

MINUTES of the Regular Rochester Hills City Council Meeting held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, June 18, 2003 at 7:30 PM.

1. CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:30 PM Michigan Time.

2. ROLL CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder

Absent: Council Member Gerald Robbins

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Paul Davis, City Engineer/DPS
Derek Delacourt, Planner II
Deborah Millhouse, Deputy Director of Planning/Zoning
Roger Moore, Professional Surveyor
Bob Spaman, Director of Finance
Greg Walterhouse, Fire Chief

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (A0001) (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated from Susan Koliba-Galeczka, City Council Liaison).

Resolution A0001-2003-R0200

MOTION by Barnett, seconded by Holder,

Resolved That the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of June 18, 2003, amended as follows:

Add 101. Adoption of Resolution in support of the City of Ferndale's Appeal in Weapons Case (A0676)

Add 17b. Request for Purchase Authorization - DPS: 2003 Pathway Rehabilitation Project (A0667)

(i) **Construction Inspection and Material Testing Services Agreement** in the amount not to exceed \$20,000; Schleede Hampton Associates Inc., Birmingham, MI

- (ii) **Contract for 2003 Pathway Rehabilitation Program** in the amount not-to-exceed \$148,855.81; Pro-line Asphalt Paving Corporation, Washington, MI

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

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton stated that for many months he has been spear heading a campaign to change the City's form of government to a City Manager/Council, noting that he was unsuccessful in securing the necessary votes on Council to bring this issue to the people on the November 2003 ballot. He noted that because of his thirty (30) years of experience in municipal government, he feels he is the most viable candidate for Mayor, but because he does not have the time or resources to champion both issues, he will be delivering to the Clerk's Office a written request to remove his name from the ballot for Mayor. President Dalton stated that he will continue to dedicate his time and effort to bringing forward the City Manager/Council form of government and any residents interested in helping should contact him.

On a separate issue, President Dalton, on behalf of Council, thanked the employees of the City for their efforts and hard work in moving the municipal offices into the new section of City Hall. He stated that the employees saved the City \$60,000 by moving themselves, which reflects another example of the character and quality of the City's employees.

6. MAYOR'S REPORT

Mayor Somerville commented on the following items:

- In response to telephone calls she has been receiving regarding Hampton Circle, the road project is in the 2004 budget.
- City employee costs for ice storm clean up was \$183,855.30.
- Free wood chips are available at the DPS garage and Borden Park.
- Drain refunding bonds netted a total savings of \$317,233.38 over a ten (10) year period, crediting Mr. Bob Spaman, Finance Director, for diligently pursuing refunds for the City.

7. COUNCIL COMMENTS

Ms. Holder, noting there are four (4) members of Council who will be candidates in this year's City election, requested Council Members focus on the residents as their first priority.

Mr. Barnett read into the record a communication he received from Van Hoosen Middle School Eighth Graders regarding their participation in the Clinton River Monitoring Project.

Mr. Duistermars invited all residents to participate in the Festival of the Hills to be held on Thursday, July 3rd, beginning at 6:00 p.m. at Borden Park.

Ms. Golden requested President Dalton place discussion regarding greenways/open space on a future Council agenda, noting the deadline for grant applications is quickly approaching.

Ms. Hill provided information on the following events:

- Third Annual Garden Walk will be held on Thursday, June 19th at the Rochester Hills Museum.
- Sarah's Sunday Sundae in celebration of Sarah Van Hoosen's birthday.
- Fourth of July Parade will be held at the Village of Rochester Hills with the Mayor as the Parade Marshall.

8. ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

9. ADOPTION OF RESOLUTION TO SET CLOSED SESSION - at the conclusion of tonight's meeting for the purpose of discussing an Attorney/Client Privileged Communication (A0008)

Resolution A0008-2003-R0201

MOTION by Duistermars, seconded by Golden,

Now Therefore Be It Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business of this Regular Meeting (June 18, 2003), and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss a confidential attorney/client privileged communication.

ROLL CALL VOTE:

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

MOTION CARRIED

- 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.)

Mr. Duistermars requested Agenda Item 10l be removed from the Consent Agenda.

Consent Agenda Items **10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j** and **10k** were approved by a single motion.

- 10a. Request for Approval of Traffic Control Order PK-69** - Streets located within Heatherwood Village Subdivision, Section #14 - No Stopping Standing or Parking At Any Time on South Side of Arlington Drive from a Point Five-Hundred and Seventy Five (575) Feet Easterly of Rochester Road to Dalton Drive (A0650)

Resolution A0650-2003-R0202

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. PK-69 has been issued by the acting Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-69.1 **No Stopping, Standing, Parking within the right-of-way of south side of Arlington Drive from Rochester Road to a point Seven Hundred Forty Three (743) feet easterly thereof.**

PK-69.2 **No Stopping, Standing, Parking within the right-of-way of north side of Arlington Drive from Rochester Road to a point Five Hundred Seventy Five (575) 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-69 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

10b. Request for Approval of Traffic Control Order PK-70 - Harrington, Fair Acres, and Walbridge Streets located in Section #27 (A0651)

- PK-70.1 - No Parking At Any Time within the right-of-way of both sides of Harrington Street from Auburn Road 1300' northerly
- PK-70.2 - No Parking At Any Time within the right-of-way of both sides of Fair Acres Street
- PK-70.3 - No Parking At Any Time within the right-of-way of both sides of Walbridge Street from Auburn Road 575' northerly of Walbridge Street from Auburn Road 575' northerly

Resolution A0651–2003–R0203

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. PK-70 has been issued by the acting Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-70.1 **No Parking On Sundays From 8:00am To 3:00 pm within the right-of-way of both sides of Harrington Street from Auburn Road 1300' northerly.**

PK-70.2 **No Parking On Sundays From 8:00am To 3:00 pm within the right-of-way of both sides of Fair Acres Street.**

PK-70.3 **No Parking On Sundays From 8:00am To 3:00 pm within the right-of-way of both sides of Walbridge Street from Auburn Road 575' northerly**

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-70 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

10c. Request for Approval of Traffic Control Order SS-119 - Streets within Manchester Knolls Subdivision No. 1, Section #8 (A0652)

- SS-119.1 - Nottingham Blvd. Stop For Wellington Circle at their South intersection
- SS-119.2 - Langley Stop For Wellington Circle at their South intersection

Resolution A0652–2003–R0204

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. SS-119 has been issued by the acting Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

SS-119.1	Nottingham Blvd.	Stop For	Wellington Circle
SS-119.2	Langley	Stop For	Wellington Circle (At Their South Intersection)

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. SS-119 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

10d. Request for Approval of Traffic Control Order SS-120 - Streets within Meadow Creek Subdivision, Section #32 (A0653)

- SS-120.1 - Cattail Circle Stop For Lagoon at their East intersection
- SS-120.2 - Cattail Circle Stop For Lagoon at their West intersection

Resolution A0653–2003–R0205

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. SS-120 has been issued by the acting Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

SS-120.1 Cattail Circle Stop For Lagoon
(At Their East Intersection)

SS-120.2 Cattail Circle Stop For Lagoon
(At Their West Intersection)

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. SS-120 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

10e. Request for Approval of Traffic Control Order SS-121 - Streets within Pine Trace Village Condominiums, Section #31 - All approaching traffic to STOP from both Greenwood and Warwick at their South intersection (A0654)

Resolution A0654-2003-R0206

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. SS-121 has been issued by Mayor Somerville under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

SS-121.1 All approaching traffic to STOP from both Greenwood and Warwick at their south intersection.

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, Mayor Somerville 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. SS-121 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

- 10f. Request for Approval of Traffic Control Order WT-29** - Streets within Pine Trace Village Condominiums and Dodge Auburn Park Subdivision, Section #31 - Greenwood Avenue (A0655)

Resolution A0655–2003–R0207

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. WT-29 has been issued by Mayor Somerville under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

WT-29.1 Greenwood Avenue

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, Mayor Somerville 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. WT-29 to be in effect until rescinded or superseded by subsequent order; and 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.

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

Absent: Robbins

MOTION CARRIED

10g. Request for Approval of Traffic Control Order WT-30 - Streets within Heatherwood Village Subdivision, Section #14 (A0656)

- WT-30.1 - Arlington Drive
- WT-30.2 - Bolinger Street

Resolution A0656–2003–R0208

MOTION by Barnett, seconded by Holder,

Whereas, Traffic Control Order No. WT-30 has been issued by the Acting City Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

WT-30.1 Arlington Drive
WT-30.2 Bolinger Street

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. WT-30 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

10h. Request for Approval of Traffic Control Order YS-87 - Streets within Manchester Knolls Subdivision No. 1, Section #8 - Wellington Circle Yield to Langley at their North intersection (A0657)

Resolution A0657–2003–R0209

MOTION by Barnett, seconded by Holder,

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. YS-88 to be in effect until rescinded or superseded by subsequent order; and 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.

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

MOTION CARRIED

- 10j. Confirmation of Mayor's Reappointments to the Advisory Traffic and Safety Board** of Tushar Oza and Ernest Collings Jr. for three-year terms to expire on June 30, 2006 (A0500)

Resolution A0500-2003-R0211

MOTION by Barnett, seconded by Holder,

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Tushar Raman Oza and Ernest W. Collings, Jr. to the Traffic Advisory and Safety Board each for a three-year term, which will expire 06/30/06.

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

MOTION CARRIED

- 10k. Request for Purchase Authorization - FACILITIES:** Plant Health and Lawn Care Services for City-owned sites, increase to existing blanket purchase order in the amount of \$7,940.00 for a new not-to-exceed total of \$33,965.00; TruGreen Chemlawn, Rochester Hills, MI (A0609)

Resolution A0609-2003-R0212

MOTION by Barnett, seconded by Holder,

Whereas, the blanket amount for TruGreen Chemlawn, Rochester Hills, Michigan, for plant health and lawn care services for City Owned sites is inadequate to cover expenses until the termination of the blanket due to added sites;

Resolved, that the Rochester Hills City Council authorize the increase of the existing blanket purchase order to TruGreen Chemlawn, Rochester Hills, Michigan for plant health and lawn care services for additional City-owned sites in the amount of \$7,940.00 for a total new amount not-to-exceed \$33,965.00 through December 31, 2003.

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

MOTION CARRIED

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

101. Adoption of Resolution in support of the City of Ferndale's Appeal in Weapons Case (A0676)

Mr. Duistermars inquired if there were any State Statues that local communities could use in regards to concealed weapons.

Mr. Staran responded that the Circuit Court agreed with the City of Ferndale but the Court of Appeals response to the question was "no." Therefore state and local governments have no say regarding concealed weapons in local government buildings. He further indicated that this issue is critical statewide and that local government needs to have control over weapons.

Resolution A0676-2003-R0213

MOTION by Barnett, seconded by Duistermars,

Whereas, the Michigan Court of Appeals has, recently, in the case, *MCRGO v City of Ferndale*, Court of Appeals No. 242237, reversed the lower court's decision, thereby invalidating Ferndale's ordinance as it pertains to the prohibition of the possession of certain weapons in municipal buildings because, according to the Court of Appeals, state law preempts local regulation regarding firearms; and

Whereas, the Rochester Hills City Council remains very concerned that the Court of Appeals' decision threatens and significantly diminishes the right and authority of municipalities to:

- (1) Secure and control their public buildings and facilities;
- (2) Adopt and enforce rules governing the use of municipal buildings and facilities;
- (3) Protect their officials, employees, volunteers, residents and other users of municipal buildings and facilities from harm, violence, intimidation and the threat thereof; and

Whereas, the Rochester Hills City Council believes the Court of Appeals' decision and the underlying issue of local control over weapons in municipal buildings and facilities is a matter of statewide importance with a significant public interest involved,

Resolved that the Rochester Hills City Council encourages and supports the City of Ferndale's efforts to appeal to the Supreme Court to overturn the Court of Appeals' decision and reinstate the lower court's ruling;

Further Resolved, that the Rochester Hills City Council requests the state legislature to adopt or amend state law to reinstate and insure the authority of local units of government to regulate the possession of weapons in municipal buildings and facilities.

Further Resolved, that the Rochester Hills City Council directs the City Clerk to promptly transmit certified copies of this Resolution to the City of Ferndale, the Michigan Supreme Court, the City's representatives in the State House and Senate, Governor Granholm and the Michigan Municipal League.

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

MOTION CARRIED

11. PUBLIC COMMENTS

Rev. Dr. Pamela Whateley, 600 N. Livernois, commented on the following issues:

- Mr. Dalton stated that, at the time he was elected Council President, he would not run for Mayor and he stated again in the *Rochester Eccentric* newspaper that he would not run for Mayor. However, he has filed petitions to place his name on the ballot and will be running on a platform to change the City's form of government from Council/Mayor to Council/City Manager.
- Enforcement of the City's ordinances is needed for all residents all of the time. Village of Rochester Hills added a chiming grandfather clock after the site plan was approved and should not be allowed. Village of Rochester Hills has been inconsiderate of the Foxboro residents, shoppers and employees.

Ms. Nancy Raffler, 713 W. Auburn, Road, commented on the following:

- Stated the newspaper has indicated there is a movement to collect signatures to place the question to change the City form of government on the City election ballot. She noted that residents need to be aware that if the City's government changes to a City Manager, they will give up the right to select who they want to run the City. Residents elect a Mayor, City Council appoints a City Manager.
- Referenced *Oakland Press* articles regarding an Auburn Hills lawsuit involving a female officer and unlawful conduct, noting President Dalton was Police Chief of Auburn Hills at that time.

President Dalton responded that he was not part of that lawsuit nor was he named in that lawsuit. He stated the suit was against the City and that he only gave testimony at the trial.

Mr. Lee Zendel, 1575 Dutton, suggested that the City Council paperless packet be broken down into small sections for easier accessibility by residents.

12. LEGISLATIVE / ADMINISTRATIVE RESPONSE

No legislative/administrative responses were made.

13. PUBLIC HEARINGS

a. 2003 Budget Adjustments (A0373)

(i). Public Hearing

President Dalton opened the public hearing at 8:07 pm.

Mr. Spaman reported that the budget amendments are the first major budget amends for the 2003 fiscal year, noting these amendments include account corrections, the addition of new projects, the deletion of projects that will not be pursued, carry over projects from 2002 that will be completed in 2003, GASB 34 implementation and closing the Special Lighting fund and incorporating it into the General Fund.

Hearing no public comments, President Dalton closed the Public Hearing at 8:09 pm.

(ii). Adoption of Resolution

Resolution A0373–2003–R0214

MOTION by Hill, seconded by Barnett,

Whereas, a public hearing was held on June 18, 2003 to amend and adopt new fund totals:

Now Therefore Be It Resolved that the Rochester Hills City Council hereby amends and adopts the following 2003 Budgets:

101 – General Fund	\$23,897,774
202 – Major Roads	\$10,014,447
203 – Local Roads	\$9,316,548
206 – Fire	\$6,666,944
219 – Special Lighting	\$3,982
244 – Drains	\$2,407,522
402 – Fire Apparatus	\$1,364,038
415 – 2002 Local Road Program	\$2,670,454
468 – OPC Building Construction	\$6,353,424
470 – Municipal Building Construction	\$8,529,546

592 – Water & Sewer	\$31,068,367
631 – Buildings & Grounds	\$5,204,154
661 – Fleet	\$3,313,688

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

MOTION CARRIED

14. PETITIONERS REQUESTS

14a. Adoption of Resolution to accept Petitions to create a Special Assessment District for the purpose of paving Hillview Lane in Section #3 and to refer the request to Department of Public Service Engineering Division for City Engineer’s Report (A0663)

Mr. Paul Davis, City Engineer/DPS, stated the Administration is requesting Council authorize moving forward with the Special Assessment District (SAD) for the Hillview paving. He noted the City received just over fifty percent (50%) of the required signatures and there are only fifteen (15) buildable parcels in this proposed district. Mr. Davis explained that each home would receive one (1) assessment in the amount of \$4,000.00, noting the Community Development Viability Committee raised the SAD cap after the initiation of this project. Mr. Davis stated if Council decides to move forward with this project, a detailed design plan and specifications would be prepared followed by a second public information meeting for the residents. He further noted that, since the engineering costs to design the project are \$30,000.00, there is no need for this issue to return before Council.

Ms. Hill, noting that the number of signatures is close to fifty percent (50%), inquired what Mr. Davis’ sense was of the residents’ feelings. She confirmed the cap per buildable lot would be \$4,000.00.

Mr. Davis responded stating he attended the informational meeting, noting there was not a large turn out of residents. He stated the residents gather petitions and file them, and the City never anticipates that there will be one hundred percent (100%) participation in the signature drive. He acknowledged the Administration was surprised by the lack of support for this project due to the substantial investment on the part of the City due to the demands for handling storm water, storm sewer, curb and gutter as a result of the topography. Mr. Davis indicated that he was not sure that the process and cap were adequately explained to the residents. He noted this is a good opportunity for residents to increase their property value for \$4,000.00.

Mr. Barnett stated that if one (1) resident changes his mind, it could impact the required number of signatures, reducing it from more than fifty (50%) to less than fifty (50%). He noted that he did not want to spend \$30,000.00 in design fees if the SAD does not move forward. Mr. Barnett stated that it is important that the people understand the plan, and that the City has a consensus from enough people to move the SAD forward.

Mr. Davis stated that this SAD differs from the previous SAD in that there was no road in place in the case of the previous SAD and the residents were paying one hundred percent (100%) of the assessment. He noted that questions arose regarding the inclusion of the water main. Mr. Davis indicated that in this circumstance there is not a single person who owns more than one (1) buildable lot; therefore, all assessments will be \$4,000.00. He further noted that the water and sewer is already in place, resulting in no additional costs.

Ms. Hill suggested that DPS send an informational letter to the impacted residents with a requested return response voicing their interest in the project.

Mr. Davis stated that DPS would follow up with a letter. He further noted that, in the event the SAD was not created, the \$30,000.00 spent on design would not be wasted as the design would not be altered in the future and could still be used. Mr. Davis concurred that a single person changing their mind would make the petition unsupported by the majority of residents.

Ms. Hill stated that, ultimately, it is Council's decision. She noted that historically Council has followed the desire of the people, but it is also the desire of the City to see all public roads paved from a maintenance standpoint.

Ms. Hill amended her motion to include notification of the residents.

Resolution A0663-2003-R0215

RESOLUTION A:
ACCEPTING PETITIONS AND REFERING TO
DEPARTMENT OF PUBLIC SERVICE ENGINEERING DIVISION
FOR CITY ENGINEER'S REPORT
Hillview Paving

MOTION by Hill, seconded by Golden,
Whereas, the City of Rochester Hills has received petitions requesting the City to create a Special Assessment District for the purpose of paving in Section 3 and more particularly described as:

Hillview Lane

Whereas, the City Clerk has referred the petitions to the City Assessor, who has checked the petitions to determine whether or not they conform to the requirements of Section 90-62 of the Code of Ordinances and has reported his/her findings to the Mayor.

Now Therefore Be It Resolved, that the Rochester Hills City Council does hereby accept the petitions to create a Special Assessment District for the purpose of paving the following streets in Section 3 and more particularly described as:

Hillview Lane

Be It Further Resolved, that said City Engineer is directed to prepare a report which shall include necessary plans, specifications, detailed estimates of cost, anticipated duration of the improvement, a description of the proposed assessment district or districts, and such other pertinent information to enable the Council to determine the cost, scope and necessity of the proposed improvement, and the part or portion, if any, of the cost that should be paid by the City at-large. Upon completing the report, the Engineer shall submit it to the City Council for the Council's consideration and review.

Be It Further Resolved, that City Council directs the Administration to send a communication to all affected residents additional information regarding the Special Assessment District to ensure that residents have the appropriate information and cost estimates.

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

MOTION CARRIED

14b. Request for New Class C Liquor License from Antoniou's Pizza located at 918 S. Rochester Road; Michael Antoniou, Sr. and Michael Antoniou, Jr., Applicants (A0630)

Mr. Mark Antoniou, Sr., 503 North Coats Road, Oxford, applicant, appeared before Council to request a license to serve beer and wine to enhance his pizzeria.

Resolution A0630-2003-R0216

MOTION by Duistermars, seconded by Golden,

Resolved that the request from Antonious, Inc./Antoniou's Pizza Restaurant for a New Class C licensed business to be located at 918 S. Rochester Rd., Rochester Hills, Oakland County, Michigan 48307 be considered for approval "Above All Others".

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

MOTION CARRIED

14c. Request for Plat Approvals for Avon Lakes Village Subdivision No. 4 - a 27-lot subdivision on 8.74 acres located south of Mackwood and west of Dequindre Road, zoned R-4 (One Family Residential), and known as part of Parcel Number 15-25-276-037; Hamlin Associates, Inc., Applicant (A0379)

Ms. Millhouse reviewed the request stating that this project is not new. Last October Council granted a tree conservation variance, which was contingent upon the applicant receiving Tentative Preliminary Plat (TPP) approval within one (1) year. She explained that this current

proposal is to request both the Tentative Preliminary Plat approval and Final Preliminary Plat (FPP) approval. Ms. Millhouse stated the Planning Commission held a few meetings on the project to resolve the issue of restoring the wetlands along the shoreline, and it has been resolved. She reported that at the May 20th meeting, the Planning Commission recommended approval of both the TPP and FPP.

PUBLIC COMMENT:

Mr. Gerald Turgeon, 1171 South Shore Drive, representing the homeowners association, provided a historical perspective of the area noting the following:

- 400 residents living in the subdivision.
- Property was farmland and the developer sculpted a lake from it.
- Sees no historic precedent for wetlands
- Took property and increased value by fifty percent (50%).
- There is a twenty-five (25) acre lake that property owners' use for swimming, boating, fishing.
- Property owners monitor water quality and do monthly bacteria counts.

Mr. Turgeon stated that if the new section is developed, wetlands between the homes on the lake and the new section of the lake would be constructed. He stated there is no value in creating the wetlands because it would only attract water fowl, provide a mosquito breeding facility and create an eight (8) foot barrier to access the lake. He expressed concern as to whether the new homeowners would follow the laws regarding maintaining wetlands. Mr. Turgeon stated the homeowners association is not opposed to developing the property, but is opposed to the creation of the wetlands.

Ms. Sue Hesson, 1853 Mackwood, stated she lives in the subdivision north of the lake. She stated that the placement of an island would be a better solution and expressed concern that the homeowners will destroy the wetlands. Ms. Hesson, noting that the road will be paved, requested a three-way stop be placed at Gerard.

COUNCIL DISCUSSION:

President Dalton explained that a request for a stop sign would need to be reviewed by the Advisory Traffic and Safety Board.

Ms. Holder stated that when this issue came before Planning Commission, the major issue was to get the project completed. She further stated that the new homeowners would have to adapt to the rules. Ms. Holder stated that the proposed project with the wetlands improves upon the current circumstances.

Mayor Somerville stated that she has asked Mr. Garrett to curb both sides of the road as opposed to putting curbing only on the side of the road where the houses are located.

Mr. Dale Garrett, Hamlin Associates, Inc. 5877 Livernois Road, Troy, responded that this project has been under discussion for a long period of time, noting that the questions regarding

Mackwood were the reason for the delay. He stated that both sides of Mackwood would be curbed along the subdivision, and there will be a swale on the north side because of drainage issues. Mr. Garrett stated that if the Mayor is referring to the area off site from the property, he should not be required to pay for that improvement. He reported that they have an agreement with the Engineering Department regarding the cross section of that road, noting it will be a low profile asphalt road to maintain storm water so it will run down to the intersection in either direction. He further noted this area is not adjoining the subdivision and is located east of the subdivision.

Mr. Barnett stated that the Planning Commission unanimously recommended approval of this request.

A motion was made by Mr. Barnett, seconded by Mr. Duistermars to approve the Tentative Preliminary Plat (TPP).

Mr. Davis stated that, based on the last meeting he attended with the developer, the developer agreed to install curb on both sides for the off site improvement. The concession was to use asphalt. In regards to the stop signs, Mr. Davis stated that the request will move forward for a study to be completed.

Mr. Duistermars stated that the Advisory Traffic and Safety Board would review the request for stop signs, noting it would most likely be that Gerard would stop for Mackwood. Mr. Duistermars explained that stop signs are not designed to control traffic speeds, and that this is a prime opportunity to have speed bumps installed.

Mr. Davis concurred that speed bumps are an alternative to control traffic speeds. He explained that the issue is regarding site distance, noting there is a sewer pump station interfering with the safety of the intersection. Mr. Davis stated that normally the Advisory Traffic and Safety Board does not recommend stop signs because of the site distance issue but, based on the circumstances of the area, the issue will be studied further.

Ms. Hill noted that in the conditions of the proposed resolution, deed restrictions would be in place. She inquired if the displays and maps could indicate the wetlands so interested buyers will understand the potential property restrictions.

Mr. Garrett stated that when they market the property they are required to disclose that information to potential buyers.

- i. Tentative Approval of the Preliminary Plat

Resolution A0379–2003–R0217

MOTION by Barnett, seconded by Duistermars,

Resolved that the Rochester Hills City Council hereby grants Tentative Approval of the Preliminary Plat for Avon Lakes Village Subdivision No. 4 (City File No. 80-976.4), a 27-lot subdivision on 8.74 acres located south of Mackwood and west of Dequindre

Road, zoned R-4, One Family Residential and known as part of Parcel Number 15-25-276-037, based on plans dated received by the Planning Department on June 4, 2003 with the following findings.

FINDINGS:

- 1 The preliminary plat meets all applicable requirements of the Zoning Ordinance and the Subdivision Control Ordinance.
- 2 Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plat represents a reasonable and acceptable plan for developing the property.
4. The preliminary plat represents a reasonable street layout, as well as a reasonable lot layout and orientation.
5. The applicant has agreed to a plan to restore the wetland vegetation removed by shoreline regarding.

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

MOTION CARRIED

- ii. Final Approval of the Preliminary Plat

Resolution A0379–2003–R0218

MOTION by Hill, seconded by Barnett,

Resolved that the Rochester Hills City Council hereby grants Final Approval of the Preliminary Plat for Avon Lakes Village Subdivision No. 4 (City File No. 80-976.4), a 27-lot subdivision on 8.74 acres located south of Mackwood and west of Dequindre Road, zoned R-4, One Family Residential, and known as part of Parcel Number 15-25-276-037, based on plans dated received by the Planning Department on June 4, 2003 with the following findings and subject to the following conditions.

FINDINGS:

1. The preliminary plat is in compliance with the previously approved tentative preliminary plat.

2. The preliminary plat conforms to all applicable requirements of the Zoning Ordinance and the Subdivision Control Ordinance.

CONDITIONS:

1. Submission of all approved copies of the preliminary plat in accordance with Section 560.120(1)(c) of Public Act 288 of 1967, as amended.
2. Completion of the wetland restoration plan as shown on the preliminary plat prior to issuance of a Land Improvement Permit.
3. Payment by the applicant of \$5,400.00, as adjusted if necessary by the City's Forestry Division, for one street tree per lot. Such payment to be provided prior to issuance of Land Improvement Permit.
4. The developer is required to indicate on the plans and marketing information the deed restrictions of the affected properties due to the wetlands.

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

MOTION CARRIED

- 14d. Request for Variance from Tree Conservation Ordinance** - Rochester Meadows L.L.C., consisting of 54 units on approximately 21 acres located south of Avon and west of John R., Parcel Nos. 15-23-201-006, 010, 011, 012 (A0669)

Mr. Michael Plourde, 2525 Telegraph Road, Bloomfield Hills, and **Mr. Joseph E. Check**, 4229 Burgundy Pointe, Shelby Township, appeared before Council on behalf of Rochester Meadows L.C.C.

Ms. Deb Millhouse, Deputy Director of Planning, reported that the applicant had not presented any alternate designs to meet the ordinance that would preserve some of the higher quality of trees.

Mr. Plourde explained the development is a fifty-four (54) lot site condominium development. Mr. Plourde stated they are requesting a variance because the strict compliance with the thirty-seven percent (37%) preservation percentage identified in the Tree Conservation Code would deprive the applicants of the reasonable use of the land. He noted that the numerous tree surveys indicated that the trees that would be affected by the development are those scattered throughout the project and that the developer is proposing to replace trees with a limited life span with trees of substantial quality and extended life spans consistent with the tree identified and preferred within the Tree Ordinance.

PUBLIC COMMENT:

Mr. Fred Hartman, 532 E. Avon, requested Council deny the request for variance, noting the developer has not maintained the property. He expressed concern with his loss of privacy, decreased property value, and the destruction of the wetlands in the area. Mr. Hartman described an access road that runs next to his home. Mr. Hartman further noted that he has maintained the right-of-way for thirty (30) years.

Ms. Janet Russo, 692 E. Avon, stated she has no objection to the development but is opposed to granting a variance to allow the trees to be removed. She indicated that the quality of life in the City is lessened with the removal of shade trees.

Mr. Dennis Russo, 692 E. Avon, stated that an attempt should be made to save the trees, noting there are many nice trees along the perimeter of the property. He further noted that the need to remove the trees results from the high density of the development.

COUNCIL DISCUSSION:

Ms. Golden stated that she has reviewed the information and inquired who provided the additional information at tonight's meeting. She further noted that she sees no basis for the variance request.

Ms. Millhouse indicated that the Planning Department provided the most recent survey that was completed in February 2003.

Mr. Barnett stated that there is no justification for a thirty-seven percent (37%) variance, noting Council rarely allows a three (3%) to five percent (5%) variance for trees. He encouraged the developer to pursue other options, noting that fifty-four (54) units may not fit on the parcel.

Ms. Millhouse indicated that with any variance it is up to the applicant to demonstrate the reason for the variance. She noted this was difficult for staff to prepare because of the lack of information, noting the boards represent some of the information.

Mr. Check reviewed a summary of the trees on the property as follows:

- 15% are apple trees over thirty-five (35) years old
- 28% of the trees have Box Elder Disease
- 6.7% are cottonwood trees
- 6.4% are ash trees
- 0.3% are elm trees
- 64% of the trees are damaged or in a diseased state
- 20% will be lost to Dutch Elm Disease or the Emerald Ash Borer

Mr. Check requested Council table this item until their tree expert can explain the rationale for requesting the variance.

Ms. Millhouse stated that Dutch Elm Disease is not as significant as in the past, noting there are a number of Elm trees located on the parcel that are in either fair or good condition.

Ms. Hill stated that the goal is to have good trees in the community. She noted there was nothing in the information that indicated the applicant would meet the requirements of the Tree Conservation Ordinance. Ms. Hill further noted that the City is committed to open space and expects the developers to be creative in their developments to maintain that aspect of the City. She further stated that she has not seen any proof tonight to meet the criteria for granting a variance.

Mr. Barnett stated that Council is proud that Rochester Hills is a “Tree City.” He further suggested the developer come back to Council with a redesign of the project that recognizes the City’s ordinances.

Ms. Duistermars referenced the number of trees that are affected by the Emerald Ash Borer that will need to be removed, noting that he did not feel it is fair to count the doomed trees in the tree count.

Ms. Millhouse explained that the City does not include those trees in the tree count. She noted that the Forestry Division has indicated in the count which Elm trees are in very poor or poor condition and have exempted them from the count. A policy decision needs to be made regarding the Emerald Ash Borer, noting that, in this case, exempting those trees would not have made a difference.

Resolution A0669–2003–R0219

MOTION by Golden, seconded by Hill,

Resolved that the Rochester Hills City Council hereby denies a variance of 37 percent from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances for Rochester Meadows Site Condominium (City File No. 99-011), identified as Parcel Nos. 15-23-201-006, -010, -011, 012.

FINDINGS:

1. There are no special circumstances or conditions affecting the property such that the strict application of the Tree Conservation Ordinance would deprive the applicant of the reasonable use of his land.
2. The variance is not necessary for the preservation and enjoyment of a substantial property right of the petitioner, as there are alternatives available to meet the requirement of the Tree Conservation Ordinance.
3. The variance will not further the objectives and policies of the Tree Conservation Ordinance.
4. The quality, age, and potential life span of a regulated tree are not a factor in determining the applicability of Section 126-327(2) of the Tree Conservation Ordinance.

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

MOTION CARRIED

(Recess from 9:23 p.m. to 9:34 p.m.)

- 14e. Request for Elimination of Noncontiguous Historic District** - 44 acres located at 800 West Avon Road, Parcel No. 15-15-451-002, Rochester College, Applicant (A0671) (Members received an Agenda Summary Sheet dated June 12, 2003, from Derek Delacourt, Planner II, with attachments)

Mr. John Gaber, Attorney for Rochester College, 380 N. Woodward, Bloomfield Hills, MI, **Dr. Ken Johnson**, Rochester College President, **Mr. Barry A. Nebhut**, AIA, TMP Associates Inc., 1191 West Square Lake Road, Bloomfield Hills, **Joyce Todd**, 2110 Munster Road, Rochester Hills, MI were present.

Dr. Johnson provided a Power Point presentation regarding the development process for Rochester College including the following points:

- Early 1990's process to develop Rochester College began with eighty-three (83) acres.
- Were told by professionals engaged to design the twenty (20) year College Master Plan that the eighty-three (83) acres was not enough usable land for all the facilities and parking needed to achieve the College's objectives.
- Planning within the land constraints would require filling in wetlands or destroying woodlands in the Clinton River corridor.
- Request tonight is driven by near-term needs and near-term plans and would like to develop the property where the house and barn are now located.
- Before consideration could be given to the request, the College must demonstrate that all other buildable land is genuinely required for future purposes; this is accomplished through the Master Plan.
- Additional buildings beyond the Master Plan, if it were possible, would be a Health Sciences building, Communication Arts building, Behavioral Sciences building and Computer Technology building.
- Tremendous space constraints for building and parking and a sensible approach to campus development is to build as the Master Plan indicates, including near-term development of the land now occupied by the barn and the house.
- Conclusions from Planning Efforts indicate that there are two limiting factors:
 - Small amount of land owned.
 - Willingness of the City to allow the College to maximize the potential of its land.
- Planning conflict facing the College:
 - Essential College expansion requires efficient development of all usable, owned land.
 - Prevented by City ordinance.

- The College has done everything that is reasonable to resolve the conflict and considered many adaptive reuses of the property without finding any reasonable option that is good for the College.
- The substance of the conflict is that the historic value of the property is far less significant than was believed and is insufficient to be considered a higher good than appropriate College expansion based on the following:
 - City records erroneously identify historic value that does not exist - barn is constructed of light wood rather than heavy timber framing.
 - No buildings on the property have any architectural significance.
 - No past owners of the property have a significant place in the history of the area, state or nation.
 - Neither the buildings nor the site have yielded information important in history
 - The College's extensive research indicates that neither the buildings nor the site are likely to yield information important to history.
 - The farm site does not meet National Register criteria for designation as a historic resource.
 - Research indicates that the cost to move the barn would far exceed its historic value.
 - Research indicates that adaptive reuse of the barn is prohibitive because of structural, regulatory and cost issues.
 - Four (4) of the five (5) buildings on the property were not recognized as historic in the 1978 and 1993 historic studies. Therefore, the College did not repair those buildings over the last twenty-five (25) years and three (3) of the four (4) buildings are in poor condition.
 - The Historic District Commission had approved demolition of the shed.

Dr. Johnson referenced the information the College provided to Council members noting there is additional information of support for their request. He concluded that there is widespread support for hometown Colleges because of a cooperative "town and gown" relationship, which is critical to the highest good of every college community. Dr. Johnson further urged Council to vote as soon as possible to eliminate the noncontiguous historic district of concern.

PUBLIC COMMENT:

Ms. Joyce Todd, 2210 Munster Road, as a 1967 graduate of the College and a twenty-five (25) year resident of Rochester Hills, urged the Council to support the proposal.

COUNCIL DISCUSSION:

Mr. John Gaber noted that the criteria of the ordinance allows City Council to create, modify or eliminate a historic district at their discretion on any reasonable basis. In addition, the original historic designation incorrectly identified the barn as having a heavy-timber frame, when, in fact, it is a catalogue, kit-built structure. He noted that the ordinance does not mandate that Council send this matter to the study committee, however, if it were sent, he requested that the time frame be accelerated. In summary, he offered the resources and previous research conducted by Rochester College to assist in any review process.

Ms. Hill disclosed that she sits on the Board of Regents for Rochester College, however, as this is not a compensated position, she saw no conflict of interest and did not recuse herself from the discussion. She then noted her suggested modifications to the proposed resolution as follows:

“Further Resolved, that Council directs the Study Committee to submit its final report concerning Rochester College's request **[to the City Council of Rochester Hills]** on or before **[its last meeting of December 2003]** December 10, 2003.

“Further Resolved, that Council directs the Administration to hire a professional consultant to assist with the preliminary report **[utilizing funds in an amount not to exceed \$3,000].”**

Ms. Hill stressed that the City ordinance mirrors that of the state act and, thus, the process must be followed, as well as the timeframe for the review process. She noted that to accelerate the process would be unfair and unrealistic.

Mr. Duistermars suggested that the matter be brought back before Council no later than the first meeting in November, as at least one new Council member will be sworn in following that meeting.

Ms. Golden praised the presentation by the College, but affirmed that the Council must follow the review process and avoid the appearance that Council would make a special exception for the College.

Mr. Barnett affirmed that Council does not want to appear to be giving special treatment to any particular applicant who comes before them. He asked Mr. Delacourt what other projects the study committee is currently reviewing.

Mr. Delacourt noted there were currently two projects in progress: one in the preliminary stages and a second in the research stages. He noted that Council sets the time frame and priorities of the study committee.

Mr. Barnett asked how the suggested October 15, 2003 deadline was determined.

Mr. Delacourt explained that, while it certainly represented a tight time frame, it was possible following the precepts of the ordinance.

Mr. Barnett noted he was hesitant to employ a consultant because he felt a large portion of the work has been completed. He also supported the request that Rochester College be notified of committee meetings and assist in the review process.

Ms. Hill again reviewed the time frame dictated by the process, stressing that even if the process were followed and all steps were achieved in as timely a manner as possible, the earliest that a public hearing could be held would be in early October. Thus, she determined that the October 15, 2003 deadline was unrealistic.

Ms. Holder questioned who would be the consultant.

Ms. Hill stated that that decision would be determined by staff.

Mr. Delacourt, based on the caliber of what has been presented, recommended hiring a qualified architectural historian to conduct the study and review the work that has already been conducted.

Ms. Holder stated that she would only support the motion if it is amended that this consultant work with Rochester College.

Mr. Delacourt acknowledged that the College will be notified of all meetings whether or not the motion is carried.

Mr. Barnett asked City Attorney Staran for a procedural clarification.

Mr. Staran stated that procedurally the Council is correct. There are ordinance and state law requirements that do not allow the Council to act on this matter tonight. The process must be followed.

Mr. Barnett asked Mr. Delacourt if he thought hiring a \$3,000 consultant would assist in moving this process forward in terms of the timeframe.

Mr. Delacourt estimated that utilizing a consultant would reduce the time to conduct the preliminary report by half.

Mr. Duistermars asked the City Clerk the date of the last regular meeting in December.

Ms. Beverly Jasinski, City Clerk, noted that the meeting would be held December 10, 2003.

Mr. Gaber, after establishing that the elimination of the historic district would result in the need for an ordinance amendment and, thus, a first and second reading, requested that anything Council could do to expedite the process would be greatly appreciated.

Ms. Holder questioned why the issue could not be brought back before Council in November if utilizing a consultant would reduce the research process by half.

Ms. Hill acknowledged that the issue could return in November, but it was unlikely.

President Dalton stated that the first Regular Meeting in November would be held on the 5th and a Special Meeting could be scheduled for November 12th. The next Regular Meeting would be held on November 19th: the first meeting of the new Council.

Ms. Golden noted that, ordinarily, she would not support the expenditure for the consultant, but felt that it was necessary to expedite the study.

Mr. Delacourt explained that, in terms of the time frame of the process, the actual research study was not the issue. He stressed that the time consuming aspect of the process is the required sixty (60) day waiting period followed by the two (2) week Public Hearing Notice time period.

Resolution A0671-2003-R0220

MOTION by Hill, seconded by Golden,

Whereas, Rochester College requests City Council to consider the elimination of the noncontiguous locally designated historic district owned by the college.

Resolved, that City Council refers the request by Rochester College to eliminate the college's designation as a noncontiguous historic district to the Historic District Study Committee for investigation, public hearing, and report pursuant to Chapter 118, Division 4 of the Code of Ordinances.

Further Resolved, that Council directs the Study Committee to submit its final report concerning Rochester College's request to the City Council of Rochester Hills on or before its last meeting of December 2003 (December 10, 2003).

Further Resolved, that Council directs the Administration to hire a professional consultant to assist with the preliminary report utilizing funds in an amount not to exceed \$3,000.

Further Resolved, that the Historic Districts Study Committee is directed to work with Rochester College representatives, notify them of all Study Committee meetings and assist in the process.

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

MOTION CARRIED

(Recess from 10:28 p.m. to 10:35 p.m.)

15. ORDINANCE ADOPTION

15a. Acceptance for Second Reading - an Ordinance to amend Section 30-29 of Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify tax exemption provisions relating to the Cliffview Apartments, and repeal conflicting ordinances (A0631)

Resolution A0631-2003-R0221

MOTION by Duistermars, seconded by Holder,

Resolved that an Ordinance to amend Section 30-29 of Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify tax exemption provisions relating to the Cliffview Apartments, and repeal conflicting ordinances is hereby accepted for **Second Reading** and shall become

effective on Friday, June 27, 2003, the day following its publication on Thursday, June 26, 2003 in the *Rochester Eccentric* newspaper.

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

MOTION CARRIED

(Golden entered at 10:37 p.m.)

15b. Acceptance for First Reading - an Ordinance to amend Sections 54-741 through 54-806 of Article XII, Utilities of Chapter 54, Fees of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting ordinances, and prescribe a penalty for violations

Mr. Spaman reported that Financial Services recommended proposed changes to the Ordinance, which were then reviewed and prepared by Attorney Staran. He further noted that this item was discussed at a previous City Council Work Session and that, if approved, the rates will become effective July 1, 2003 with changes appearing on the August water bills.

Resolution A0119-2003-R0222

MOTION by Barnett, seconded by Holder,

Resolved that an ordinance to amend Sections 54-741 through 54-806 of Article 12, Utilities, of Chapter 54, Fees of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify water and sewer rates and the fees effective July 1, 2003 and repeal conflicting ordinances be accepted for **First Reading**.

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

MOTION CARRIED

15c. Acceptance for First Reading - an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations, repeal conflicting ordinances and prescribe a penalty for violations (A0672)

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, stated that although requests for compromise were made for people with large lots, Council has not furnished any long-term solutions for residents who live on those lots. Mr. Zendel further noted that Council only deferred the ban on leaf burning for two (2) years and needs to provide a long-term solution for residents who own large lots.

Mr. Alex Kiwior, 1860 Crestline Road, stated that the proper way to dispose of fallen leaves is to mulch them. He explained how to properly use a mulching lawn mower. He noted that mulch fertilizes the lawn, therefore requiring less watering. Mr. Kiwior request Council adopts the recommendation of the Burning Ad Hoc Committee and that there is no need to phase out burning rather than ban all burning immediately.

Ms. Sue Hesson, 1853 Mackwood, stated that mulching does work if done properly. Ms. Hesson further requested confirmation that the fees for the permits and November burning are just for leaves and not for burning branches and brush. She further suggested Council consider extending the allowable burning time frame longer to avoid burning wet leaves.

COUNCIL DISCUSSION:

Ms. Holder stated that she does not see the ordinance amendment as a compromise, but rather a consideration to residents with large lots to provide them three (3) years to determine how they will address disposing of their leaves. She noted that changes to ordinances arise as the City grows.

Mr. Duistermars referenced the Monument Sign Ordinance, noting people were given ten (10) years to comply because of the expense. He stated that he feels three (3) years is too short a time to ask people to make the change from burning leaves to other options. Mr. Duistermars stated that Council should possibly consider lengthening the burning season to assist the residents. He further noted that State law does not allow the burning of brush and tree limbs, but allows leaf burning, noting the community is proposing the opposite.

Ms. Hill requested confirmation that the twenty-five dollar (\$25.00) permit fee was for any type of burning and clarification regarding debris that could and could not be burned. She noted the State does not allow brush and debris burning, yet the City has not been enforcing that regulation.

Ms. Holder inquired if burning in fireplaces would require a permit.

Chief Walterhouse responded that residents could burn seasoned firewood and commercial firewood and charcoal in an outdoor barbecue pit.

Council Member Duistermars made a motion to extend the burning dates to five (5) weeks prior to Thanksgiving and one (1) week after Thanksgiving; motion died for a lack of support.

A motion was made by Member Holder, supported by Barnett, to accept for First Reading an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations, repeal conflicting ordinances and prescribe a penalty for violations.

Ms. Hill expressed concern in regards to defining the size of leaf piles, noting one is not going to inspect the size prior to someone burning. She further stated that if a complaint is filed, there is

no way to determine the initial size of the pile. Ms. Hill suggested the leaf pile size be removed from the ordinance since it is unenforceable.

Chief Walterhouse stated that there are two (2) reasons leaf pile size was included in the proposed amendment:

1. There have been complaints regarding people with permits burning extremely large or multiple leaf piles.
2. There have been concerns regarding smoke when burning leaf piles smolder.

Chief Walterhouse stated that he had no objection if Council wanted to change this part of the Ordinance.

Ms. Hill stated that she would like to see Council provide input to the City Attorney, who in turn would prepare the changes and then bring the amendment back on a future agenda.

President Dalton stated that the amendments would not be enforceable until November. He requested Council provide their concerns and suggestions in writing to the Fire Chief who would then work with the City Attorney to prepare the necessary changes to be brought back to Council at a future date.

Ms. Holder withdrew her motion; Mr. Barnett withdrew his support.

Resolution A0672-2003-R0223

MOTION by Holder, seconded by Barnett,

Resolved to **postpone** consideration of an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations, repeal conflicting ordinances and prescribe a penalty for violations.

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

MOTION CARRIED

16. REPORTS AND COMMUNICATIONS

16a. Recommendation from Administration and Information Services regarding Salaries for 2004 Budget Year (A0014)

Ms. Hill stated that the Administration and Information Services Committee (AIS) was charged with bringing forward the suggested compensations for the Mayor, City Council,

Directors, and Boards and Commissions. She noted the proposed resolutions included in the packet are those of the AIS committee.

(i) Mayor

Ms. Hill reported that the AIS committee recommends the Mayor's salary for 2004 stay the same as in 2003 and that the fringe benefits remain in place.

Resolution A0014-2003-R0224

MOTION by Hill, seconded by Duistermars,

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves the rate of the compensation for the Mayor of Rochester Hills, in the form of a yearly salary, for Fiscal Year 2004 remain the same as Fiscal Year 2003 as follows:

\$95,887.19

Be It Further Resolved, that fringe benefits continue to apply.

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

MOTION CARRIED

(ii) City Council

Ms. Hill reported that the AIS committee recommends City Council's compensation for 2004 remain the same as 2003 with no increase.

Resolution A0014-2003-R0225

MOTION by Hill, seconded by Barnett,

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves the compensation for the Rochester Hills City Council, in the form of a yearly salary for the 2004 Fiscal Year remain the same as Fiscal Year 2003 as follows:

City Council President - \$7,850.48/year

City Council Member - \$6,577.43/year

Be It Further Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby

approves that City Council Members shall receive per diem compensation in the amount of Sixty Dollars (\$60.00) for attendance at any meeting, for which they are appointed as a Council Representative, in excess of Fifty (50) meetings per year.

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

MOTION CARRIED

(iii) Directors

(a) General Adjustment

Ms. Hill stated the AIS committee is recommending a two percent (2%) increase for the Director's General Adjustment.

President Dalton stated that he voted "no" on this item at the AIS Meeting because all other employees are receiving a two and one-half (2.5%) percent increase and feels that the directors in fairness should receive the same increase.

Ms. Holder stated that this recommendation is in line with the Wage and Class Study, noting that some directors have received adjustments to their salaries based on the study.

Ms. Hill stated that Council approves the contracts but is not responsible for recommending the salary for the Directors. She stated that it was felt that overall the Directors reside in a different class. She further noted that in the private sector, due to the current economic climate, many employees are not receiving raises. She stated she feels Council has done a fair job over the years at maintaining cost of living increases and commissioning the Wage and Class Study in an effort to maintain appropriate levels of compensation. However, because of the economic times, she stated she felt two percent (2%) is fair, noting this is reviewed on an annual basis.

Resolution A0014-2003-R0226

MOTION by Hill, seconded by Barnett,

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves a Two Percent (2%) increase for Directors' General Adjustment in salaries for the Fiscal Year 2004, bringing total base salary pool for Directors to Eight Hundred Sixty Seven Thousand One Hundred Seventy Dollars (\$867,170.00).

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

MOTION CARRIED

(b) Equity Adjustment

Ms. Hill noted that this is the second half of the wage and class recommendation that was to be spread over two (2) years.

Resolution A0014-2003-R0227

MOTION by Hill, seconded by Duistermars,

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves an Equity Adjustment Pool for Directors' base salaries of Twenty Seven Thousand, Nine Hundred Eighty Six Dollars (\$27,986.00) that would bring the Equity Pool total to Eight Hundred Fifty Thousand, One Hundred Sixty Seven Dollars (\$850,167.00), for the Fiscal Year 2004.

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

MOTION CARRIED

(c) Variable Performance Pool

Ms. Hill stated that the Discretionary Pool came out of the Wage and Class Study and allows the Mayor an opportunity to provide bonuses or merit raises. She explained Council allocates money for the pool, but it is left to the Mayor's discretion whether the monies will be used, noting that no monies were used last year and were not carried over to this year. Therefore, Council needs to establish the pool again.

Resolution A0014-2003-R0228

MOTION by Hill, seconded by Duistermars,

Now Therefore Be It Resolved, that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves a Variable Performance (Discretionary) Pool for Directors' of Twenty Thousand Dollars (\$20,000.00) be established to provide for flat bonus pay, separate from base pay, for the Fiscal Year 2004.

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

MOTION CARRIED

(iv) Boards and Commissions

Resolution A0014-2003-R0229

MOTION by Hill, seconded by Barnett,

Now Therefore Be It Resolved, That the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and hereby approves the rate of pay for the Boards and Commissions for the Fiscal Year 2004 Budget remain the same as 2003 and be set at Seventy Five Dollars (\$75.00) for the Chairperson, and Sixty Five Dollars (\$65.00) for the Members per meeting.

Building Authority
Construction/Fire Prevention Code Board of Appeals
Economic Development Corporation
Historic Districts Commission
Planning Commission
Zoning Board of Appeals/Sign Board of Appeals

Further Resolved, that the per diem fee for the 2004 Fiscal Year for the Members of the Board of Review remain the same as 2003 and be set at One Hundred (\$100.00) Dollars per meeting attended.

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

MOTION CARRIED

16b. Receive and File Report from Financial Services Committee regarding Delinquent Charges/Tax Assignment Fee (A0456)

Resolution A0456-2003-R0230

MOTION by Golden, seconded by Barnett,

Resolved that the Rochester Hills City Council hereby receives and files the report of the Financial Services Committee regarding delinquent charges/tax assignment fee.

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

MOTION CARRIED

17. ADMINISTRATION

17a. Request to Establish and Construction Chapter 20 Drain

- (i) East Ferry Drain, located in Section 35 (A0662)

Mr. Moore stated the drain is located in the area of Michelson and John R, east of the proposed road improvement on John R and Michelson. He noted this project is the 2004 Capital Improvement Plan and will cost 1.36 Million dollars

Resolution A0662-2003-R0231

MOTION by Hill, seconded by Duistermars,

Be It Resolved by the City Council of the City of Rochester Hills as follows:

1. The City of Rochester Hills (the "City") shall make and cause to be filed a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR
THE HEREINAFTER MENTIONED
OAKLAND COUNTY, MICHIGAN
DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain to be located in Section 35 and 36, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, approximately as follows:

Main Branch

Beginning at a Point "A", said point being at the intersection of the Ferry Drain and Michelson Drive, and lying 800 feet, more or less, Northerly and 1,400 more or less, Westerly of the Southeast Corner of Section 35, T.3N, R.11E, City of Rochester Hills (Avon Township); thence Easterly 300 feet, more or less, along Michelson Drive, to the intersection of Michelson Drive and Bendelow Drive to a Point "B"; thence continuing Easterly 1,100 feet, more or less, along Michelson Drive, to the intersection of Michelson Drive and John R Road to a Point "C"; thence Northerly 1,150 feet, more or less, along John R Road, to a Point "D", said Point "D" being the intersection of John R Road and Enfield Street; thence continuing Northerly 2,450 feet, more or less, along John R Road, to a Point "E", being the Point of Ending of said Main Branch and lying Southerly 200 feet, more or less, from the Northeast Corner of said Section 35;

South Branch

Also, continuing from said Point "C" Easterly 900 feet, more or less, along Michelson Drive to a Point "F", being the Point of Ending of said South Branch;

East Branch

Also, continuing from said Point "D" Easterly, 300 feet, more or less, along Enfield Street to a Point "G", being the Point of Ending of said East Branch;

North Branch

Beginning at a Point "H", said point being the intersection of the Ferry Drain and Auburn Road, lying 1000 feet, more or less, Westerly of the intersection of Auburn Road and John R Road and the Northeast Corner of Section 35, T.3N, R.11E, City of Rochester Hills (Avon Township); thence Easterly 100 feet, more or less, along Auburn Road, to the intersection of Auburn Road and Bendelow Drive to a Point "I"; thence continuing Easterly 800 feet, more or less, along Auburn Road, to a Point "J", said point being the Point of Ending of said North Branch and lying 100 feet, more or less, Westerly of said Northeast Corner of Section 35;

Northeast Branch

Also, continuing from said Point "I" Southerly 500 feet, more or less, along Bendelow Drive to a Point "K", being the Point of Ending of the said Northeast Branch;

West Branch

Also, continuing from said Point "B" Northerly 2700 feet, more or less, along Bendelow Drive to a Point "M", being the Point of Ending of the said West Branch;

which drain is necessary for the public health and will be located entirely within the limits of the City of Rochester Hills, County of Oakland, State of Michigan.

This petition is filed pursuant to the provisions of Sections 462, 463 and 486 of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood and agreed that the entire cost of said drain is to be assessed against the City of Rochester Hills except for assessments against the County of Oakland and the State of Michigan for benefits related to the drainage of County and State highways, if any.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

CITY OF ROCHESTER HILLS

By: _____

Its: Mayor
And: _____
Its: Clerk

2. The Mayor and the City Clerk are authorized and directed to execute the petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Oakland.
3. Based upon the presentation made by the Department of Public Services before the City Council and further based upon recommendations by Hubbell, Roth and Clark in accordance with its February 1996 drainage study, the City Council concludes that construction of the drain is necessary to provide for the public health and safety, as well as to correct ponding within the traveled roadway, promote a safe and stable road base, and also help alleviate flooding and ponding of water on private property.
4. The City consents to the assessment of the entire cost of the drain (except for assessments against the County of Oakland and the State of Michigan for benefits related to the drainage of County and State highways, if any) against the City.
5. The City agrees that it will pay its share of the costs incurred by the Oakland County Drain Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.
6. The City Clerk is authorized to file with the Michigan Department of Treasury a notice of intent to issue an obligation in connection with the bonds to be issued by the Drainage District to be established pursuant to the petition herein authorized.
7. The Mayor, the City Clerk and the Treasurer are authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor, the Clerk or the Treasurer is authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.
8. The Mayor, the City Clerk and the Treasurer are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City, for the benefit of the holders of the bonds to be issued by the Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

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

MOTION CARRIED

(ii) North Stony Creek Drain, located in Section 4 (A0668)

Mr. Roger Moore, Professional Surveyor, stated that this drain is located at the end of the pavement of Sheldon Road and runs north and will pick up the runoff. He noted that if the City is going to do water and sewer work in the area, the drain should also be done.

Resolution A0668-2003-R0232

MOTION by Golden, seconded by Duistermars,

Be It Resolved by the City Council of the City of Rochester Hills as follows:

The City of Rochester Hills (the "City") shall make and cause to be filed a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR
THE HEREINAFTER MENTIONED
OAKLAND COUNTY, MICHIGAN
DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain to be located in Section 2, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, approximately as follows:

Commencing from the Northeast Corner of Section 2, T.3 N., R.11E., City of Rochester Hills (Avon Township); thence Westerly 2,600 feet, more or less, and Northerly 25 feet, more or less, to the Point of Beginning "A", said point being approximately 25 feet Easterly and 25 feet Northerly of the intersection of Sheldon and Mead Roads; thence Southerly 1,750 feet, more or less, along a line parallel to and 25' Easterly of the centerline of Sheldon Road to a Point "B", said point lying on the extended northerly right-of-way line of Blue Beech Road; thence continuing Southerly 640 feet, more or less, along a line parallel to and 25' Easterly of the centerline of Sheldon Road to a Point "D", said point being at an existing enclosed storm drain located within the right-of-way of Clear Creek Road; thence Southerly 170 feet, more or less, along a line parallel to and 25' Easterly of the centerline of Sheldon Road to a Point "E"; thence Southerly 260 feet, more or less, to an ending Point "G", said point being approximately 25 feet Easterly of the centerline of Sheldon Road;

Also, beginning at said Point "E"; thence Easterly, approximately 300 feet, to an existing watercourse and a Point "F"; thence Southerly, approximately 650 feet, along the existing watercourse to a proposed detention basin and a Point "H", said point being Westerly 2,200 feet, more or less, and Southerly 350 feet, more or less, from the East ¼ Corner of said Section 2, City of Rochester Hills (Avon Township); thence Southeasterly 450 feet, more or less, across a proposed detention basin to a Point "I", said point being Westerly 1,840 feet, more or less, and Southerly 550 feet, more or less, from said East ¼ Corner; thence Easterly, approximately 870 feet, along an existing watercourse to existing triple culverts located under Clear Creek Road and an ending Point "J", said point being Southerly 550 feet, more or less, and Westerly 1,130 feet, more or less, from said East ¼ Corner of Section 2;

Also, beginning at said Point "B", thence Westerly 80 feet, more or less, across Sheldon Road to an ending Point "C", said point lying within the right-of-way of Blue Beech Road;

which drain is necessary for the public health and will be located entirely within the limits of the City of Rochester Hills, County of Oakland, State of Michigan.

This petition is filed pursuant to the provisions of Sections 462, 463 and 486 of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood and agreed that the entire cost of said drain is to be assessed against the City of Rochester Hills except for assessments against the County of Oakland and the State of Michigan for benefits related to the drainage of County and State highways, if any.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

CITY OF ROCHESTER HILLS

By: _____
Its: Mayor

And: _____
Its: Clerk

2. The Mayor and the City Clerk are authorized and directed to execute the petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Oakland.
3. Based upon the presentation made by the Department of Public Services before the City Council and further based upon recommendations by Hubbell, Roth and Clark in accordance with its March 22, 2001 drainage study, the City Council concludes that construction of the drain is necessary to provide for the public

health and safety, as well as proper drainage for the roadway and private property in this developing area.

4. The City consents to the assessment of the entire cost of the drain (except for assessments against the County of Oakland and the State of Michigan for benefits related to the drainage of County and State highways, if any) against the City.
5. The City agrees that it will pay its share of the costs incurred by the Oakland County Drain Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.
6. The City Clerk is authorized to file with the Michigan Department of Treasury a notice of intent to issue an obligation in connection with the bonds to be issued by the Drainage District to be established pursuant to the petition herein authorized.
7. The Mayor, the City Clerk and the Treasurer are authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor, the Clerk or the Treasurer is authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.
8. The Mayor, the City Clerk and the Treasurer are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City, for the benefit of the holders of the bonds to be issued by the Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

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

MOTION CARRIED

17b. Request for Purchase Authorization - DPS: 2003 Pathway Rehabilitation Project (A0667)

- (i) **Construction Inspection and Material Testing Services Agreement** in the amount not to exceed \$20,000; Schleede Hampton Associates Inc., Birmingham, MI

Resolution A0667-2003-R0233

MOTION by Barnett, seconded by Golden,

Whereas, a quality based selection process was used to determine which engineering firm was best suited to provide Inspection and Material Testing Services for the City of Rochester Hills; and

Whereas, Schleede Hampton Associates, Inc. proposal includes project technical supervision, sensitivity and knowledge of local conditions. The proposal includes an estimate of time and cost for the projects; and

Whereas, that Schleede Hampton Associates, has successfully provided services to the City over the years; and

Resolved, that the Rochester Hills City Council awards the Construction Inspection and Material Testing Services Agreement between Schleede Hampton Associates, Inc. and the City of Rochester Hills for the 2003 Pathway Rehabilitation Project in the amount not-to-exceed \$20,000.00 and to authorize the Mayor and Clerk to execute a contract on behalf of the City.

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

MOTION CARRIED

(ii) **Contract for 2003 Pathway Rehabilitation Program** in the amount not-to-exceed \$148,855.81; Pro-line Asphalt Paving Corporation, Washington, MI

Resolution A0667-2003-R0234

MOTION by Duistermars, seconded by Barnett,

Whereas, on June 10, 2003 the City received four (4) sealed bids for. Pro-Line Asphalt Paving Corporation submitted the lowest responsive, responsible bid in the amount of \$148,855.81; and

Whereas, the bid received from Pro-Line Asphalt Paving Corporation is approximately 12% below the engineering cost estimate.

Resolved, that the Rochester Hills City Council awards the contract for 2003 Pathway Rehabilitation Project to Pro-Line Asphalt Paving Corporation in the amount of \$148,855.81 and to authorize the Mayor and Clerk to execute a contract on behalf of the City.

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

Nays: None
Absent: Robbins

MOTION CARRIED

18. COUNCIL COMMITTEE REPORTS

Council had nothing to report.

19. NEW BUSINESS

19a. Adoption of Resolution to cancel Wednesday, July 2, 2003 Regular City Council Meeting

Resolution A0007-2003-R0235

MOTION by Duistermars, seconded by Golden,

Resolved that the Rochester Hills City Council hereby **cancel**s the July 2, 2003 Regular Meeting pursuant to the *City Council Rules of Procedure*, Article III, Section .01(c)(ii),

Further Resolved that the City Clerk shall provide proper notice of the Meeting Schedule change pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended

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

MOTION CARRIED

20. ANY OTHER BUSINESS

Ms. Holder inquired when Council members in the past have attended the Mayor's Dinner.

Ms. Hill indicated that she spoke with a Mayor from another municipality who noted that usually the Council of the hosting City is invited to the Mayor's dinner. She noted that it was nice that Council Members were present to welcome the other municipalities to the Mayor's Dinner and that the State Representative provided an informative update.

Ms. Holder requested the Clerk provide her with the guidelines for review of the Council appointed positions, specifically Clerk, Treasurer and City Attorney.

Ms. Hill suggested this topic could be a possible agenda item for the AIS Committee.

21 NEXT MEETING DATE - Wednesday June 25, 2003 - 7:30 p.m. - Regular City Council Meeting

22. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 10:40 PM.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET A. STRATE
Administrative Secretary
City Clerk's Office

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills