



Rochester Hills Minutes City Council

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

Wednesday, August 18, 2004

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:34 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Pat Somerville, Mayor
John Staran, City Attorney
Jane Leslie, Deputy Clerk
Ed Anzek, Director of Planning/Development
Dan Casey, Economic Development Manager
Julie Jenuwine, Interim Finance Director
Roger Rouse, Director of DPS/Engineering*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Agenda for the Regular City Council Meeting of Wednesday, August 18, 2004 be approved with the following amendments:

Add under ATTORNEY MATTERS:

2004-0698 - Adoption of Resolution to adjourn to Closed Session to discuss an Attorney/Client privileged communication

Remove from UNFINISHED BUSINESS:

2004-0213 - Discussion Regarding Directors' Bonuses

A motion was made by Hill, seconded by Barnett, to Approve Agenda as Amended. The motion carried by the following vote:

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

PUBLIC COMMENT

President Dalton yielded the floor to Ms. Raschke who announced that a local resident, Mr. Peter Vanderkaay, had won a Gold Medal at the Athens Olympics. Ms. Raschke also described having attended a Rochester Grangers baseball game, explaining that they play in authentic 1864 uniforms and follow the rules of the game from that era. She indicated that their final two games would be played on September 18th and October 2nd and encouraged residents to contact the Van Hoosen Museum for more information. She then asked that everyone keep the men and women serving in the Armed Forces in their thoughts.

Mr. Dan Keifer, 719 Fieldstone, a member of the Save Open Space in Rochester Hills Organization, who brought the request for the Open Space millage proposal to the City Council, noted that several residents have expressed the belief that there is very little

open space left to preserve in the City. He announced that his organization would be staging walking tours in the community to highlight the spaces left that need preserving. He encouraged interested parties to call 248-651-4439 for more information, noting the following dates and times for walking tours:

* Saturday, August 28 - 9:00 AM - Riverbend Park

* Saturday, September 4 - 9:00 AM - Clinton River corridor below Bloomer Park

* Saturday, September 11 - 9:00 AM - Clinton River Trail along the river corridor west of Livernois

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Dalton read into the record a letter he had received regarding the recently revised Sign Ordinance from Mr. Sam Harris, owner of the Gold Star Restaurant, thanking the Council for "your patience, wisdom, insight and willingness to listen to business operators within the community." President Dalton also acknowledged the achievement of Peter Vanderkaay at the Athens Olympics, and asked Mayor Somerville to determine a way for the City to "roll out the red carpet" for Mr. Vanderkaay. President Dalton announced that City Treasurer Kurt Dawson had been awarded the Certified Public Finance Administrator credential for 2003/2004 by the Association of Public Treasurers of the United States and Canada, and praised Mr. Dawson for his service to the City.

Mayor Somerville indicated that her office would organize a suitable reception for Mr. Vanderkaay to celebrate and acknowledge his Olympic Gold Medal achievement. She concurred with President Dalton in his praise of City Treasurer Kurt Dawson, stating, "I wish I had fifty more Mr. Dawsons."

Ms. Holder also praised Mr. Dawson and thanked Mr. Harris for his "kind comments." She then informed residents that she and President Dalton were being targeted by City residents for an attempted recall election.

Mr. Barnett expressed his pride that a member of the Rochester Hills community had earned a Gold Medal at the Athens Olympics. He then praised the work of "some pretty creative people" with RARA and the OPC in creating new ways for these two organizations to work together to service the residents of Rochester Hills.

Mr. Duistermars, Ms. Hill and Mr. Robbins all praised Mr. Vanderkaay for his Olympic accomplishment.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

2004-0698

Adoption of Resolution to adjourn to Closed Session following "Any Other Business" to discuss an Attorney/Client privileged communication

Attachments: 0689 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to adjourn to Closed Session, following "Any Other Business" at tonight's meeting (August 18, 2004) as permitted by State Statute MCLA 15.268, for the purpose of discussing an Attorney/Client privileged communication. Council will return to open session at the conclusion of the Closed Session.

The motion carried by the following vote:

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

Enactment No: RES0268-2004

CONSENT AGENDA

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

2004-0657 Approval of Minutes - Regular City Council Meeting - June 2, 2004

Attachments: Minutes CC Reg 060204.pdf; 0657 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on June 2, 2004 be approved as presented.

Enactment No: RES0269-2004

2004-0658 Approval of Minutes - Regular City Council Meeting - June 16, 2004

Attachments: Minutes CC Reg 061604.pdf; 0658 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on June 16, 2004 be approved as presented.

Enactment No: RES0270-2004

2004-0635 Approval of Winter Maintenance Agreement for 2004-2005 for Livernois Road between the City of Rochester Hills and the Road Commission for Oakland County

Attachments: Agenda Summary.pdf; Winter Maintenance Agreement, 2004-2005[1].pdf; 0635 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that the Rochester Hills City Council approve the 2004-2005 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County. The Agreement shall provide that the City of Rochester Hills perform winter maintenance on Livernois Road between South Boulevard and Tienken Road and be compensated by RCOG at the following reimbursement rates:

.85 miles at \$3,005.07 per mile	\$ 2,554.31
2.72 miles at \$4,263.68 per mile	\$11,597.21
1.51 miles at \$5,258.87 per mile	\$ 7,940.89

Total	\$22,092.41

Be It Further Resolved that the Rochester Hills City Council authorize the Mayor and Clerk to execute the Agreement on behalf of the City of Rochester Hills.

Enactment No: RES0271-2004

2004-0648

Acceptance of the Sanitary Sewer Easement granted by Gulf Northbrooke, L.L.C., for Parcel Nos. 15-33-128-003 and 15-33-128-004

Attachments: Agenda Summary.pdf; Easement.pdf; 0648 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer easement granted by Gulf Northbrooke, L.L.C., a Michigan limited liability company, of 210 Town Center Drive, Troy, Michigan 48084 for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer Easement over, on, under, through and across land more particularly described as Parcel #'s 15-33-128-003; and 15-33-128-004.

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

Enactment No: RES0272-2004

2004-0653

Acceptance of the Watermain Easement granted by Gulf Northbrooke, L.L.C., for Parcel Nos. 15-33-128-003 & 15-33-128-004

Attachments: Agenda Summary.pdf; Easement.pdf; 0653 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Watermain easement granted by Gulf Northbrooke, L.L.C., 210 Town Center Drive, Troy, Michigan 48084 for the construction, operation, maintenance, repair and/or replacement of a Watermain easement over, on, under, through and across land more particularly described as Parcel Numbers 15-33-128-003 and 15-33-128-004.

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

Enactment No: RES0273-2004

2004-0654

Acceptance of Warranty Deed for the Dedication of the Public Road Right of Way granted by Gulf Northbrooke, L.L.C. for Parcel Nos. 15-33-128-003 and 15-33-128-004

Attachments: Agenda Summary.pdf; Warranty Deed.pdf; 0654 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed for the Dedication of the Public Road Right of Way granted by Gulf Northbrooke, L.L.C., a Michigan limited liability company, whose address is 210 Town Center Drive, Troy, Michigan 48084 known as Parcel Nos. 15-33-128-003 and 15-33-128-004 to the City of Rochester Hills, a Municipal Corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309.

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

Enactment No: RES0274-2004

2004-0666

Request for Purchase Authorization - DPS/ENGINEERING: Annual Pavement Marking Program - 2004, contract in the amount of \$25,423.70; P. K. Contracting, Inc, Troy, MI

Attachments: Agenda Summary.pdf; BID TABS 2004.pdf; Pavement Marking Inventory 2004.pdf; 0666 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolve, that the Rochester Hills City Council award the contract for the 2004 Pavement Marking Program to P. K. Contracting, Inc. of Troy, Michigan as the lowest responsive, responsible bidder in the not-to-exceed amount of \$25,423.70.

Enactment No: RES0275-2004

2004-0670

Request for Purchase Authorization - FIRE: Fire Station No. 4 Roof Replacement, purchase order in the amount of \$33,940.00; Crane Roofing, Inc., Pontiac, MI

Attachments: Agenda Summary.pdf; Bid Tabulation.pdf; 0670 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved, that the Rochester Hills City Council hereby approves a purchase order to Crane Roofing, Inc., Pontiac, Michigan for Fire Station No. 4 roof replacement in the amount not-to-exceed \$33,940.00 as the lowest, responsive, responsible bidder.

Enactment No: RES0276-2004

Passed The Consent Agenda

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

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

PUBLIC HEARINGS

2004-0605

Public Hearing on the Establishment of a Joint Local Development Finance Authority with the City of Auburn Hills

Attachments: Agenda Summary-Resolution of Intent to Establish.pdf; notice PH 20040818.pdf; Map Smartzone.pdf; Timeline.pdf; Legal Description of RH CTP.pdf; AH smartzone map 7-12[1].pdf; Agenda Summary-to set Public Hearing.pdf; AH Legal Description.pdf; 0605 Resoluti

Mr. Dan Casey, Economic Development Manager, briefly explained that in December 2002 the City of Rochester Hills and the State of Michigan signed an agreement establishing a Certified Technology Park (CTP) in the City of Rochester Hills. At the encouragement of Oakland University, the City now seeks to enter into an agreement with the City of Auburn Hills to form a Joint Local Development Finance Authority (LDFA). Mr. Casey provided a Power Point presentation explaining the process:

SmartZone Overview: What is a SmartZone?

A. Statewide economic development strategy

B. Effort to establish and grow new business ventures

C. Network that combines government, industry and educational resources

D. Partnership

Joint LDFA Overview: What is a Joint LDFA?

- A. LDFA that spans two or more municipalities

- B. Three currently exist
 - 1. Houghton & Hancock
 - 2. Ann Arbor & Ypsilanti
 - 3. Southfield & Troy

Joint LDFA Overview: Joint LDFA vs Traditional LDFA

- A. Two or more municipalities

- B. Captures mills in the same manner

- C. Captures up to 50% of school mills for up to 15 years
 - 1. Schools are reimbursed

- D. Jurisdictions cannot opt out

- E. All uses in the Certified Technology Park (CTP) are eligible for capture

- F. Board makeup

Joint LDFA: Other Considerations

- A. Oakland County Board of Commissioners must approve

- B. MEDC must agree to amend CTP Agreement

- C. Cooperative Agreement

Joint LDFA Functions

- A. Write TIF and Development Plans
 - 1. School capture requires State Treasurer's ratification
 - 2. Municipalities retain autonomous control over captured taxes

- B. Hire an executive director

- C. Conduct annual audits

- D. Acquire, sell or lease property

TIF Funding of Projects

- A. Demolition, site prep or site fill

- B. Road improvement extensions

- C. Water and Sewer
- D. Fiber optic upgrades
- E. Incubator facilities
- F. Property acquisition
- G. Administration - Ex. Director, Marketing & Audits

Joint LDFA Goals

- A. Regionalism
- B. Support Oakland University
 - 1. Combines resources to fund business incubation activities
 - 2. Technology park
- C. Support Automation Alley efforts
- D. Support State of Michigan efforts

Mr. Casey then introduced Mr. Victor Zambardi, General Counsel and Secretary to the Board of Trustees of Oakland University, 203 Wilson Hall, Rochester Hills, representing University President Gary Russi. Mr. Zambardi noted that Oakland University is committed to supplying the joint program with access to the University's faculty, laboratories and all facilities, including their fourteen (14) centers of institutes of research. He indicated that the University believes this program "will enhance Oakland University's applied research capabilities."

Mr. Ranald Hansen, Oakland University, 520 O'Dowd Hall, Rochester Hills, stressed that the University is "spinning out companies" and would like to do that locally in partnership with Rochester Hills and Auburn Hills. He indicated that Oakland University wishes to augment technology-led economic development.

Mr. Dan Hunter, Planning and Economic Development Manager with Oakland County Planning, 1200 North Telegraph Road, Pontiac, explained it is his job to "sell and market Oakland County around the World." He indicated that programs that "cut across and bring communities together" such as a SmartZone and Automation Alley, are the "wave of the future."

President Dalton Opened the Public Hearing at 8:18 p.m.

There being no public comment, President Dalton Closed the Public Hearing at 8:19 p.m.

Mr. Barnett expressed his support for the venture and assured residents that no taxes will be lost during this process. He indicated that the agreement will provide an advantage to the City of Rochester Hills when pursuing new businesses for the community.

President Dalton stressed that the agreement would create jobs.

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

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

WHEREAS, Public Act 281 of 1986 provides for the establishment of local development finance authorities as well as joint authorities and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; and to authorize and permit the use of tax increment financing, and

WHEREAS, Section 3 (2) of Act 281 [MCL 125.2153] provides that a municipality may join with one or more other municipalities located within the same county to establish a joint authority under the Act, and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority, and

WHEREAS, the City Council of the City of Rochester Hills on July 21, 2004 approved a resolution of intent to hold a public hearing on August 18, 2004 to create a Joint Local Development Finance Authority and establish boundaries, and

WHEREAS, the City Council of the City of Auburn Hills on July 19, 2004 approved a resolution of intent to hold a public hearing on August 23, 2004 to create a Joint Local Development Finance Authority and establish boundaries, and

WHEREAS, notice of the City of Rochester Hills's public hearing was published on July 25, 2004 and July 30, 2004 in a newspaper of general circulation in the City of Rochester Hills, and notice of the hearing also was mailed on July 22, 2004 to the property tax payers of record in the proposed Authority District, and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that municipalities creating a joint authority shall enter into an agreement that includes provisions governing the number of members on the board, the method of appointment, the members to be represented by governmental units or agencies, the terms of initial and subsequent appointments to the board, the manner in which a member of the board may be removed for cause before expiration of his or her term, the manner in which the authority may be dissolved, and the disposition of assets upon dissolution, and

WHEREAS, Section 12 (10) of Act 281 [MCL 125.2162a] provides that the municipalities that have made a pledge to support the authority's tax increment bonds may approve by resolution an agreement among themselves establishing obligations each may have to the other party or parties to the agreement for reimbursement of all or any portion of a payment made by a municipality related to its pledge to support the authority's tax increment bonds, and

WHEREAS, the Council of the City of Rochester Hills authorizes the establishment of a Joint Local Development Finance Authority pending the approval of a Resolution of Intent by the Council of the City of Auburn Hills, and

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

WHEREAS, a public hearing was held in the City Council Chambers at 1000 Rochester Hills Dr. in the City of Rochester Hills at 7:30 p.m. on August 18, 2004

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

BE IT FUTHER RESOLVED that the Council of the City of Rochester Hills does hereby adopt a Resolution of Intent to create a joint local development finance authority with the City of Auburn Hills pursuant to Public Act 281 of 1986, pending the approval by its Council of a Resolution of Intent, and

BE IT FURTHER RESOLVED that the City of Rochester Hills's boundaries of the Joint Local Development Finance Authority District are coterminous with the boundaries of the Rochester Hills Certified Technology Park, further described as:

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

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

Also that part of section 19, 21, 28, 29 and 30 described as beginning at the southwest corner of said section 30; thence northerly along said west line of section 30 to the northwest corner of said section 30; thence North 00 degrees 22 minutes 28 seconds West, 225 feet along the west line of said section 19; thence North 52 degrees 09 minutes 50 seconds East, 260 feet; thence North 74 degrees 23 minutes 50 seconds East, 580 feet; thence North 64 degrees 33 minutes 42 seconds East 277.28 feet;

thence southerly, in part along the west line of Rookery Woods Subdivision No.2 to a point on the centerline of Hamlin Road; thence easterly along said centerline of Hamlin Road to the centerline of Adams Road; thence continuing easterly along said centerline of Hamlin Road to the centerline of Crooks Road; thence continuing easterly along the centerline of Hamlin Road to the centerline of the Trail Corridor (formally Grand Trunk Western Railway); thence northeasterly along the centerline of said Trail Corridor to the centerline of Livernois Road; thence southerly along said centerline of Livernois Road to the centerline of Hamlin Road; thence continuing southerly along said centerline of Livernois Road to the centerline of Auburn Road; thence westerly along the centerline of said Auburn Road to the centerline of Crooks Road; thence continuing westerly along said centerline of Auburn Road to the point of beginning.

BE IT FINALLY RESOLVED that the boundaries of the Joint Local Development Finance Authority District shall include property located in the City of Auburn Hills, described as:

Part of Sections 13, 14, 15, 23, 24, 25 and 26, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of M-59 and the Westerly right-of-way line of Adams Road; thence Westerly 1,081.18 feet along the Northerly right-of-way line of M-59; thence along said North line the following three (3) courses: 1) Northwesterly 880.64 feet, 2) Northwest 150.0 feet, 3) Westerly 376 feet to the Centerline of N. Squirrel Road; thence Northerly 1,347.21 feet along said Centerline; thence Westerly 718.0 feet along the Northerly line of parcel No. 14-25-126-001 to the Easterly right-of-way line of Circle Drive E.; thence Northerly 452.80 feet along said Northerly line to the Centerline of Featherstone Road; thence 2,642.67 feet along said Centerline; thence south 1,876.91 feet; thence Southwesterly 712.57 feet; thence South 360.0 feet to the Northerly right-of-line of M-59; thence Westerly 2,755.75 feet to the Northerly right-of-way line of M-59; thence Westerly 1,357.0 feet along said Northerly line; thence Northerly 13,154.90 feet to the intersection of the Centerline of Walton Blvd. and the Centerline of Lapeer Road; thence 2,672.89 feet along the Centerline of Walton Blvd. to the intersection of Centerline of Walton Blvd. and Centerline of I-75; thence Southerly 4,189.37 feet along the centerline of I-75 to the intersection of Centerline of I-75 and the Centerline of University Drive; thence along the Centerline of University Drive the following four (4) courses: 1) Northeasterly 2,543.43 feet, 2) Northeasterly 865.0 feet, 3) Northeasterly 906.88 feet, 4) Easterly 373.41 feet to the intersection of University Dive and Joswick Road; thence 477.67 feet along the Centerline of Joswick Road to the intersection of Joswick Road and Five points Drive; thence along the Centerline of Five Points Dr. the following three (3) courses: 1) Northeasterly 1,607.81 feet, 2) Northeasterly 187.22 feet, 3) Easterly 148.0 feet; thence 101.92 feet to the intersection of Five Points Dr. and N. Squirrel Road; thence along the Centerline of N. Squirrel Road South 3,684.49 feet to the intersection of the Centerline of N. Squirrel Road and Lonedale Road; thence along the Centerline of Lonedale Rd. East 2,310.68 feet to the intersection of Centerline of Lonedale Rd. and the Westerly right-of-line of Adams Road; thence along the Westerly Right-of-way line of Adams Road South 8,518.19 feet to the Point of Beginning.

The motion carried by the following vote:

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

Enactment No: RES0277-2004

2004-0677

Consent Judgment between Finsilver/Friedman Venture I, L.L.C. and the City of Rochester Hills specifically for property located north of Hamlin Road and east of Rochester Road, identified as a portion of Parcel No. 15-22-451-033 - Case No. 04-058042-AA

Attachments: 081804 Agenda Summary.pdf; Public Hearing Notice.pdf; Consent Judgment Finsilver v9 Final 081104[1].pdf; Site Plan 4.pdf; Motion to Waive Req. 05232004.pdf; Letter Staran 0512004.pdf; Letter(2) Staran 05122004.pdf; Letter(3) Staran 05122004.pdf; Notice o

Mr. John Staran, City Attorney, explained that the property owner had failed to receive requested rezoning and variance approvals from the City regarding the property in question and, thus, had sought remedy through the judicial process. A Consent Judgment was created to mutually address the concerns of the applicant and the City resulting in an agreement providing for the following:

- * Buffer and protection for residential neighbors.*
- * Parking limited to eighteen (18) new spaces.*
- * Extensive landscaping*
- * A masonry wall.*
- * On-site retaining drainage.*
- * Minimal additional lighting.*
- * No over-night parking.*

Mr. Staran stressed that the property would retain its current residential zoning and the parking use would be tied to the current office use of the property.

President Dalton Opened the Public Hearing at 8:28 p.m.

Ms. Tricia McDonald, 161 Sandalwood Drive, requested that, due to the elevation of her home, the wall be increased from a proposed height of six (6) feet to eight (8) feet.

Mr. Staran stated that the matter had been discussed with the applicant prior to the meeting and all parties were in agreement to increase the wall to eight (8) feet.

There being no further public comment, President Dalton closed the Public Hearing at 8:31 p.m.

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

Resolved that the Rochester Hills City Council approves the Consent Judgment pertaining to Finsilver/Friedman Venture I, L.L.C., (City File No. 03-015), a Michigan limited liability company, v. City of Rochester Hills, a Michigan municipal corporation, as successor to the Charter Township of Avon, a Michigan Municipal Corporation/Friedman Venture I, L.L.C., Case No. 04-058042-AA, as presented, in full and final settlement of the litigation.

Further Resolved that the City Attorney is authorized to execute the Consent Judgment on behalf of the City of Rochester Hills and to arrange for it to be entered by the Court and recorded at the Register of Deeds.

The motion carried by the following vote:

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

Enactment No: RES0278-2004

(Mr. Barnett Departed at 8:34 p.m.)

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

Absent: Bryan Barnett

(Recess 8:34 p.m. - 8:50 p.m.)

ORDINANCE FOR INTRODUCTION

2004-0672

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 concerning recovery of restitution for violations, repeal conflicting ordinances and prescribe a penalty for violations

Attachments: 091504 Agenda Summary.pdf; 081804 Agenda Summary.pdf; Letter Staran 082504.pdf; Second Rdg 58-58 Fire Prevention Amendments.pdf; Letter, Staran 061004.pdf; First Rdg 58-58 - Fire Prevention, Amendments.pdf; CC 111903 Reg Mtg Minutes.pdf; First Reading Res

PUBLIC COMMENT:

Mr. Al Harzewski, 3470 Greenwood, indicated that he had appeared before Council the previous fall regarding the requirement of a burning permit for his recreational fires. He stressed that the definition of recreational fires and outdoor fireplaces is not clear in the ordinance and asked that the issue be examined and clarified.

COUNCIL DISCUSSION:

President Dalton directed City Attorney John Staran to address Mr. Harzewski's concerns when he returns the final version of the Ordinance to Council for second reading and approval.

Mr. Staran agreed to examine the recreational fire issue in the ordinance language and explained that the change before Council this evening would allow more flexibility in the payment of restitution for leaf burning violations, as opposed to it being mandatory, as the ordinance currently indicates.

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

Resolved that 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 concerning recovery of restitution for violations, repeal conflicting ordinances and prescribe a penalty for violation, is hereby accepted for First Reading.

The motion carried by the following vote:

The motion carried by the following vote:

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

Absent: Barnett

UNFINISHED BUSINESS

2004-0469 Approval of Road Millage Ballot Language

Attachments: 081804 Agenda Summary.pdf; Local Street Millage Ballot Language.pdf; 071404 Agenda Summary.pdf; RR Public Education Initiative Outline & sample timeline 052704.pdf; 3.2 Mills - 10 yr w/o MRF transfer.pdf; 3.08 Mills - 10 yr w/o MRF transfer.pdf; Residenti

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

Resolved that the Rochester Hills City Council hereby approves placing the following Proposal on the November 2, 2004 General Election:

BALLOT QUESTION Local Streets Millage

Shall the City of Rochester Hills levy a new millage of up to 2.9213 mills (\$2.9213 per \$1,000.00 of taxable value) on the taxable value of all property assessed for taxes in the City of Rochester Hills for a period of ten (10) years, beginning in 2004, and continuing through 2013, inclusive, for the purpose of providing funds to pay costs associated with improvement and maintenance of local residential streets and bridges? If approved, the estimated amount of revenue that will be collected in the first year if the millage is authorized and levied in full is \$9,438,200.

Yes No

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0279-2004

2004-0434 Amendment to Ballot Language regarding Elimination of Primary Elections in the City of Rochester Hills

Attachments: 081804 Agenda Summary.pdf; Primary Ballot Amendment.pdf; 071404 Agenda Summary.pdf; Letter Staran 20040723.pdf; Report City Elections.pdf; Information from Farmington Hills.pdf; Information from Novi.pdf; Memo Jasinski to AIS 070804.pdf; AIS Resolution 07

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

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 9.8, Nomination Procedure, and 9.9, Primary Election, to eliminate references to and the requirement for a City Primary Election for Mayoral and City Council candidates.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 9.8, Nomination Procedure, and delete Charter Section 9.9, Primary Election, in its entirety.

2. Provisions of existing Section 9.8 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now reads as follows:

The candidates for elective office shall be nominated from the City by petitions on forms furnished by the Clerk, or such other forms as are allowed by the State Election Law. Each such petitions shall be signed by not less than fifty (50) nor more than seventy-five (75) registered electors of the City, and shall be filed at the Office of the Clerk before four in the afternoon (4:00 p.m.), Michigan time, on the twelfth Tuesday preceding the September primary in each odd-numbered year accomplished by an Affidavit of Identity as required by the State Election Law.

Electors signing any petition shall add their residential address and the date of signature. No electors shall sign petitions for more candidates for any office than the number to be elected to such office, and should they do so, the signature bearing the most recent date shall be invalidated. No petition shall be left for signatures in any public place. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

3. As amended, Section 9.8 of the City of Rochester Hills Charter would read as follows:

The candidates for elective office shall be nominated from the City by petitions on forms furnished by the Clerk, or such other forms as are allowed by the State Election Law. Each such petitions shall be signed by not less than fifty (50) nor more than seventy-five (75) registered electors of the City, and shall be filed at the Office of the Clerk before four in the afternoon (4:00 p.m.), Michigan time, on the twelfth Tuesday preceding the ~~September primary~~ November regular election in each odd-numbered year accomplished by an Affidavit of Identity as required by the State Election Law.

Electors signing any petition shall add their residential address and the date of signature. No electors shall sign petitions for more candidates for any office than the number to be elected to such office, and should they do so, the signature bearing the most recent date shall be invalidated. No petition shall be left for signatures in any public place. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

4. Provisions of existing Section 9.9 of the City of Rochester Hills Charter to be deleted if the proposed amendment is adopted now read as follows:

The City primary election shall be held on the Tuesday after the second Monday in September of each odd-numbered year. If there are not more than twice the number of candidates for each office to be filled as there are persons to be elected, the primary election shall not be held, and those persons filing valid petitions shall be declared the nominees.

5. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 9.8 and deleting Section 9.9. If adopted, there will be no Primary Election, and nominating petitions for elective office shall be due by the twelfth Tuesday preceding the November regular election.

6. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

7. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 2, 2004, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

8. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CITY CHARTER AMENDMENT TO
ELIMINATE CITY PRIMARY ELECTION**

A proposal to amend the City Charter by modifying Section 9.8 and deleting Section 9.9. If adopted, there will be no Primary Election, and nominating petitions for elective office shall be due by the twelfth Tuesday preceding the November regular election.

Shall the City of Rochester Hills Charter be amended to modify Section 9.8 and delete Section 9.9 to eliminate the Primary Election, and provide that nominating petitions for elective office shall be filed at the City Clerk's Office by 4:00 p.m. on the twelfth Tuesday preceding the November regular election?

Yes No

9. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

10. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

11. Through the adoption of this Resolution, the City Council hereby rescinds and replaces previously adopted Resolution No. RES0251-2004, adopted on July 14, 2004.

The motion failed by the following vote:

Aye: Dalton, Hill and Robbins

Nay: Duistermars, Holder and Raschke

Absent: Barnett

Enactment No: RES0284-2004

NEW BUSINESS

2004-0671

Request for Purchase Authorization - PLANNING: Master Land Use Plan update for the City of Rochester Hills, purchase order in an amount not to exceed \$150,000.00; McKenna Associates, Inc., Northville, MI

Attachments: Agenda Summary.pdf; Bid Sheet.pdf; Contract McKenna MLUP.pdf; Revised Scope of Services.pdf; 0671 Resolution.pdf

Mr. Anzek described this request as "the onset of the process we're required to do every five years under State law" to update the Master Land Use Plan. He explained that additionally, there are two other major aspects of the project: the natural features inventory and an economic development strategy. He noted that while the proposal is for \$142,500, the request is for \$150,000 to allow for the possible need for additional meetings to gain public input, as this was identified as a possible "shortcoming of the previous [updates]."

Mr. Robbins questioned why this update could not be performed by City staff.

Mr. Anzek explained that current City staff members already have full-time work loads and the outside consultants act as expansions of City staff. Additionally, the consultant will provide expertise that City staff does not possess, such as trained biologists and environmentalists. He stressed that, while City staff members could complete much of this study, it would likely take years.

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

Resolved, that the Rochester Hills City Council hereby approves a purchase order to McKenna Associates, Inc., 235 East Main Street, Suite 105, Northville, MI 48167, as the lowest, responsive, responsible bidder, in an amount not to exceed \$150,000.00 to update the City of Rochester Hills' Master Land Use Plan, McKenna Associates, Inc., Northville, MI, 48167.

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0281-2004

2004-0678

Adoption of Resolution to cancel August 25, 2004 Regular City Council Work Session

Attachments: Agenda Summary.pdf; 0678 Resolution.pdf

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

Resolved that the Rochester Hills City Council hereby agrees to cancel its Regular City Council Work Session scheduled for Wednesday, August 25, 2004 at 7:30 pm due to lack of agenda items.

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

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0282-2004

COUNCIL COMMITTEE REPORTS

None.

ATTORNEY MATTERS

Council Adjourned to Closed Session 9:09 p.m.

Council Reconvened to Open Session 9:20 p.m.

2004-0699

Adoption of Resolution regarding Wold versus City of Rochester Hills

President Dalton explained that this matter had gone to Case Evaluation and the City was found not liable. City Council voted to authorize City Attorney John Staran to accept the case finding report.

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

Resolved that the Rochester Hills City Council accepts the City Attorney's recommendation, as set forth in the Attorney's August 16, 2004 privileged communication, and the Council hereby authorizes the Attorney to implement his recommendation accordingly.

The motion carried by the following vote:

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

Absent: Barnett

Enactment No: RES0283-2004

UNFINISHED BUSINESS

2004-0434

Amendment to Ballot Language regarding Elimination of Primary Elections in the City of Rochester Hills

Attachments: 081804 Agenda Summary.pdf; Primary Ballot Amendment.pdf; 071404 Agenda Summary.pdf; Letter Staran 20040723.pdf; Report City Elections.pdf; Information from Farmington Hills.pdf; Information from Novi.pdf; Memo Jasinski to AIS 070804.pdf; AIS Resolution 07

Mr. Duistermars explained that he had voted "Nay" when this issue was addressed earlier in the meeting because he was under the impression that a "Nay" vote would prevent the question of eliminating the Primary Election from being placed on the November ballot. He acknowledged that the vote was intended to correct a "language technicality" and, therefore, made a motion to reconsider the previous vote.

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

Resolved that the Rochester Hills City Council agrees to Reconsider their vote to amend the Ballot Language regarding Elimination of Primary Elections in the City

of Rochester Hills.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Raschke and Robbins

Nay: Holder

Absent: Barnett

Enactment No: RES0284-2004

Attachments: 081804 Agenda Summary.pdf; Primary Ballot Amendment.pdf; 071404 Agenda Summary.pdf; Letter Staran 20040723.pdf; Report City Elections.pdf; Information from Farmington Hills.pdf; Information from Novi.pdf; Memo Jasinski to AIS 070804.pdf; AIS Resolution 07

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

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 9.8, Nomination Procedure, and 9.9, Primary Election, to eliminate references to and the requirement for a City Primary Election for Mayoral and City Council candidates.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 9.8, Nomination Procedure, and delete Charter Section 9.9, Primary Election, in its entirety.

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Clerk before four in the afternoon (4:00 p.m.), Michigan time, on the twelfth Tuesday preceding the ~~September primary~~ November regular election in each odd-numbered year accomplished by an Affidavit of Identity as required by the State Election Law.

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6. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

7. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 2, 2004, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

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Yes No

9. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

10. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

11. Through the adoption of this Resolution, the City Council hereby rescinds and replaces previously adopted Resolution No. RES0251-2004, adopted on July 14, 2004.

The motion carried by the following vote:

Aye: Dalton, Duistermars, Hill, Raschke and Robbins

Nay: Holder

Absent: Barnett

Enactment No: RES0284-2004

ANY OTHER BUSINESS

Mr. Robbins asked if Council would be provided Agendas for the upcoming budget meetings that would indicate which budget items would be discussed during each meeting.

President Dalton explained that Agendas would be provided, but he could not guarantee that each meetings' discussion would cover the items anticipated in full and that there would be no overlap to subsequent meetings.

Ms. Hill asked that the questions submitted by Council members regarding the budget be distributed to all Council members prior to receipt of the answers to those questions.

President Dalton stated, "I'm sure we can get those immediately."

Ms. Julie Jenuwine, Interim Finance Director, explained that the Finance Department would provide Council members with a memo that would consolidate both the budget questions and the answers no later than Monday, August 23rd.

Mr. Robbins questioned why Council members are asked to sign policies agreeing to abide by Administrative Policies when they cannot be compelled to follow those policies. He suggested that Council establish their own policies.

City Attorney John Staran stated, "It's more of a code of honor type of thing, as opposed to something that has punitive sanctions, if you will."

2004-0609

Request to Add the following item to an upcoming City Council meeting Agenda:
Request for Purchase Authorization - DPS: Continuation of Architectural Services for DPS Facility; Yamasaki Associates, Troy, MI

Attachments: Agenda Summary.pdf; Yamasaki Deliverables Phase II.pdf; 0609 Resolution.pdf

Ms. Holder made a motion that the continuation of architectural services for the DPS Facility be placed on the Agenda for the regular City Council meeting scheduled for September 1, 2004, noting that the item has already been budgeted.

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

Resolved that the Rochester Hills City Council will consider the Request for Purchase Authorization for the Continuation of Architectural Services for the DPS Facility at their next Regular meeting scheduled for September 1, 2004.

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke and Robbins

Nay: Dalton and Hill

Absent: Barnett

Enactment No: RES0285-2004

NEXT MEETING DATE

Special Budget Work Session Meeting - Monday, August 30, 2004 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Dalton adjourned the meeting at 9:33 p.m.

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

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

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

Approved as presented at the (insert date, or dates) Regular City Council Meeting.