further Resolved that the Rochester Hills City Council authorizes the Mayor to sign the Offer to Purchase Real Estate Agreement on behalf of the City after review by the City Attorney as to form.

The motion carried by the following vote:

Aye: Hill, Holder and Raschke

Nay: Barnett and Dalton

Absent: Duistermars and Robbins

Enactment No: RES0016-2005

(Mr. Duistermars Departed at 9:45 p.m.)

Present: Melinda Hill, Bryan Barnett, John Dalton, Barbara Holder and Linda Raschke

Absent: Jim Duistermars and Gerald Robbins

(Recess 10:05 p.m. - 10:20 p.m.)

NEW BUSINESS

2004-1251 Request for Purchase Authorization: DPS/ENGINEERING: Professional Services for Geotechnical Engineering, Construction Inspection and Material Testing Services, contract not-to-exceed \$570,000.00; Schleede Hampton Associates, Birmingham, MI

Attachments: Agenda Summary.pdf; Contract.pdf; 1251 Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, explained that the costs for these materials testing services are divided almost evenly between DPS Department projects and private development resulting in pass through payments. He stated that this company has provided these services to the City at a "good level" since 1991.

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

Resolved that the Rochester Hills City Council hereby awards the contract for Professional Services for Geotechnical Engineering, Construction Inspection and Material Testing Services to Schleede Hampton Associates of Birmingham, Michigan, for a period of three (3) years in the not-to-exceed amount of \$570,000.00 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Absent: Duistermars and Robbins

Enactment No: RES0017-2005

2005-0003 Request for Purchase Authorization - MAYOR: Self-Insurance Protection and Risk Management Services, blanket purchase order not-to-exceed \$646,710.00; Michigan Municipal Risk Management Authority, Livonia, MI

Attachments: Agenda Summary.pdf; 0003 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Michigan Municipal Risk Management Authority, Livonia, Michigan, for the City's self-insurance protection program and risk management services in the amount not-to-exceed \$646,710.00 through December 31, 2005.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Absent: Duistermars and Robbins

Enactment No: RES0018-2005

2005-0040 Request to Schedule Public Hearing for expansion of the Rochester Hills Local Development Finance Authority District, Dan Casey, Economic Development Manager, Planning and Development

Attachments: Agenda Summary to Schedule PH.pdf; 021605 Agenda Summary .pdf; Timeline- Revised.pdf; Public Hearing Notice.pdf; 0040 Resolution.pdf; Capture by Jurisdiction.pdf; Properties Eligible for Capture by Jurisdiction.pdf; TIF Existing Chart.pdf; TIF New Dev Cha

Mr. Dan Casey, Manager of Economic Development, explained that, since the City of Auburn Hills decided not to participate in a joint Local Development Finance Authority (LDFA), it is now necessary to expand the boundaries of the LDFA district to encompass the remainder of the Smart Zone. Due to the "tight time frame" for capturing taxes through the use of Tax Increment Financing, he asked that a Public Hearing be scheduled for February 16, 2005.

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

Whereas, Public Act 281 of 1986 is an act to prevent urban deterioration and encourage economic development including, but not limited to, high-technology industries and activity and to encourage neighborhood revitalization and historic preservation and to provide a mechanism for developing and implementing plans within a development area; and

Whereas, the City of Rochester Hills and Michigan Economic Development Corporation have entered into an agreement that establishes the boundaries of a certified technology park within the City of Rochester Hills; and

Whereas, the Rochester Hills Local Development Finance Authority was established on May 4, 1994 and a Development Plan and Tax Increment Financing Plan, "the Plan", were approved by City Council on May 3, 1995; and

Whereas, the Plan was amended and adopted by the City Council on July 15, 1998; and

Whereas, Public Act 281 of 1986, Section 4 (5) permits the governing body creating the authority to include or exclude land from the Authority District; and

Whereas, City Council and the Authority desire that the boundaries of the District and certified technology park be coterminus.

Resolved that the City Council of the City of Rochester Hills determines that it is in the best interests of the public to increase property tax valuation, and to promote growth in an area of the City of Rochester Hills defined as a certified technology park and business development area, particularly growth related to industries engaged in high-technology, including, but not limited to, advanced manufacturing, advanced computing, research and development, life sciences and biotechnology; and

Be It Further Resolved that the Council of the City of Rochester Hills intends to hold a public hearing regarding the adoption of a resolution to expand the local boundaries of the Rochester Hills Local Development Finance Authority District; and

Be It Further Resolved that the amended Authority boundaries are coterminus with those of the certified technology park, further described as:

Part of sections 17, 18, 19, 21, 28, 29 and 30, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan.

More particularly described as being all of section 18 and that part of sections 17 and 19, described as beginning at the northwest corner of said section 18; thence

easterly along the north line of said section 18, also being the centerline of Walton Boulevard, to the northeast corner of said section 18; thence southerly 2044.63 feet along the east line of said section 18, also being the centerline of Adams Road, to the southwest corner of Spring Hill Subdivision; thence easterly 1491.99 feet along the south line of said Spring Hill Subdivision to the southeast corner of said Spring Hill Subdivision, said point being on the west line of Spring Hill Subdivision No.2; thence southerly 820.73 feet to the southwest corner of said Spring Hill Subdivision No.2; thence easterly 727.90 feet along the south line of said Spring Hill Subdivision No.2 to the northwest corner of Meadowbrook Valley Sub No.2; thence southerly 1076.05 feet along the west line of said Meadowbrook Valley Sub No.2 to the southwest corner of said Meadowbrook Valley Sub No.2, said point being the northwest corner of Meadowbrook Valley Sub No.1; thence continuing southerly 698.07 feet along the westerly line of said Meadowbrook Valley Sub No.1; thence westerly 407.80 feet along the north line of lots 15, 16, 17 and 18 of said Meadowbrook Valley Sub No.1 to a point on the westerly line of said Meadowbrook Valley Sub No.1; thence southerly 1036.25 feet along said westerly line of Meadowbrook Valley Sub No.1 to the southwest corner of said Meadowbrook Valley Sub No.1 and the south line of said section 17, also being the centerline of Avon Road; thence westerly along said south line of section 17 to the southwest corner of said section 17; thence southerly along the east line of said section 19, also being the centerline of Adams Road, to the centerline of Butler Road; thence westerly and southwesterly along said centerline of Butler Road to the west line of said section 19; thence northerly along said west line of section 19 and along the west line of said section 18 the point of beginning.

Also that part of section 19, 21, 28, 29 and 30 described as beginning at the southwest corner of said section 30; thence northerly along said west line of section 30 to the northwest corner of said section 30; thence North 00 degrees 22 minutes 28 seconds West, 225 feet along the west line of said section 19; thence North 52 degrees 09 minutes 50 seconds East, 260 feet; thence North 74 degrees 23 minutes 50 seconds East, 580 feet; thence North 64 degrees 33 minutes 42 seconds East 277.28 feet; thence southerly, in part along the west line of Rookery Woods Subdivision No.2 to a point on the centerline of Hamlin Road; thence easterly along said centerline of Hamlin Road to the centerline of Adams Road; thence continuing easterly along said centerline of Hamlin Road to the centerline of Crooks Road; thence continuing easterly along the centerline of Hamlin Road to the centerline of the Trail Corridor (formally Grand Trunk Western Railway); thence northeasterly along the centerline of said Trail Corridor to the centerline of Livernois Road; thence southerly along said centerline of Livernois Road to the centerline of Hamlin Road; thence continuing southerly along said centerline of Livernois Road to the centerline of Auburn Road; thence westerly along the centerline of said Auburn Road to the centerline of Crooks Road; thence continuing westerly along said centerline of Auburn Road to the point of beginning.

Be It Further Resolved that the public hearing will be held in the City Council Chambers at 1000 Rochester Hills Drive in the City of Rochester Hills at 7:30 p.m. on February 16, 2004; and

Be It Finally Resolved that notice of the public hearing shall be published twice in a newspaper of general circulation in the City of Rochester Hills not less than twenty (20) nor more than forty (40) days before the date of the hearing, and that notice of the hearing shall also be mailed to the property taxpayers of record in the proposed Authority District not less than twenty (20) days nor more than forty (40) days before the date of the hearing, and that notice of the hearing shall also be mailed to the property taxpayers of record in the proposed Authority District not less than twenty (20) days before the hearing.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Absent: Duistermars and Robbins

2005-0053

Adoption of Resolution Declining the Rochester City Council's invitation to participate in the proposed subcommittee of elected officials to discuss the issue over the age of persons authorized to use the Older Persons' Commission Activity Center

Attachments: Agenda Summary.pdf; 0053 Resolution.pdf

Council members stressed their decision to decline the City of Rochester's invitation to participate in a subcommittee that would examine the age restriction issue at the Older Persons' Commission (OPC), noting that the issue had received "pretty healthy discussion" at a previous meeting and is reflected in those meeting minutes.

President Hill indicated that the resolution adopted by Council encourages the three (3) communities to allow the OPC Governing Board to address this matter.

Mr. Dalton stated that, as the new Chairman of the OPC Governing Board, he would endeavor "to try and settle that at the Board level."

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

Whereas, the Rochester Hills City Council, on November 3, 2004, considered and disapproved a proposed Third Amendment to the Amended and Restated Interlocal Agreement Avon Rochester Hills-Oakland-Rochester Older Persons' Commission which would have prohibited participation by persons under 60 years of age in Older Persons' Commission programs and use of the Activity Center; and

Whereas, the Rochester City Council, by resolution adopted on December 13, 2004, invited Rochester Hills and Oakland Township to join Rochester in selecting a subcommittee, comprised of elected officials from the three (3) communities, in order to have discussions in an effort to resolve the issue over the age at which persons are authorized to use the Older Persons' Commission Activity Center; and

Whereas, Rochester has provided information, including the Rochester City Attorney's legal opinion, copies of millage proposals, and Act 39 of 1976; and

Whereas, the Rochester Hills City Council has previously received the Rochester Hills City Attorney's legal opinion on the age issue; and

Whereas, the Rochester Hills City Council has decided to respectfully decline the Rochester City Council's invitation to participate in the proposed subcommittee because the Rochester Hills City Council is not convinced that the law, millages or Interlocal Agreement prohibit the use of Older Persons' Commission facilities by persons under 60 years of age, and because the Rochester Hills City Council believes policies and issues relating to participation in Older Persons' Commission programs and use of Older Persons' Commission facilities should be determined by the Older Persons' Commission Governing Board established under the Interlocal Agreement.

Therefore, It Is Resolved that the Rochester Hills City Council respectfully declines the Rochester City Council's invitation to select a subcommittee of elected

officials from the three (3) communities to discuss the issue over the age of persons authorized to use the Older Persons' Commission Activity Center.

It Is Further Resolved that the Rochester Hills City Council submits that issues and policies relating to the age of persons participating in Older Persons' Commission programs or using Older Persons' Commission facilities should be determined by the Older Persons' Commission Governing Board.

It Is Further Resolved that certified copies of this Resolution should be transmitted by the City Clerk to the Rochester City Council and Oakland Township Board.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Absent: Duistermars and Robbins

Enactment No: RES0020-2005

2005-0043

Discussion of Purchase Offers for Meadowfield Property - City-owned property totaling approximately 9.5 acres previously purchased in 2001 for the consideration of the Older Person's Commission (OPC), located on the north side of Meadowfield Drive, west of Rochester Road, zoned Special Purpose, known as Parcel No. 15-22-226-016

Attachments: Agenda Summary.pdf; Letter Widmer 20041115.pdf; Report Anzek Meadowfield.pdf; 0043 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, provided a brief history of the issue noting that the Lombardo Companies and W.G. Gilbert Inc. had submitted proposals to acquire the City-owned Meadowfield property via a land swap and out right purchase, respectively.

Mr. Anzek noted that the Committee created by the Mayor to evaluate these proposals had determined that, due to certain unacceptable terms and conditions contained within both proposals, the offers should be rejected by City Council and negotiations with both parties and the Committee should continue.

President Hill asked the maker and the seconder of the motion to include the addition of **Council Member Holder** to the Mayor-appointed committee to participate in the ongoing discussions.

Mr. Dalton and **Ms. Raschke** agreed to do so.

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

Whereas, the City of Rochester Hills owns property identified as 15-22-226-016, totaling 9.581 acres, located on the north side of Meadowfield Drive, west of Rochester Road; and

Whereas, the City of Rochester Hills purchased the property on August 27, 2001 for the consideration of locating the planned Older Person's Commission Facility that was subsequently built in Rochester; and

Whereas, the City of Rochester Hills has received two (2) written offers to purchase the above identified properties for the development of attached housing; and

Whereas, the Lombardo Companies' offer includes the deeding of two (2) parcels of land to the City of Rochester Hills totaling 9.448 acres as partial compensation for the Meadowfield site and said parcels are immediately north and contiguous to the Eugene Nowicki Park located on Adams Road, and the W. G. Gilbert, Inc. Purchase Agreement is a cash payment in total for the Meadowfield site; and

Whereas, the City of Rochester Hills has determined that both offers contain merit and are worthy of further pursuit;

However, the City of Rochester Hills cannot accept either offer as presented as the Purchase Agreements contain approvals and waivers of certain ordinances and other terms and conditions that are considered unacceptable.

Resolved that the Rochester Hills City Council Rejects the two (2) Purchase Agreements submitted for consideration to sell the property owned by the City of Rochester Hills known as the Meadowfield site, Sidwell Number 15-22-226-016 as terms and conditions of the Purchase Agreements are unacceptable.

Be It Resolved that the Rochester Hills City Council fully supports further discussions with the two (2) parties making offers and requests the Mayor and her appointed Committee of Jean Farris, John Staran, Kurt Dawson, Mike Hartner, and Ed Anzek to continue discussions with the two (2) parties to resolve those issues that are considered unacceptable.

Be it Further Resolved that the Rochester Hills City Council appoints Council member Barbara Holder to sit on the Mayor appointed Committee to assist with the continued discussions.

The motion carried by the following vote:

Aye: Hill, Barnett, Dalton, Holder and Raschke

Absent: Duistermars and Robbins

Enactment No: RES0021-2005

2004-0359

Introduction of Amendments to City Council Rules of Procedure - Article II, Section .04 Journal of Proceedings regarding Broadcasting City Council Work Session Meetings

Attachments: Agenda Summary.pdf; 011905 Agenda Summary.pdf; Rules of Procedures.pdf; 061604 Minutes Excerpt.pdf; 060404 Agenda Summary.pdf; CC WS Rules of Procedure.pdf; 060404 Resolution.pdf; Minutes AIS 040604 Draft Excerpt.pdf; 0359 Master Report.pdf; 0359 Resoluti

President Hill indicated that the next two (2) Agenda items dealt with proposed changes to the City Council's Rules of Procedure. She stated that they were being introduced for discussion and consideration only and could not be acted upon by Council until the next regular meeting. President Hill noted that the first procedure for consideration--proposed changes that would alter the cable broadcasting policy as it relates to City Council Work Sessions--had been thoroughly discussed at a previous Council meeting, as well as by the Administration and Information Services (AIS) Committee.

Discussed

Enactment No: RES0028-2005

2005-0051

Introduction of Amendments to City Council Rules of Procedure - Article III, Types of Meetings, Article V, Order of Business, and Article VII, City Council Communication Committees

Attachments: Agenda Summary.pdf; Amendments to Rules of Procedure.pdf; Supplemental information.pdf; 011905 Agenda Summary.pdf; Min CC-Terms of Service.pdf; 0051 Master Report.pdf; 0051 Resolution.pdf

President Hill indicated that the changes to Council Rules of Procedure for discussion and consideration were as follows:

* A meeting may be cancelled, due to lack of Agenda Items, by the Council President with concurrence of the Vice President.

* A Regular Work Session may be changed to a Regular Meeting by the Council President with the concurrence of the Vice President, if the President deems it necessary.

* "BUDGET DISCUSSIONS" shall be added to the Order of Business on City Council Agendas.

* City Council Communication Committee Citizen Representatives shall be appointed for one (1) year terms of office.

Discussed

Enactment No: RES0029-2005

COUNCIL COMMITTEE REPORTS

President Hill made the following announcements:

* **Financial Services Committee:** **Mr. Dalton** is the new Chairperson and **Ms. Holder** the new Vice Chairperson. The Committee reviewed several items that will be discussed at the Council's upcoming Work Session on January 26th.

* **Administration and Information Services (AIS) Committee:** **Ms. Holder** is the new Chairperson and **Mr. Dalton** the new Vice Chairperson. The Committee is still examining the possibility of forming a new committee to work with local businesses.

* **Planning Commission:** Planning Commission is considering holding a joint meeting with Council tentatively scheduled for February 8th. Proposed topics of discussion will be the Master Land Use update, as well as the PUD Master Plan for Rochester College.

BUDGET DISCUSSIONS

2005-0054

Goals and Objectives for 2006

Attachments: Agenda Summary.pdf; 030905 presentation 2006 GO 1.pdf; 030905 GOs Council Prioritization 2.pdf; 030905 GOs Council & Staff Prioritization 3.pdf; 030205 Agenda Summary.pdf; 021605 Agenda Summary.pdf; 020205 Agenda Summary.pdf; 011905 Agenda Summary.pdf; Te

President Hill described her plan to discuss the budget process for approximately thirty (30) minutes at the end of the two (2) regular Council meetings in February. Noting that the Michigan Municipal League conference is to be held on March 23rd, Ms. Hill indicated that Council could choose to reschedule that day's Work Session for March 9th. She then suggested that the March 9th Work Session could be utilized to finalize Council's goals and objectives for the coming budget year. She asked her fellow Council members for any feedback on this plan.

Discussed

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Wednesday, January 26, 2005 at 7:30 p.m. in the City Council Conference Room.

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 10:38 p.m.

*MELINDA HILL, President
Rochester Hills City Council*

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

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

Approved as presented at the March 16, 2005 Regular City Council Meeting.

Complete proceedings recorded in the Official Minutes Book on file in the office of the City Clerk and by this reference is made a part hereof.