

**MINUTES** of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, November 5, 2003 at 7:30 p.m.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder, Gerald Robbins (7:55 p.m.)

Absent: None

**QUORUM PRESENT**

Others Present: Pat Somerville, Mayor  
Beverly A. Jasinski, City Clerk  
John Staran, City Attorney  
Ed Anzek, Director of Planning/Development  
Scott Cope, Director of Building/Ordinance Enforcement  
Paul Davis, City Engineer  
Pam Lee, Director of Human Resources  
Roger Moore, Professional Surveyor  
Roger Rouse, Director of DPS/Engineering  
Bob Spaman, Director of Finance

**3. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was temporarily delayed until the flag could be located.

**4. APPROVAL OF AGENDA** (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated October 30, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0001-2003-R0393

**MOTION** by Holder, seconded by Duistermars,

**Resolved**, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of November 5, 2003 amended as follows:

**Add Agenda Item 10e - Approval of Interlocal Agreement** for Sanitary Sewer between the City of Rochester Hills, the City of Rochester and Mark Stapels and Sharon Tattrie at 1965 Washington, Rochester Hills, MI (A0673)

***Add Agenda Item 10f - Approval of Interlocal Agreement for water between the City of Rochester Hills and Charter Township of Shelby for John Moore at 50988 Dequindre, Shelby Twp., MI (A0709)***

***The remainder of the Agenda remained the same***

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

Nays: None

Absent: Robbins

**MOTION CARRIED**

**5. CHAIRPERSON'S REPORT**

**President Dalton** congratulated the Mayor and incumbent Council Members who won re-election the previous night. He welcomed Ms. Linda Raschke as a returning member of the City Council.

He distributed copies of a notice from the U.S. Attorney's office that described two (2) town hall-type meetings to be held November 6th and November 13th "to engage the public in discussion of local counter-terrorism activities and to foster better understanding of our commitment to protecting public safety and civil liability."

*All rose to recite the Pledge of Allegiance.*

**6. MAYOR'S REPORT**

**Mayor Somerville** thanked residents who voted in the previous night's election and thanked residents for re-electing her to the office of Mayor. She also congratulated returning and newly elected Council members.

**7. COUNCIL COMMENTS**

**Ms. Holder, Mr. Barnett and Mr. Duistermars** all thanked the residents for voting in the previous night's election. Mr. Barnett and Mr. Duistermars praised the efforts of City Clerk **Bev Jasinski** and her staff for their efforts prior to and during the election process.

**Ms. Golden**, while noting that this was her last meeting as a Council member, assured residents that she would remain involved in civic issues. She questioned the appropriateness of a card circulated by President Dalton regarding the Charter Commission issue. She also questioned whether the appropriate provisions regarding issues such as compensation for Charter Commissioners should have been in place prior to the election.

**City Attorney John Staran** explained that because the proposed City Charter revision was resident-driven, not Council initiated, these particular provisions were not required. He stressed that the State’s Attorney General’s office had been consulted throughout the entire process.

**Ms. Hill** expressed her belief that the petition was circulated legally and in the appropriate manner. She noted that the card in question did not advise residents how to vote on the Charter Commission issue, but rather merely encouraged residents to be sure to visit the polls on election day.

**8. ATTORNEY’S REPORT**

**City Attorney John Staran** explained that residents residing in the neighborhood near the Christ Community Church development at the northwest corner of Avon and Livernois had received notification that they had been named in a lawsuit. He described the situation as a “quiet title lawsuit,” the purpose of which is to establish ownership of a small portion of the Church’s property that is in dispute. This type of suit requires that all parties who may have an interest in the property in question be notified of the situation to allow interested parties the opportunity to make a claim on the property. That claim would then be evaluated during court proceedings. Mr. Staran noted that he was under the impression that the Church had sent information to residents advising them of the situation, but some were not aware and were disturbed by the lawsuit notice.

**President Dalton** suggested that the City send letters to the residents clarifying the situation.

**9. ADOPTION OF RESOLUTION TO SET CLOSED SESSION** at the close of business tonight for the purpose of discussing the possible purchase or lease of property and an Attorney/Client Privileged Communication (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 30, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0008–2003–R0394

**MOTION** by Barnett, seconded by Duistermars,

**Resolved** that the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the conclusion of regular business of this Regular City Council Meeting of Wednesday, November 5, 2003. The purpose of the Closed Session is to consider the possible purchase or lease of real property and to discuss an Attorney/Client Privileged Communication. City Council will reconvene to Open Session at the conclusion of the Closed Session.

**ROLL CALL VOTE:**

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

Nays: None

Absent: Robbins

**MOTION CARRIED**

(Mr. Robbins Entered at 7:55 p.m.)

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

**Approved** by a single motion Items **10a, 10b, 10c, 10d, 10e** and **10f** from the Consent Agenda.

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

- 10a. **Approval of Minutes** - Regular Meeting, October 1, 2003 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 27, 2003 from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0395

**MOTION** by Duistermars, seconded by Barnett,

***Resolved*** that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, October 1, 2003 be approved as presented.

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

Nays: None

Absent: None

**MOTION CARRIED**

- 10b. **Approval of Minutes** - Regular Meeting, October 15, 2003 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 29, 2003 from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0396

**MOTION** by Duistermars, seconded by Barnett,

***Resolved*** that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, October 15, 2003 be approved as presented.

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

Nays: None  
Absent: None

**MOTION CARRIED**

- 10c.** Approval of Minutes - Joint Work Session with Planning Commission, October 22, 2003 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 22, 2003 from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2003-R0397

**MOTION** by Duistermars, seconded by Barnett,

*Resolved* that the Minutes of a Special Rochester Hills City Council and Planning Commission Joint Work Session Meeting held on Wednesday, October 22, 2003 be approved as presented.

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

**MOTION CARRIED**

- 10d.** Adoption of Resolution for Permit Application from the Road Commission for Oakland County for the 2003 Christmas Parade to be held on Sunday, December 7, 2003 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 14, 2003 from Marc Matich, Traffic Technician, with attachments)

Resolution A0727-2003-R0398

**MOTION** by Duistermars, seconded by Barnett,

**Whereas**, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Greater Rochester Chamber of Commerce; and

**Whereas**, the parade route begins at Rochester and Tienken Roads in the City of Rochester Hills and proceeds south along Rochester Road to Third Street in downtown Rochester; and

**Whereas**, staging this event requires closing certain State and County routes and using others for posted detour routes; and

**Whereas**, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois,

and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from Avon to Tienken Roads.

**Resolved**, that the Rochester Hills City Council authorizes the Mayor or her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

**Be It Further Resolved**, that the parade routes be scheduled for Sunday, December 7, 2003, between the hours of 1:00 p.m. and 4:00 p.m. on Avon, Livernois, and Tienken Roads; and

**Now Therefore Be It Resolved**, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

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

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

Nays: None

Absent: None

#### **MOTION CARRIED**

- 10e.** **Approval of Interlocal Agreement** for Sanitary Sewer between the City of Rochester Hills, the City of Rochester and Mark Stapels and Sharon Tattrie at 1965 Washington, Rochester Hills, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated July 21, 2003 from Josy A. Foisy, Clerk III, with attachments)

Resolution A0673–2003–R0399

**MOTION** by Duistermars, seconded by Barnett,

**Resolved**, that the Department of Public Service recommends approval of the Interlocal Agreement for Sanitary Sewer between the City of Rochester Hills, the City of Rochester, and Mark Stapels and Sharon Tattrie located at 1965 Washington.

**Now Therefore Be It Resolved**, that the City of Rochester Hills City Council approve the Sanitary Sewer Agreement between the City of Rochester Hills, the City of Rochester, and Mark Stapels and Sharon Tattrie at 1965 Washington, Rochester Hills, Michigan and authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City.

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

**MOTION CARRIED**

- 10f. Approval of Interlocal Agreement** for water between the City of Rochester Hills and Charter Township of Shelby for John Moore at 50988 Dequindre, Shelby Twp., MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated October 6, 2003 from Josy A. Foisy, Clerk III, with attachments)

Resolution A0709–2003-R0400

**MOTION** by Duistermars, seconded by Barnett,

**Whereas**, the Department of Public Service recommends approval of the Water Service Agreement between John Moore and the City of Rochester Hills for connection to the City of Rochester Hill's water main at 50988 Dequindre, Shelby Township, MI 48317.

**Resolved**, that the Rochester Hills City Council hereby approves the Water Service Agreement between John Moore and the City of Rochester Hills for connection to the City of Rochester Hill's water main at 50988 Dequindre, Shelby Township, MI 48317 and authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City.

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

**MOTION CARRIED**

**11. PUBLIC COMMENTS**

**Mr. Johannes Buiteweg**, 1337 Shenandoah, expressed his belief that City Council members should represent the views of the voters and he does not feel that is being demonstrated by this Council.

**Mr. Lee Zendel**, 1575 Dutton Road, noted the defeat the previous night of the Police Millage, stressing that there is inadequate staffing of deputies and that many of their duties are not reflected in the crime statistics.

**Ms. Mary Jo Dinha**, 851 Dressler Lane, Chairperson of Zero New Taxes, thanked residents who voted for her for City Council and noted that, while she was not elected, she would continue her political involvement and her opposition to new taxes.

**12. LEGISLATIVE / ADMINISTRATIVE RESPONSE**

None.

**13. PETITIONERS REQUESTS**

**13a. Preliminary PUD Request** for Historic Lorna Stone Village, comprised of eleven (11) parcels approximately 24 acres in size located on the northeast corner of Adams and South Boulevard, Zoned R-4 (Single Family Residential); Lorna Stone Development LLC, Applicant (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 28, 2003 from Derek Delacourt, Planner II, with attachments)

**Mr. Joseph Maniaci**, Lorna Stone Development, 50215 Schoenherr Road, Shelby Township and **Mr. Paul Nine**, 100 West Long Lake Road, Bloomfield Hills, Attorney for the Developer were present.

**Mr. Derek Delacourt**, Planner II, briefly explained that the applicant was requesting use of the PUD process, noting that the applicant has appeared before the Historic District Commission, the Planning Commission twice and the City Council once previously to discuss the project in detail. In addition, the applicant had also met with City Staff to address previous concerns.

**PUBLIC COMMENT:**

**Ms. June Beatenhead**, 3870 South Boulevard, expressed her opposition to the plan, as some buildings will be built in close proximity to her property resulting in safety issues and noise pollution.

**Mr. Mukesh Mangla**, 1052 Oaktree Lane, requested that his and other adjoining properties in close proximity to the development be included in the PUD process.

**COUNCIL DISCUSSION:**

**Mr. Delacourt** noted that Staff was aware of both circumstances and were in the process, along with the developer, of addressing these concerns. He noted that Staff will “make sure anything built now will be properly buffered for Ms. Beatenhead,” and that the lots Mr. Mangla had mentioned may be shown as a future phase of this development. However, he was not aware whether that issue had reached a conclusion.

**Mr. Nine** explained that the issue is being examined in terms of whether the developer can acquire the properties in question. He assured Council that no matter what the outcome is, the issue would be brought back before Council for approval.

**Ms. Hill** expressed her desire to have this issue examined in detail and brought before Council, noting that it “is a very key component to making this work.” She also noted that “part of this process [is] to allow some flexibility to occur.” Ms. Hill suggested that Rochester Hills has a



“certain type of atmosphere” and expressed her desire to see the commercial aspect of the development maintain a neighborhood feel.

**Mr. Barnett** concurred with Ms. Hill regarding the commercial aspect of the development and asked for some information regarding the price points of the development as compared to the Forester Square project.

**Mr. Maniaci** explained that their price point will be quite varied and that the lots of this development are larger than those found in Forester Square. In addition, the development offers less density than does Forester Square.

**Mr. Nine** noted that marketing studies are in progress in an attempt to answer some of these more specific questions.

**Mr. Barnett** indicated to any members of the audience who were unaware of the development that the Historic Districts Commission had “favorably viewed” the plans for the historic home at the corner of the development.

Resolution A0678–2003–R0401

**MOTION** by Hill, seconded by Barnett,

**Whereas**, the Planning Commission and the City Council met on June 16, 2003 and July 23, 2003, respectively, for pre-application workshops and;

**Whereas**, the Planning Commission met on September 16, 2003 for a preliminary review of a conceptual plan and outline of a Planned Unit Development (PUD) agreement, identified major issues associated with the project, provided the applicant with preliminary direction and determined that the concept plan and the PUD outline generally qualify for PUD rezoning;

**Resolved** that the Rochester Hills City Council hereby concurs with the Planning Commission’s determination that the concept plan generally qualifies for review and processing as a PUD zoning project in the matter of City File No. 03-010 (Historic Lorna Stone Village), located near the northeast corner of Adams Road and South Boulevard and identified as parcels 15-31-301-011, 15-31-351-001, -002, -003, -005, -006, -008, -009, -010, -011, and -012.

**It is further Resolved** that this determination is made pursuant to City Code Subsection 138-1004(3), and does not constitute, nor should it be construed as, approval of the PUD proposal.

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

Nays: None

Absent: None

**MOTION CARRIED**

**14. ADMINISTRATION**

- 14a. Approval of Agreement** between the City of Rochester Hills and AFSCME Local 1917, January 1, 2003 through December 31, 2006 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 27, 2003 from Pamela Lee, Director of Human Resources, with attachments)

**President Dalton** noted that Council had met in a Closed Session meeting prior to the Regular Council meeting to discuss with Ms. Pam Lee, Director of Human Resources, as well as other Staff members, the agreement between the City of Rochester Hills and AFSCME Local 1917.

**Ms. Pam Lee**, Director of Human Resources, explained that the City had recently completed negotiations with Union Local 1917 and both parties have arrived at a four (4) year contract for which she was requesting approval from City Council.

Resolution A0601–2003–R0402

**MOTION** by Hill, seconded by Robbins,

**Whereas**, negotiations between the City of Rochester Hills and American Federation of State, County, and Municipal Employees Local 1917 have resulted in a tentative four-year agreement for the period from January 1, 2003 through December 31, 2006, and

**Whereas**, these negotiations have also resulted in agreement to changes in the Retiree Health Savings (RHS) Plan for bargaining unit members, effective January 1, 2004.

**Resolved** that City Council approval of the tentative contract and associated RHS Adoption Agreement as presented on November 5, 2003 is hereby granted.

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

Nays: Holder

Absent: None

**MOTION CARRIED**

- 14b. Approval of Contract** between the City of Rochester Hills and the Oakland County Sheriff's Department for Police Services from 2004 through 2008 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 16, 2003 from Bob Spaman, Finance Director, with attachments)

**Mr. Bob Spaman**, Director of Finance, explained that the City is currently in the final year of a five (5) year agreement with the Oakland County Sheriff's Department to provide police services

to the City, thus it is now time to renegotiate the agreement. He noted that the outstanding issue during negotiations was not the contract language, but rather the cost of the services. Mr. Spaman indicated that, primarily due to significant increases in health insurance costs, the first year of the contract would see a 7.5% increase, with subsequent years increasing 3.5% annually.

**Mr. Barnett** questioned what other options the City has for police service should the Council decide against this proposed contract.

**Mr. Spaman** explained that Rochester Hills cannot negotiate a separate contract from the other participating communities and would, therefore, have to create a City police force.

**Mr. Dalton** noted that the City's health insurance costs have risen significantly over the past few years as well.

Resolution A0731–2003–R0403

**MOTION** by Hill, seconded by Duistermars,

**Whereas**, the City of Rochester Hills has engaged the services of the Oakland County Sheriff's Department for several years;

**And Whereas**, the current five-year contract between the City of Rochester Hills and the Oakland County Sheriff's Department expires at the end of 2003;

**And Whereas**, the City of Rochester Hills desires to continue using the services of the Oakland County Sheriff's Department at the expiration of the current contract;

**Resolved** that the City of Rochester Hills City Council hereby approves the new 2004-2008 police services contract between the City of Rochester Hills and the Oakland County Sheriff's Department;

**Be It Further Resolved**, that the Mayor and City Clerk are authorized to execute and deliver the contract on behalf of the City.

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

Nays: None

Absent: None

**MOTION CARRIED**

**14c. Approval of the Police School Liaison Budget** (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 25, 2003 from Bob Spaman, Finance Director, with attachments)

**Mr. Spaman**, Director of Finance, explained that Rochester Hill's contribution to this program is 19.6%, with the City of Rochester and Oakland Township contributing the remainder of the

cost. He acknowledged that, of the three (3) participating communities, Rochester Hills has the most students.

**Ms. Hill** expressed her belief that the program provides a service that is well worth the cost to the City.

Resolution A0393–2003–R0404

**MOTION** by Hill, seconded by Golden,

**Whereas**, the City of Rochester Hills City Council hereby approves the Police Liaison 2003/2004 budget in the amount of \$518,223, of which as a member agency, the City of Rochester Hills contribution is \$309,465 (79% of \$391,727) as presented,

**Now Be It Resolved**, that the Mayor is authorized to execute the documentation on behalf of the City.

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

Nays: None

Absent: None

**MOTION CARRIED**

**14d.** **Approval of Clinton River Watershed Council Agreement for Services** for Phase II Public Education Services to the City of Rochester Hills (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 20, 2003 from Roger Moore, Professional Surveyor, with attachments)

**Mr. Roger Moore**, Professional Surveyor, briefly described the agreement for public education services and the desire to hire a new employee, as well as its cost of \$6,700 for the first year.

**Ms. Hill** questioned whether this agreement and services applied to Rochester Hills' watersheds or to all eight (8) participating communities.

**Mr. Moore** clarified that the agreement and services would apply to all participating communities and their watersheds. He stressed that the Clinton River Watershed Council is requesting approval of participation prior to hiring a new employee in association with this project.

Resolution A0728–2003–R0405

**MOTION** by Hill, seconded by Golden,

**Whereas**, the MS4 permit mandates that the City provide a public education program that meets the minimum requirements of the permit.

**Whereas,** the City of Rochester Hills acknowledges that the Clinton River Watershed Council is a valuable source of public education but does not currently have the resources to provide the additional public education that is necessary to meet the requirements of the permit.

**Whereas,** the Clinton River Watershed Council will need to hire additional staff to provide the services outlined in Attachment 1 Scope of Services of the agreement.

**Whereas,** the Clinton River Watershed Council will be able to provide the public education services only if there are a minimum of 43 permit holders that participate in the service agreement.

**Resolved,** that the Rochester Hills City Council approves the Clinton River Watershed Council Agreement for Services and authorizes the Mayor to execute the agreement on behalf of the City.

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

Nays: None

Absent: None

**MOTION CARRIED**

*(Recess 8:35 p.m. – 9:06 p.m.)*

**15. COUNCIL COMMITTEE REPORTS**

**Mr. Barnett** announced that the next Community Development & Viability Committee would meet November 13, 2003 at 5:30 p.m.

**Ms. Hill** announced that the next Administration & Information Services Committee will meet November 11, 2003 at 8:00 a.m. and the Financial Services Committee will not meet again until December 4, 2003 at 5:00 p.m.

**16. UNFINISHED BUSINESS**

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

**Mr. Paul Davis**, City Engineer, noted that this particular project had been discussed thoroughly at a previous Council Meeting and Work Session. He stated that his recommendation is consistent with the outside consultant.

**Ms. Hill** expressed her concern that, despite the previous discussions, the public has yet to be given an opportunity to comment on this plan. She also noted that she is unsure that constructing a five (5) lane bridge structure is the desire of the City.

**Ms. Golden** voiced her support for taking the recommendation of the Staff professional and that the issue is not only one of traffic, but also of safety.

**Ms. Holder** noted that residents who had watched the previous Work Session had had ample opportunity to contact their representatives to express their opposition to this plan. She noted her support for the project.

**President Dalton** expressed his concern that the Council is being asked to make a decision with what is arguably outdated information from the Master Thoroughfare Plan.

**Mr. Davis** noted that this will not be the final opportunity for residents to express their opinions, as the consultant plans to speak with homeowners associations and other groups during the study process.

**Ms. Hill** stressed that her concern is not just nearby residents, but the entire community and that five (5) lanes of traffic will not solve the traffic problem.

**Ms. Golden** again noted that in addition to the issue of congested traffic, safety is another valid issue to be considered. She questioned whether Council wanted to proceed with an expensive project that would prove to be inadequate in the future. She also noted that this particular project is unique due to the bridge.

Resolution A0704–2003–R0406

**MOTION** by Golden, seconded by Duistermars,

**Whereas**, the Department of Public Service used a quality-based selection (QBS) process to determine which Engineering Firm was best suited to provide the Professional Services for the Tienken Road & Kings Cove Intersection-Traffic Signal & Bridge Study.

**Whereas**, the selection process included quality control for the project, project supervision, sensitivity, knowledge of local conditions and a clearly defined scope of work.

**Whereas**, that Hubbell, Roth & Clark, Inc. conducted the 1999 Tienken Road Corridor Study in an efficient and timely manner, has developed a professional rapport with the staff and community, and has also completed the Tienken Road and Kings Cove Traffic Study dated December 2002.

**Resolved** that City Council award a contract for Professional Services between Hubbell, Roth & Clark, Inc. and the City of Rochester Hills for the Tienken Road & Kings Cove

Intersection-Traffic Signal & Bridge Study in the amount not-to-exceed \$159,350.00 and authorize the Mayor and Clerk to execute a contract on behalf of the City.

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

**MOTION CARRIED**

**16b. Request for Purchase Authorization** - FACILITIES: Increase Project Cost for Roof Rehabilitation and Phenolic Foam Insulation Abatement at Public Safety Building for a new project total not-to-exceed \$97,019.00 (Members received a copy of a City Council Regular Meeting Summary Sheet dated October 28, 2003 from Gregory Walterhouse, Fire Chief, with attachments)

**Mr. Roger Rouse**, Director of DPS/Engineering, briefly explained the need for the increase to the project costs and a 10% contingency to prevent any further delays in completing this project.

**President Dalton** noted that it was his understanding that all purchases automatically included a 10% contingency.

**Mr. Spaman** explained that an automatic 10% contingency applies to budgeted items only, and this item was not included in the budget.

**Ms. Hill** agreed that the project “needs to be done” but expressed her hope that the Staff will make every effort to not require the 10% contingency.

**16b.i** Increase in Blanket Purchase Order for Newton Crane Roofing, Inc., Pontiac, MI in the amount of \$1,400.00

Resolution A0396–2003–R0407

**MOTION** by Robbins, seconded by Barnett,

**Whereas**, competitive bids were solicited and awarded for the roof rehabilitation and phenolic foam insulation abatement at the Public Safety Building to Newton Crane Roofing, Inc., in the amount of \$93,000, and

**Whereas**, conditions requiring the removal of existing roof curbs and preparation of the roof for removal and re-installation of the roof top unit were discovered, and

**Whereas**, additional cost estimates in the amount of \$1,400.00 have been identified,

**Resolved** that the City of Rochester Hills City Council authorize an increase in the contract with Newton Crane Roofing, Inc., Pontiac, Michigan, in the amount of \$1,400.00 for a new total of \$94,400.00.

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

Nays: None

Absent: None

**MOTION CARRIED**

- 16b.ii** Increase in blanket purchase order for George S. Hall, Inc., Troy, MI in the amount of \$2,619.00

Resolution A0396–2003–R0408

**MOTION** by Robbins, seconded by Holder,

**Whereas**, competitive bids were solicited and awarded for the roof rehabilitation and phenolic foam insulation abatement at the Public Safety Building to Newton Crane Roofing, Inc., and

**Whereas**, conditions requiring the removal of the existing roof top HVAC unit were discovered during the roofing process, and

**Whereas**, a cost estimate provided by George S. Hall, Inc., Troy, Michigan, the City's HVAC maintenance contractor for the Public Safety Building, is \$2,619.00, and

**Resolved** that the City of Rochester Hills City Council authorize a purchase order to George S. Hall, Inc., Troy, Michigan, for the removal and re-installation of the roof top unit in the amount of \$2,619.00.

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

Nays: None

Absent: None

**MOTION CARRIED**

- 16b.iii** Authorize a 10% contingency on this project to avoid further delays

Resolution A0396–2003–R0409

**MOTION** by Duistermars, seconded by Golden,

**Whereas**, there is uncertainty as to the actual conditions of the public safety building roof as well as the impending weather conditions, and

**Whereas**, the City wishes to complete the roof project in a timely manner and not jeopardize the terms of the phenolic foam insulation lawsuit;



**Resolved** that the City of Rochester Hills City Council authorize a 10% contingency on this project to avoid further delays in completion.

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

**MOTION CARRIED**

**17. ADJOURN TO CLOSED SESSION**

City Council voted to adjourn to a Closed Session meeting at 9:35 p.m.

**18. RECONVENE TO OPEN SESSION**

**President Dalton** reconvened the meeting to Open Session at 10:00 p.m.

**19. ANY OTHER BUSINESS**

**19a. Authorization of Sale of Real Property**

Resolution A0742–2003–R0410

**MOTION** by Duistermars, seconded by Holder,

**Resolved** that the Rochester Hills accepts the offer of J.B. Donaldson Company for the purchase of property known by the addresses of 1544, 1600, 1700 and 1750 Hamlin, identified as Parcel Nos. 15-21-376-004, 15-21-376-007, 15-21-376-006 and part of 15-21-352-002.

**Be It Further Resolved** that the Mayor is hereby authorized to complete the sale of the aforementioned properties according to the terms and conditions of the Purchase Agreement, on behalf of the City and to sign all documents and to do all acts necessary to close on the property and complete the sale.

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

**MOTION CARRIED**

**Mr. Barnett** requested that the issue of the implementation and enforcement of the new fire regulations be added to the next City Council meeting agenda.

**President Dalton** concurred with this request.

**Ms. Golden** thanked her fellow Council members for their “support over the years.”

**President Dalton** announced that a tentatively scheduled Council meeting for the following Wednesday was cancelled.

**20. NEXT MEETING DATE** - Wednesday, November 19, 2003 - 7:30 PM - Regular Meeting

**21. ADJOURNMENT**

There being no further business to discuss before Council, President Dalton adjourned the meeting at 10:02 p.m.

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

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

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