



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, September 7, 2005

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Jane Leslie, City Clerk
Ed Anzek, Director of Planning/Development
Ron Crowell, Fire Chief
Kurt Dawson, Director of Assessing/Treasurer
Derek Delacourt, Planner III
Bob Grace, Director of MIS
Mike Hartner, Director of Parks & Forestry
Julie Jenuwine, Director of Finance
Pam Lee, Director of Human Resources
Roger Rousse, Director of DPS/Engineering*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council approves the Agenda for the September 7, 2005 Regular Meeting with the following amendments:

Add under NEW BUSINESS:

2005-0570 - Authorization to purchase diesel and unleaded fuel from various available sources; increase blanket purchase order for the purchase of diesel and unleaded fuel in the amount of \$150,000 for the new not-to-exceed total of \$385,000 through January 31, 2006; waive Section 2-275 of the Purchasing Ordinance.

Remove from NEW BUSINESS:

2004-0032 - Request from Public Safety Committee to pursue False Alarm Ordinance

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

The motion carried by the following vote:

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

PUBLIC COMMENT

Fire Chief Ron Crowell announced that the Fire Department was collecting charitable donations for the Hurricane Katrina relief effort. He indicated that a great deal of money had already been raised and praised the residents of Rochester Hills for their generous contributions.

Mr. Jay Wiencko, 508 Marquette Drive, Rochester Hills, was asked to hold his comments regarding Community Media Network until that item on the agenda was discussed.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hill announced the following:

- South Boulevard west of Crooks Road would be closed beginning September 16th until the morning of Monday, September 19th for utility relocation work.

- A meeting would be held on Tuesday, September 20th regarding the Parks & Recreation Master Plan update.

- There will be an explanation of the water and sewer bills during the September 14th Council meeting.

Ms. Holder asked that residents who would like her to keep them informed about various issues contact her with their email addresses. She further noted that she is receiving email regarding unpopular decisions by Council and stressed that Council is often called upon to make decisions that will benefit the community well into the future. She noted that, with regard to the No New Taxes organizations, "negative attitudes travel much faster than positive ones."

Mr. Barnett expressed his hope that the crisis in the Gulf Coast would encourage all municipalities to improve their emergency response plans. He encouraged residents to vote in the coming Primary Election.

Mr. Dalton, noting a recent personal tragedy, encouraged everyone to create a living will. He then cited a recent newspaper article criticizing Council for having cancelled a meeting due to a lack of a quorum, noting that he had a family emergency and Mr. Robbins was out of town on business and was unable to return in time.

Mr. Duistermars encouraged everyone to contribute to the Hurricane Katrina relief effort.

Ms. Raschke praised the Fire Chief and firefighters for their relief efforts and encouraged everyone to contribute.

Mayor Somerville stated that she had received a phone call from a resident offering the use of their spare bedrooms to displaced Hurricane Katrina victims.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

2005-0548 Approval of Minutes - Regular City Council Meeting - May 18, 2005

Attachments: Min CC 051805.pdf; 0548 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on May 18, 2005 be approved as presented.

Enactment No: RES0285-2005

2005-0580 Approval of Minutes - Regular City Council Meeting - May 25, 2005

Attachments: Min CC 052505.pdf; 0580 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on May 25, 2005 be approved as presented.

Enactment No: RES0286-2005

2005-0446 Request for Purchase Authorization - DPS/Facilities: Snow Removal Services at City Hall, Precinct #5, and 1700 & 1600 Hamlin West for the 2005-2006 winter season in the not-to-exceed amount of \$31,133.00; Steele's Services, LLC, Rochester Hills, MI

Attachments: Agenda Summary.pdf; 0446 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, sealed bids for snow removal services were solicited and awarded to Steele's Services, LLC, and

Whereas, the contract with Steele's Services, LLC, offers value to the City through price and the quality of service; and

Whereas, the City wishes to exercise its option to renew through October 15, 2006.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Steele's Services, LLC, of Rochester Hills, Michigan, for the purchase of snow removal services at City Hall, Precinct #5, and 1700 & 1600 Hamlin West, in the amount not-to-exceed \$31,133.00 through October 15, 2006.

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

Enactment No: RES0287-2005

2005-0448 Request for Purchase Authorization - DPS/Facilities: Snow Removal Services at the OCSD Substation and 52/3rd District Court for the 2005-2006 winter season in the not-to-exceed amount of \$41,005.00; Advanced Services Landscape & Snow Removal, Sterling Heights, MI

Attachments: Agenda Summary.pdf; 0448 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, sealed bids for snow removal services were solicited and awarded to Advanced Services Landscape & Snow Removal; and

Whereas, the contract with Advanced Services Landscape & Snow Removal offers value to the City through price and the quality of service; and

Whereas, the City wishes to exercise its option to renew through October 15, 2006.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Advanced Services Landscape & Snow Removal of Sterling Heights, Michigan, for the purchase of snow removal services at the OCSD Substation and 52/3rd District Court, in the amount not-to-exceed \$41,005.00 through October 15, 2006.

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

Enactment No: RES0288-2005

2005-0564

Acceptance of a Watermain Easement granted by Linda M. Cailliea, for Sto-Away Storage, for Parcel No. 15-24-100-003

Attachments: Agenda Summary.pdf; 0564 Map.pdf; Easement 8-3-05.pdf; 0564 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by Linda M. Cailliea, 48690 Harbor Drive, Chesterfield, Michigan 48047, for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. 15-24-100-003.

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

Enactment No: RES0289-2005

2005-0560

Acceptance of an Easement for Ingress and Egress for Public and Emergency Vehicles, granted by Linda M. Cailliea, for Sto-Away Storage, for Parcel No. 15-24-100-003

Attachments: Agenda Summary.pdf; 0560 Map.pdf; Easement 8-3-05.pdf; 0560 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an Easement for Ingress and Egress for Public and Emergency Vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by Linda M. Cailliea, 48690 Harbor Drive, Chesterfield, Michigan 48047, over, on, under, through and across land more particularly described as Parcel No. 15-24-100-003.

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

Enactment No: RES0290-2005

2005-0566

Acceptance of the Warranty Deed for John R right of way, granted by Linda M. Cailliea, for Sto-Away Storage

Attachments: Agenda Summary.pdf; 0566 Map.pdf; Warranty Deed 8-3-05.pdf; 0566 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by Linda M. Cailliea, 48690 Harbor Drive, Chesterfield, Michigan 48047, to the City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 for Parcel No. 15-24-100-003.

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

Enactment No: RES0291-2005

2005-0559

Acceptance of the Pedestrian-Bicycle Pathway Easement granted by The Pointe Group, Inc., a Michigan Corporation

Attachments: Agenda Summary.pdf; 0559 Map 1.pdf; 0559 Map 2.pdf; Pathway Easement.pdf; 0559 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Easement granted by The Pointe Group, Inc., 2185 Crooks Road, Rochester Hills, Michigan 48309, for the construction, operation, maintenance, repair and/or replacement of a Pedestrian-Bicycle Pathway Easement over, on, under, through and across land more particularly described as Parcel No. 15-34-477-016.

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

Enactment No: RES0292-2005

Passed The Consent Agenda

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

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

PUBLIC HEARINGS

2005-0571

Public Hearing regarding 2006 Budget Plan and 2005 Millage Levy for the 2006 Budget

Attachments: Agenda Summary.pdf; 090705 Agenda Summary.pdf; Public Hearing Notice.pdf; 0571 Resolution.pdf; Supplemental Info Jenuwine memo re Millage rates.pdf; Supplemental Info 2006 Millage Rates as of Sept 14.pdf

Ms. Julie Jenuwine, Director of Finance, indicated that, with the exception of funding of

the Non-Motorized Pathways study, all of the issues had been addressed from the four August budget work sessions. She noted that while the millage rate would be set in September, the budget would not be adopted until October. Thus, there is time for her to address any further questions or concerns posed by Council.

President Hill noted that there is still an outstanding issue regarding police services.

Ms. Jenuwine informed Council that Captain Smith of the Oakland County Sheriff's Department was out of town and would provide the needed information upon his return.

President Hill Opened the Public Hearing at 8:03 p.m.

There being no public comment, **President Hill** Closed the Public Hearing at 8:04 p.m.

Mr. Barnett noted that the "millage rate is the same as last year's millage rate."

Mr. Jenuwine explained how the various millage requests on the upcoming Primary Election ballot would impact the City's millage rate:

- The Rochester Avon Recreation Authority (RARA) millage request is a year in advance and, thus, if approved, will not impact next year's overall millage rate.

- Should the Older Persons Commission (OPC) Transportation millage pass, the overall millage will remain at last year's rate of 9.3681.

- Should the Open Space millage pass, the City's overall millage rate would be 9.5781.

- Should both the OPC Transportation millage and the Open Space millage pass, the City's overall millage rate will increase to 9.6681.

- Should both the OPC Transportation millage and the Open Space millage fail, the overall millage rate will decrease to 9.2781.

President Hill noted that Council will consider the millage rate approval at the September 14th Council meeting.

Presented

ORDINANCE FOR INTRODUCTION

2005-0371

Preliminary Planned Unit Development (PUD) Approval - City File No. 05-016, property known as Meadowfield, a proposed PUD on approximately 9.6 acres, located west of Rochester Road and south of Avon, known as Parcel No. 15-22-226-016; Lombardo Rochester Hills, LLC, applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Report Staff.pdf; Meadowfield Agreement.pdf; 0371 Resolution.pdf

Mr. Derek Delacourt, Planner III, indicated that the requested Council approval is the first step in the Planned Unit Development (PUD) process. He noted that the Planning Commission unanimously recommended that Council approve this preliminary plan.

Mr. Greg Windingland, representing Lombardo Companies, was present to address questions.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, questioned whether the land swap that resulted in Lombardo Companies acquiring this land from the City had been appraised and questioned why this information was not available to tax payers.

The Mayor, Council members, City Attorney John Staran and Mr. Windingland all assured Ms. Geen that 1) the land had been appraised by a company chosen by the City, but paid for by Lombardo Companies, 2) the land swap included a cash payment that assured the City received the full value of the property "sold" and 3) all of the information was discussed in open meetings including a Council public hearing and is available to any interested parties.

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

Resolved that the Rochester Hills City Council hereby approves the Preliminary Planned Unit Development (PUD) for Meadowfield of Rochester Hills, a 9.6-acre development located west of Rochester Road and south of Avon, and known as Parcel No. 15-22-226-016; Lombardo Rochester Hills, LLC applicant.

The motion carried by the following vote:

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

2004-0098

Acceptance for First Reading - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone ten parcels of land, located near the northeast corner of Adams and South Boulevard, totaling approximately 24.2 acres, known as Lorna Stone Village containing Parcel Nos. 15-31-301-011, 15-31-351-001, -002, -003, -017, -008, -009, -010, -011, -012 from R-4 (One Family Residential) to PUD (Planned Unit Development) and to prescribe penalties for violation thereof

Attachments: Agenda Summary.pdf; 090705 Agenda Summary First Reading.pdf; Map aerial.pdf; Report Staff.pdf; Agenda Summary Discuss PUD.pdf; Lorna Stone PUD Agreement.pdf; ordinance.pdf; First Reading Resolution.pdf; 0098 Resolution.pdf

Mr. Derek Delacourt, Planner III, noted that this Planned Unit Development (PUD) had been discussed at the Planning Commission and City Council over approximately three years. He indicated that the project was reduced substantially from a large, mixed-use commercial, residential and office PUD, to primarily a residential development consisting of approximately 170 units of single-family units, attached condominiums and town homes. He stressed that the commercial square footage had been reduced from approximately 30,000 square feet to approximately 9,000 square feet. He further noted that the Planning Commission has worked extensively on this project.

Mr. Joe Maniaci, Lorna Stone LLC, 1111 West Long Lake Road Troy, developer; Mr. Mark Abanatha, Alexander V. Bogaerts & Associates, P.C., 2445 Franklin Road, Bloomfield Hills, architect; and Mr. Paul L. Nine, Paul L. Nine & Associates, P.C., 100 West Long Lake Road, Bloomfield Hills, attorney, were present to answer any questions on behalf of the developer.

Mr. Nine praised City staff for their cooperation on this project, noting that the current plan "is very effective in accomplishing the purposes which the City wants," including the following:

- Expands the historic district.*
- Minimizes the points of ingress/egress from the main streets.*

- Provides a wide range of housing types.
- Encourages a walking community.
- Creates usable open space.
- Provides a gateway to the City.

He noted that they believe they are "on course" to acquire the corner property to be incorporated into the development later by amendment to the PUD.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, expressed concern that the development would result in increased traffic congestion in the area due to its density.

Mr. Nine stressed that the density had been reduced substantially at the insistence of the "government agencies involved."

Mr. Barnett questioned whether the developer was still in negotiations for the property in the middle of the development.

Mr. Nine noted that no talks were currently taking place with that property owner.

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

Resolved that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone ten parcels of land totaling approximately 24.2 acres, located near the northeast corner of Adams and South Boulevard, known as Lorna Stone Village containing Parcel Nos. 15-31-301-011, 15-31-351-001, -002, -003, -017, -008, -009, -010, -011, -012 from R-4 (One Family Residential) to PUD (Planned Unit Development) is hereby accepted for first reading.

The motion carried by the following vote:

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

Enactment No: RES0310-2005

2005-0497

Acceptance for First Reading - An Ordinance to Amend Section 138-7 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prescribe a procedure for considering Conditional Rezoning requests, to repeal conflicting ordinances and to prescribe a penalty for violations

Attachments: Agenda Summary.pdf; 09705 Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Resolution.pdf; 0497 Resolution.pdf

Mr. Ed Anzek, Director of Planning/Development, explained that the purpose of this ordinance amendment was simply to recognize conditional rezoning (CRZ) as a zoning option available to the City. He stressed that its use is not mandatory but it is State-enabled. He further noted that this allows the City flexibility without establishing or setting a procedure for its use.

Mr. Dalton stated that the Planning Commission held a public hearing on this matter and no one chose to speak.

PUBLIC COMMENT:

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, expressed concern for the use of CRZ, citing articles in such publications as "Zoning News" that question the legality of its use and warn against likely future lawsuits. She stressed that State Senator Mike Bishop had opposed the CRZ law and asked that City Council "opt out of using" it.

President Hill noted that the same articles Ms. Hilbert cited were reviewed by the Planning Commission and City Council. She stated, "There's always resistance to change." She assured residents that any use of CRZ would be evaluated on a case-by-case basis.

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, expressed her concern that CRZ would result in higher density developments, and that mandatory traffic studies should be conducted when considering CRZs or Planned Unit Developments.

Ms. Holder and **Mr. Anzek** explained that CRZ requires that any rezoning is tied specifically to the project. Should that project not be developed, the property reverts back to its original zoning.

Mr. Duistermars praised the new technique as an expansion of personal property rights.

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

Resolved that an Ordinance to Amend Section 138-7 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prescribe a procedure for considering Conditional Rezoning requests, to repeal conflicting ordinances and to prescribe a penalty for violations is hereby accepted for First Reading.

The motion carried by the following vote:

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

Enactment No: RES0312-2005

UNFINISHED BUSINESS

2005-0496

Approval of Ballot Language for Residential Streets Millage

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

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, indicated that the candidates running for City Council oppose the road millage. She requested that a plan for road improvements, specifically noting which subdivisions will be repaired and on what time frame, be released to the residents. She contended that the road millage will be defeated due to a lack of trust in City government on the part of voters.

Ms. Linda Davis-Kirksey, 1337 North Acre Drive, identified herself as a candidate for City Council and noted that she is "very supportive" of the Citizen-initiated road millage request. She criticized groups in the City that "kill something before it has time to take life."

Ms. Holder and Mr. Barnett both stressed the merits of the road millage and its necessity, specifically noting the following:

- Improved roads will increase property values.
- The millage request is lower in its final year than in the first year of the previous request.
- It is the result of many hours of work on the part of City residents, not the administration or elected officials.

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

Resolved, that the Rochester Hills City Council hereby approves placing the following Proposal on the November 8, 2005 General Election:

Residential Streets Millage

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

_____ Yes

_____ No

The motion carried by the following vote:

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

Enactment No: RES0293-2005

2005-0243

Salary Recommendation for Directors' General Adjustment Recommendation - 2006

Attachments: Agenda Summary.pdf; Referral Notice.pdf; 060905 Agenda Summary.pdf; AIS Agenda Summary.pdf; AIS Resolution options.pdf; Memo Galeczka re Directors General Adjustment.pdf; 060105 Revised Memo Lee.pdf; Revised Mayor_CM_Council Pay 6_05.pdf; Revised Wage Adj

Ms. Holder explained that the Administration & Information Services Committee is recommending a two percent salary increase for directors. She noted that their objective is to "maintain our very dedicated staff and to continue to move forward with their expertise and productivity."

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, questioned why salaries were being increased and suggested that all directors be trained to operate snowplows. She contended that this would "help DPS to live within its budget."

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

Whereas, pursuant to Article III, Section 5 of the City Council Policy for Salaries of Department Directors and Mayor and Per Diem Fees for City Council Boards and Commissions "at the last regular meeting of the City Council in the month of June, the AIS Committee shall make a written recommendation to the Council concerning the total equity, general, and performance adjustments, if any, for the compensation for the Department Directors as a group for the succeeding fiscal year"; and

Whereas, upon the recommendation of the Administration & Information Services (AIS) Committee, City Council waived Article III, Salaries for Department Directors, Sections 5, 6, and 7 of the City Council Policy for Salaries of Department Directors and Mayor and Per Diem Fees for City Council, Boards and Commissions at the June 7, 2005 Regular City Council Meeting to allow the Administration & Information Services Committee (AIS) additional time to receive and study necessary information prior to the final approval of the 2006 Budget; and

Whereas, the Administration & Information Services Committee (AIS) has completed its study and hereby recommends a General Salary Adjustment of a two percent (2%) increase to budgeted funds for Department Directors base salaries for Fiscal Year 2006, bringing it to \$900,597.00.

Be It Resolved that the Rochester Hills City Council hereby approves an amount of two percent (2%) of the total current base salaries of \$882,938.32 for the Department Directors as a group in the amount of \$17,659.00.

Be It Finally Resolved that the Rochester Hills City Council hereby approves a new grand total of \$900,597.00 to be budgeted for the 2006 Fiscal Year for any equity and/or general adjustment(s) to the base annual salary of one or more Department Directors and that City Council authorizes the Mayor to make any said adjustments provided the total of any and all adjustments for Department Directors do not exceed the amount approved by the Council for the 2006 Fiscal Year.

The motion carried by the following vote:

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

Absent: Dalton

Enactment No: RES0294-2005

(Recess 8:58 p.m. - 9:14 p.m.)

2005-0386

ICCA/CMN Public Access Contract Consideration

Attachments: Agenda Summary.pdf; Contract CMN.pdf; Letter Somerville 20050718.pdf; Letter Brennan 20050825.pdf; 060105 Agenda Summary.pdf; 0386 Resolution.pdf

President Hill indicated that Council was being asked to provide direction to the City's ICCA representative with regard to approving the contract with CMN for public access television services.

Mr. Ed Anzek, Director of Planning/Development, indicated that the contract under consideration, if approved by the ICCA member communities, would require, at minimum, that the City contribute one half percent of their PEG funds. If this minimum requirement

were not met, non-funding ICCA member communities would be denied access to the CMN facilities and equipment.

PUBLIC COMMENT:

Rev. Gary Heinonen, 2504 Crofthill Drive, Auburn Hills, asked that Council support approval of the new contract and reinstate funding to CMN.

Mr. Jeffrey White, 1206 Vinewood, Auburn Hills, asked that Rochester Hills support public television and reinstate the one percent funding contribution.

Mr. Jay Wiencko, 508 Marquette Drive, acting Director of CMN, encouraged Council to authorize their ICCA representative to approve the contract. He suggested that it would be very costly for Rochester Hills to provide public access television services in addition to the current government services. He noted that CMN is apolitical and there may be persons or organizations wishing to take advantage of public access television that "might not be welcome here." He requested that the Council "at least support CMN at the minimal half percent."

Ms. Linda Davis-Kirksey, 1337 North Acre Drive, described CMN as providing an invaluable service and that not providing funding would result in "quite a disservice" to many local organizations.

Ms. Theresa Mungioli, 3435 Palm Aire Drive, noted the different programs she has produced in conjunction with the Rochester Avon Community Coalition and questioned how Council intended to provide this service if they do not fund CMN.

Mr. Gerard Verschueren, 230 Prospect Drive, noting that he has been a CMN producer since 1992, described the many programs offered and requested that Council reinstate funding of CMN.

Mr. J. Martin Brennan, 515 Old Perch, noted that he is not only Rochester Hills' CMN Board Representative, he is also Board President. He indicated that he had advocated for the "no pay, no play" aspect of the contract, explaining that there were many communities that did not contribute. He agreed that "CMN committed a lot of errors" in the past; however, he assured Council that it has since been reorganized "from top to bottom." He asked that Council authorize approval of the contract and reinstate funding.

COUNCIL DISCUSSION:

Mr. Robbins spoke in favor of reinstating funding. He noted that funding CMN had never been questioned prior to their improprieties being revealed. Therefore, he contended that a denial of funding could not be made on the basis of a lack of funds. He stressed that the problems have been addressed and public access television is a valuable amenity provided to Rochester Hills residents.

Ms. Holder voiced her support for CMN, suggesting that in addition to its valuable public access services, it also provides a backup if Channel 55 were unable to broadcast due to a disaster.

Mr. Barnett noted that, because of the added scrutiny of CMN's practices as a result of their improprieties, it was brought to the attention of Council that very few Rochester Hills residents actually utilize CMN's facilities and equipment. He stressed the importance of assuring the taxpayers that the City gets "the best bang for our buck." He noted that the decision to discontinue funding was temporary and to be reevaluated in six months.

Mr. Duistermars expressed his concern that CMN's excessive general fund was spent down to purchase high-tech equipment that would not be compatible with equipment at the supporting municipalities.

Mr. Wiencko reassured Council that the equipment purchased would be compatible and was necessary, and in some cases replaced equipment that was fifteen years old.

President Hill indicated that her primary concern with the contract is that for years Rochester Hills was the highest contributor, having purchased much of the current new equipment at CMN, and now would be prohibited from using that equipment if they choose to not contribute further.

Mr. Anzek noted that when Council chose to suspend funding it was with the encouragement that CMN spend down their excessive fund balance and adjust their level of services. Rochester Hills supports public access television but was attempting to encourage "appropriate budgeting." At that time, there was no mention of a "no pay, no play" clause in the new contract. He further noted that the City has yet to investigate the feasibility of bringing these services in-house.

Mr. Robbins questioned, "Who are we to micro-manage what they do?" He noted that the City contributes to the Older Persons Commission but does not dictate which buses they should purchase.

Mr. Dalton noted his impression that the Council was likely to approve authorizing approval of the contract. He requested that the matter of level of funding be addressed as well and indicated his intention to make a motion to reinstate funding at the one half percent level.

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

Resolved that the Rochester Hills City Council recommends the City's Intergovernmental Cable Communication Authority (ICCA) Representative approve the ICCA/Community Media Network (CMN) Public Access Contract as presented.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Holder and Robbins

Nay: Hill, Barnett and Raschke

Enactment No: RES0295-2005

2005-0255

PEG Funding Distribution for Public Access Services

Attachments: Agenda Summary V-3.pdf; 060905 ICCA Meeting Summary.pdf; 040605 Agenda Summary.pdf; CMN Information.pdf; Supplemental information.pdf; Ltr Anzek CMN.pdf; 040105 Master Report.pdf

Mr. Dalton made a motion to reinstate funding to CMN at the one half percent level.

Mr. Duistermars asked for clarification as to when the funding would go into effect.

Mr. Staran stated that if funding were made effective on the date the contract goes into effect, funding would be retroactively effective from January 1, 2005.

Mr. Dalton stated that his motion is that funding goes into effect from the date the contract is approved.

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

Whereas, the Public/Education/Government (PEG) funding received from cable

companies is distributed at the sole discretion of the Rochester Hills City Council.

Be It Resolved that the Rochester Hills City Council will provide 1/2% of PEG funding to the Intergovernmental Cable Communications Authority (ICCA) for Public Access services (Community Media Network) following the passage of the ICCA/CMN contract.

Be It Further Resolved that the 1/2% PEG funding disbursement will commence from the date that the contract is approved.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Holder and Robbins

Nay: Hill, Barnett and Raschke

Enactment No: RES0303-2005

2005-0500

Request for Tax Abatement Under Public Act 376 of 1996, Avon Broach, applicant

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

Mr. Dan Casey, Manager of Economic Development, briefly reviewed the Tool & Die Recovery Zone program under which this tax abatement request would be granted. He noted that it is a request for a 100% abatement of existing real and personal property taxes over the first two years of a five-year period, with the final three years phasing out in 25% increments. He stated that the total estimated tax loss to the City over this five-year period would be approximately \$22,000.

Ms. Cynthia Grubbs, Michigan Economic Development Corporation (MEDC), provided a brief review of the process and how the incentive was developed by the State legislature to assist the tool and die industry. She stated that the MEDC has monitored other companies that have been participating in the program, noting that they have improved and that "the collaboration aspect of this requirement has proven to be very helpful to the industry." She further indicated that five years is a "very short period of time under this program."

COUNCIL DISCUSSION:

Council members Barnett and Dalton, while expressing their support for the request, admonished the State for enacting programs such as this that reimburse school districts for their participation, but not local municipalities.

Ms. Grubbs acknowledged their complaint but noted that "no one wants to take money away from the school systems."

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, stated her opposition to supporting tax abatements for "solvent, financially sound businesses such as Avon Broach" and asked that the request be denied.

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

Whereas, the City of Rochester Hills desires to promote economic activity and maintain/increase the number of jobs available to residents of the area; and

Whereas, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity; and

Whereas, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by Avon Broach and Production enabling it to reposition itself to compete globally; and

Whereas, Avon Broach and Production has entered into a collaborative agreement with other business entities having the appropriate North American Industry Classification System (NAICS) codes; and

Whereas, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations; and

Whereas, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the City, County, and other units of government as provided under this Act; and

Whereas, we estimate that the tax revenue lost would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

Therefore, Be It Resolved, that the City of Rochester Hills requests that the State of Michigan designate Avon Broach and Production Company, located at 1089 John R, and further described as parcel 70-15-24-100-005, a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of up to five years.

The motion carried by the following vote:

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

Enactment No: RES0296-2005

(Recess 10:48 p.m. - 10:57 pm)

NEW BUSINESS

2005-0553

Adoption of Alliance of Rouge Communities Bylaws

Attachments: Agenda summary.pdf; Act 517 Bill No. 1432.pdf; Preamble ByLaws.pdf; 0553 Resolution.pdf

Mr. Roger Rousse, Director of DPS/Engineering, explained that approval of this item would continue the City's participation, along with 37 other cities, villages and townships, in the Alliance of Rouge Communities for the Rouge Watershed. He noted that the bylaws under consideration would appoint City Surveyor Roger Moore as the City's representative to the alliance, with City Engineer Paul Davis named as alternate representative. Continued participation would be at a cost of \$1,900 for one year.

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

Resolved that the Rochester Hills City Council formally adopts bylaws for, and accepts membership in the Alliance of Rouge Communities.

Further Be It Resolved that consistent with the terms of the Alliance of Rouge Communities bylaws, the Rochester Hills City Council formally appoints Roger Moore, Professional Surveyor, as its designated representative to the Alliance of

Rouge Communities, and Paul Davis, City Engineer, as the alternate representative, and authorizes the Mayor to designate additional persons to represent the City of Rochester Hills, if needed, as an alternate to assure voting representation.

Finally, Be It Resolved that the City of Rochester Hills' continuing membership will be evidenced by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

The motion carried by the following vote:

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

Enactment No: RES0297-2005

2005-0557

Request for Purchase Authorization - DPS: One (1) new CAT IT14G Integrated Tool Carrier, purchase order not-to-exceed \$114,450.00; Michigan Cat, Shelby Township, MI

Attachments: Agenda Summary.pdf; Tabulation.pdf; 0557 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that the vehicle under consideration would actually combine the operations of two out-of-date vehicles while providing better flexibility.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, questioned the purchase of this item when the "snow removal problem" has not been resolved.

Mr. Rouse indicated that, although the winter road maintenance program is under funded, the City is still obligated to carry out other necessary responsibilities.

Ms. Holder further noted that this purchase was approved in the 2005 budget.

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

Resolved that the Rochester Hills City Council hereby approves a purchase order to Michigan Cat, Shelby Township, Michigan, for one (1) new CAT IT14G Integrated Tool Carrier in the amount of \$114,450.00 as the lowest, responsive, responsible bidder.

The motion carried by the following vote:

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

Enactment No: RES0298-2005

2005-0576

Designation of Voting Delegates to Michigan Municipal League business meeting to be held in Grand Rapids, Michigan, on Wednesday, September 21, 2005

Attachments: Agenda Summary.pdf; MML Letter 072605.pdf; 0579 Resolution.pdf

President Hill was chosen to serve as the City's voting delegate to the Michigan Municipal League business meeting on Wednesday, September 21st. No other Council members planned to attend the conference.

PUBLIC COMMENT:

Ms. Debbie Geen, 3128 Walton Boulevard, Chairperson of the Residential Vision Committee, requested that tax dollars not be spent on conferences and that those funds be dedicated to the maintenance of local roads.

President Hill explained that the decision before Council was not whether to send a member to the conference, but rather who would serve as the City's delegate.

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

Resolved that the Rochester Hills City Council hereby names Council member Melinda Hill as the City of Rochester Hills Official Representative and Voting Delegate for the Annual Meeting of the members of the Michigan Municipal League to be held in Grand Rapids, Michigan, on Wednesday, September 21, 2005.

The motion carried by the following vote:

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

Enactment No: RES0299-2005

2005-0575

Approval of 2005-2006 Youth Council (RHGYC) Projects

Attachments: Agenda Summary.pdf; Additional Youth Projects.pdf; 0575 Resolution.pdf

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

Resolved that the Rochester Hills City Council approves the following projects for selection by the 2005-2006 Rochester Hills Government Youth Council:

*** Creation of a Youth Council Logo**

*** Enhance and Develop Communication with Youth in the Community**

- Utilize various communication tools to better connect Youth to Council, Youth to Youth and Youth to Government and Schools

*** Research options of providing possible internships or after school projects for Youth at City Hall**

*** Pathway Connectivity:**

**- How does the youth use the pathways in the community
- What is lacking in the system from the youth's perspective
- What areas from the youth perspective are important**

*** Locate and develop funding options and opportunities for projects**

*** Develop budget for Youth projects**

*** Youth Activities and Facilities:**

**- What recreational activities and/or facilities do the youth use
- What recreational activities and/or facilities would youth like to see
- Where is the community lacking in providing youth activities**

*** Youth participation in Festival of the Hills**

- * False Alarm Ordinance - how to educate the public
- * Work with the MML to create a better Youth Program for MML Legislative Day
- * Host a Regional Youth Summit
- * Establish a Voter Registration/Election Information Program in the high schools
- * Create a Video regarding all aspects of the RHGYC
- * Rochester Hills Public Library use by youth and how it can be enhanced
- * Community Beautification
- * Development of City Hall Commons Area
- * City Hall - Front Pond Rehabilitation - CIP Project #SW-09

The motion carried by the following vote:

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

Enactment No: RES0300-2005

2005-0577

Adoption of City Council Mission Statement, Goals and Objectives for 2006 Budget

Attachments: Agenda Summary.pdf; CC Budget Statement.pdf; 0577 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby adopts its Mission Statement as follows:

The mission of the City Council is to represent the citizens of Rochester Hills and through open communication responsibly establish goals and adopt policy that meets the needs of the community.

Be It Further Resolved that City Council establishes the following as its 2006 Goals:

- * Establish public policy that protects the health, safety and welfare of the community.
- * Utilize available resources to maintain the highest possible level of public services and the best infrastructure possible.
- * Continue to improve and expand communication between the community and city government.
- * Continue to enhance communication/planning between surrounding communities and the City of Rochester Hills.
- * Endeavor to expand the role of youth in government.

Be It Finally Resolved that City Council adopts the following Objectives for the 2006 Budget:

- * Promote teamwork and foster trust between Council, Administration, business and residents.
- * Establish goals and adopt public policy promoting the livability and sustainability of the community.
- * Adopt an annual budget that reflects established plans and policy and promotes and implements strategic planning goals for the City's future.
- * Promote regional partnering opportunities.
- * Increase participation in SEMCOG, MML and community service organizations.
- * Involve youth in the leadership and development of the City's future through their participation on the Rochester Hills Government Youth Council.

The motion carried by the following vote:

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

Enactment No: RES0301-2005

2005-0570

Authorization to Purchase Diesel and Unleaded Fuel from various available sources; increase blanket purchase order for the purchase of diesel and unleaded fuel in the amount of \$150,000 for a new not-to-exceed total of \$385,000 through January 31, 2006; waive Section 2-275 of the Purchasing Ordinance.

Attachments: Agenda Summary.pdf; 0570 Resolution.pdf

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

Whereas the effects of Hurricane Katrina and the continual surging fuel prices have created a significant volatile fuel oil market; and

Whereas the MITN Cooperative's contract with Mansfield Oil Company, in which the City is a participant, has been compromised by the supplier, effecting both price and supply; and

Whereas in an effort to safeguard the City's ability to operate, the City administration requires the ability to purchase fuel from Atlas Oil Company and various vendors that have the capacity to supply; and

Whereas to maintain the City's fuel supply, spot buys with or without competition may be necessary, requiring that City Council waive the Purchasing Order under Section 2-281.

Resolved that the Rochester Hills City Council hereby authorizes the City administration to purchase diesel and unleaded fuel from Atlas Oil Company and various available sources at prices providing best value and in the best interests of the City.

Be It Further Resolved that the Rochester Hills City Council hereby authorizes the amendment of an existing Blanket Purchase Order for the purchase of diesel and unleaded fuel by the increased amount of \$150,000 for the new total amount not-to-exceed \$385,000 through January 31, 2006.

Be It Finally Resolved that the Rochester Hills City Council hereby waives Section 2-275 of the Purchasing Ordinance to enable the City administration to purchase diesel and unleaded fuel without formal competition, deeming this action to be in the best interests of the City.

The motion carried by the following vote:

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

Enactment No: RES0302-2005

COUNCIL COMMITTEE REPORTS

Ms. Holder indicated that the August Administration & Information Services (AIS) Committee meeting had been rescheduled for September 27th at 4:00 p.m.

ANY OTHER BUSINESS

President Hill noted that she had received information from the Michigan Municipal League regarding Senate Bill 528 which would likely prevent local governments from providing telecommunication services to citizens, including cable, high-speed Internet (broadband), and wireless communications. She suggested that Council adopt a resolution of opposition to this proposed legislation.

Mr. Dalton agreed and requested that President Hill bring this matter forward on a future City Council agenda.

2005-0590

Resolution of Necessity Regarding Reconstruction of Adams Road

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

Whereas, present conditions necessitate the relocation and improvement of Adams Road; and

Whereas, detailed plans showing such improvement have been prepared and are now on file in the Office of the City Engineer.

Now, Therefore, Be It Resolved that the City of Rochester Hills declares and determines that it is necessary to relocate and improve Adams Road in the City of Rochester Hills as more fully described and detailed on the construction plans.

Be It Further Resolved that it is necessary to acquire and take fee simple or lesser estate in real property, and other property and access rights to certain parcels of land described and shown on exhibits attached hereto, without the consent of the owners, thereof, for the purposes of relocating and improving Adams Road, that said parcels are necessary for the use and benefit of the public, and that a good faith written offer to purchase said parcels of land has been made.

Be It Finally Resolved that the City Attorney and/or special counsel retained by the City is authorized and directed to institute condemnation proceedings against the owners and other parties of interest in said private property necessary for the relocation and improvement of Adams Road as here before described.

The motion carried by the following vote:

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

Enactment No: RES0304-2005

NEXT MEETING DATE

Regular Meeting - Wednesday, September 14, 2005 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hill adjourned the meeting at 11:17 p.m.

*MELINDA HILL, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the March 1, 2006 Regular City Council Meeting.