

MINUTES of the **Regular Rochester Hills City Council Meeting** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, September 17, 2003 at 7:30 p.m.

1. CALL TO ORDER

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

2. ROLE CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill (Exited 10:30 p.m.), Barbara Holder, Gerald Robbins (Entered 10:00 p.m.)

Absent: None

QUORUM PRESENT

Others Present: Pat Somerville, Mayor
Beverly A. Jasinski, City Clerk
John Staran, City Attorney
Ed Anzek, Director of Planning/Zoning
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Bob Spaman, Director of Finance

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated September 11, 2003 from Susan Galeczka, City Council Liaison).

Resolution A0001-2003-R0315

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 September 17, 2003 as presented.

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

Nays: None

Absent: Robbins

MOTION CARRIED

5. CHAIRPERSON'S REPORT

President Dalton had nothing to report.

6. MAYOR'S REPORT

Mayor Somerville had nothing to report.

7. COUNCIL COMMENTS

Ms. Hill briefly noted that some members of Council attended the Michigan Municipal League (MML) conference earlier in the day along with some of the newly appointed Communication Committee Youth Representatives.

Ms. Golden thanked “everyone for your prayers and thoughts” with regard to her father’s recent hospitalization. She made mention of an internet article from January of 2000 that quoted results of a study that rated large cities and indicated that “where there is a strong mayor there is a well-run city.” She then confirmed with the City Clerk that there have been fourteen (14) valid petitions filed for Charter Commission nominees.

Mr. Barnett encouraged residents to attend R.A.R.A.'s fall celebration at Bloomer Park, noting the different festivities.

Ms. Holder reminded residents of the following changes to the burning ordinance:

- Effective September 30, 2003
- Twenty-five dollar (\$25) burning permit required
- Burning permitted November 1st through November 30th, Monday, Wednesday, Friday from noon until sunset; Saturday from sunrise to sunset.
- Leaf burning will be prohibited as of November 30, 2006.

8. ATTORNEY'S REPORT

City Attorney John Staran noted that the City of Ferndale would be requesting reconsideration from the Supreme Court regarding the recent decision in their banning of concealed weapons in public buildings case. He indicated that these types of requests are rarely successful. However, he advised that Rochester Hills remain attentive to this case, as it affects all local municipal meetings and buildings.

9. ADOPTION OF RESOLUTION to adjourn to Closed Session at the close of business after the Regular City Council Meeting of Wednesday, September 17, 2003; the purpose of the Closed Session is to consider the possible purchase or lease of real property (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 10, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0008–2003–R0316

MOTION by Golden, seconded by Holder,

Resolved That the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business this Regular City Council Meeting of Wednesday, September 17, 2003 and will not return to

Open Session at its conclusion. The purpose of the Closed Session is to consider the possible purchase or lease of real property.

ROLL CALL VOTE:

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

10a. Approval of Minutes - Regular Meeting, June 18, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 12, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0317

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, June 18, 2003 be approved as presented.

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

MOTION CARRIED

10b. Approval of Minutes - Special Work Session, August 25, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 1, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0318

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session held on Monday, August 25, 2003 be approved as presented.

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

MOTION CARRIED

- 10c.** Approval of Minutes - Special Work Session, August 26, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 9, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0319

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session held on Tuesday, August 26, 2003 be approved as presented.

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

Nays: None

Absent: Robbins

MOTION CARRIED

- 10d.** Approval of Minutes - Regular Work Session, August 27, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 9, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0320

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Regular Rochester Hills City Council Work Session held on Wednesday, August 27, 2003 be approved as presented.

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

Nays: None

Absent: Robbins

MOTION CARRIED

- 10e.** Approval of Minutes - Special Work Session, August 28, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 12, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0321

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session held on Thursday, August 28, 2003 be approved as presented.

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

MOTION CARRIED

- 10f.** Approval of Minutes - Regular Meeting, September 3, 2003 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 12, 2003 from Margaret Strate, Administrative Secretary)

Resolution A0005-2003-R0322

MOTION by Hill, seconded by Duistermars,

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, September 3, 2003 be approved as presented.

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

MOTION CARRIED

- 10g.** Request for Approval of Traffic Control Order SS-123: Streets within Avon Pointe Subdivision, Section #14; Seabrook Stop for Dakota (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 30, 2003 from Terry Donnelly, DPS-Engineering)

Resolution A0698-2003-R0323

MOTION by Hill, seconded by Duistermars,

Whereas, Traffic Control Order No. SS-123 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:

SS-123.1 Seabrook STOP For Dakota

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-123 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 Approval of Traffic Control Order SS-124:** Streets within Avon Pointe Subdivision, Section #14; All approaching traffic to Stop from both Dakota Court and Dakota at their intersection (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 30, 2003 from Terry Donnelly, DPS-Engineering)

Resolution A0699-2003-R0324

MOTION by Hill, seconded by Duistermars,

Whereas, Traffic Control Order No. SS-124 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-124.1 All approaching traffic to STOP from both Dakota Court and Dakota at their 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-124 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

- 10i. Request for Approval of Traffic Control Order PK-73:** Spring Hill Subdivision No. 2, Section #17; No Parking within the right-of-way of both sides of Braeburn from W. Maryknoll to a point One Hundred Ninety Six (196) feet westerly thereof (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 30, 2003 from Terry Donnelly, DPS-Engineering)

Resolution A0700–2003–R0325

MOTION by Hill, seconded by Duistermars,

Whereas, Traffic Control Order No. PK-73 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:

PK-73.1 No parking within the right-of-way of both sides of Braeburn from W. Maryknoll to a point One Hundred Ninety Six (196) feet westerly 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-73 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. Request for Approval of Traffic Control Order PK-74:** Norton Lawn, Shadywood and Nawakwa Streets located within Avon Croft Subdivision, Section #34 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 30, 2003 from Terry Donnelly, DPS-Engineering)

Resolution A0701–2003–R0326

MOTION by Hill, seconded by Duistermars,

Whereas, Traffic Control Order No. PK-74 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:

PK-74.1 No Parking At Any Time within the right-of-way of both sides of Norton Lawn Street from Auburn Road southerly to Nawakwa (Tow-Away Zone).

PK-74.2 No Parking At Any Time within the right-of-way of both sides of Nawakwa from Norton Lawn to Shadywood (Tow-Away Zone).

PK-74.3 No Parking At Any Time within the right-of-way of both sides of Shadywood from Norton Lawn to Nawakwa (Tow-Away Zone).

PK-74.4 No Parking At Any Time within the right-of-way of both sides of Shadywood from Norton Lawn to a point two hundred forty six (246) feet thereof (Tow-Away Zone).

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-74 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

- 10k. Request for Approval of Traffic Control Order PK-75:** Long Meadows Subdivision, Section #09; No Parking "School Days Only" within the right-of-way of east side of Allston, Biggers to a point Eight Hundred Seventy Two (872) feet southerly thereof (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 30, 2003 from Terry Donnelly, DPS-Engineering)

Resolution A0702-2003-R0327

MOTION by Hill, seconded by Duistermars,

Whereas, Traffic Control Order No. PK-75 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:

PK-75.1 No Parking “School Days Only” within the right-of-way of east side of Allston Biggers to a point Eight Hundred Seventy Two (872) feet southerly 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-75 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

- 10l. Request for Purchase Authorization - MAYOR: Increase in Community Development Block Grant Funded Lawn Mowing Contract not-to-exceed \$11,000.00 for a new not-to-exceed total of \$29,000.00; Sierra Lawn & Landscape, Inc., Sterling Heights, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 5, 2003 from Joe Snyder, Financial Analyst)**

Resolution A0403–2003–R0328

MOTION by Hill, seconded by Duistermars,

Whereas, Sierra Lawn and Landscape, Inc. has been awarded the contract for Community Development Block Grant (CDBG) Lawn Mowing Program for 116 low-income senior citizens residents, and

Whereas, the number of senior citizens residents enrolled in the program has increased significantly over the past year, and

Whereas, lawn mowing services can be provided to those senior citizen residents through the first week in October, and

Whereas, all expenses related to providing the service are reimbursed fully through CDBG funding

Resolved To increase the contract amount of Sierra Lawn and Landscape to \$29,000, which will cover lawn mowing services for 116 senior citizen residents beginning May 1, 2003 through the first week in October 2003.

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

MOTION CARRIED

- 10m. Request for Purchase Authorization** - COMMUNICATIONS: Local Calling and Circuits for the City's PBX System, blanket purchase order not-to-exceed \$65,000.00; AT & T Local, Baltimore, MD (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 25, 2003 from Vincent Foisy, Supervisor of Communication Systems)

Resolution A0703-2003-R0329

MOTION by Hill, seconded by Duistermars,

Resolved, that the Rochester Hills City Council approves the Blanket Purchase Order for AT & T Local not to exceed \$65,000 through June 30, 2005.

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

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

MOTION CARRIED

- 10n. Request for Approval to Add 2003 Delinquent Charges to 2003 Winter Tax Roll** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 9, 2003 from Linda Osiecki, Deputy Treasurer)

Resolution A0696-2003-R0330

MOTION by Hill, seconded by Duistermars,

Now Therefore Be It Resolved, that the Rochester Hills City Council approve the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2003 winter tax rolls; and be it further resolved, the Assessor be and is hereby authorized to spread said amount on the 2003 winter tax roll:

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$340,288.71	Ch 102-92.(b)
Delinquent Weed Control General Fund	\$15,438.92	Ch 106-125.(e)
Delinquent SAD Water Fund	\$110.23	Ch 90-114.(b)
Delinquent SAD Local Road Funds	\$32,329.42	Ch 90-114.(b)
Delinquent Blight Prevention General Fund	\$7,475.00	Ch 90-30.(d)
Delinquent Cost Recovery Fire Fire Fund Water/Sewer Fund	\$5,112.56	Ch 90-30.(d)
Delinquent Historical Preservation General Fund	\$3,000.00	Ch 90-30.(d)

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

MOTION CARRIED

11. PUBLIC COMMENTS

Mr. Lee Zendel, 1575 Dutton Road, citing source material that indicated the FBI lists the City of Livonia, Michigan as the seventh (7th) safest city in the country, noted that, while similar in size and population to Rochester Hills, Livonia has more than twice as many police officers.

Mr. Richard Thomas, Auburn Road, questioned why he has been denied permission to build on property he owns on Auburn Road due to wetlands, but the golf course has been granted permission to build.

President Dalton stated that the matter has yet to come before City Council and, thus, no members are able to comment at this time.

Mr. Tom Stevenson, 708 River Bend Drive, stated he supports the police millage that will appear on the November election ballot, noting it is needed and not expensive and he will campaign for its passage.

12. LEGISLATIVE / ADMINISTRATIVE RESPONSE

Ms. Golden indicated that members of the Public Safety Committee had previously put forth a resolution similar to the police millage. She noted, "certain members were disappointed" that some Council members had described the police millage as a knee-jerk reaction in light of this previous resolution that was never brought before Council.

13. PETITIONERS' REQUESTS

13a. Request for Two-year Extension of Final Approval of Preliminary Plat - Falcon Estates Subdivision No. 4, a 7-lot subdivision on 3.2 acres, located east of Falcon Estates Subdivision No. 2 and north of Falcon Estates Subdivision No. 3, zoned R-2, One Family Residential, Parcel No. 15-07-100-025; Lorenzo Randazzo, Applicant (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 5, 2003 from Deborah Millhouse, Deputy Planning Director)

Applicant Lorenzo Randazzo, 2490 Walton Boulevard, noting difficulties associated with the current slumping economy, requested the two-year extension.

Resolution A0330-2003-R0331

MOTION by Hill, seconded by Golden,

Resolved that the Rochester Hills City Council hereby approves a two-year extension of the Final Approval of the Preliminary Plat for Falcon Estates Subdivision No. 4, City File No. 87-847.4, Parcel Number 15-07-100-025, zoned R-2, One Family Residential until October 17, 2005.

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

Nays: None

Absent: Robbins

MOTION CARRIED

13b. Request to Transfer 2000 Class C License from Chi-Chi's, Inc. located in escrow at 2080 Telegraph Road, Bloomfield Hills to transfer location (governmental unit) to Outback/Detroit - 1, Limited Partnership, 1880 S. Rochester Road, Rochester Hills, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 10, 2003 from Jane Leslie, Deputy Clerk)

Applicant Steve Szalinski, 341 Baseline Road, Northville, Michigan, requested the transfer of the liquor license.

Ms. Hill, as a member of the Administration & Information Services Committee, noted that this is a transfer of a liquor license from outside of Rochester Hills and, thus, does not affect the City's quota.

Resolution A0708-2003-R0332

MOTION by Barnett, seconded by Hill,

Resolved that the request from Outback/Detroit-I, Limited Partnership (a Florida Limited Partnership) to transfer ownership of 2000 Class C licensed business, located in escrow at 2080 Telegraph, Bloomfield Hills, Michigan 48302, Bloomfield Township, Oakland County, from Chi-Chi's, Inc. (A Delaware Corporation); and transfer location (governmental unit) (MCL 436.1531 (1) to 1880 S. Rochester, Rochester Hills, Michigan 48307, Oakland county be considered for approval.

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

Nays: None

Absent: Robbins

MOTION CARRIED

13c. Request for new Dance-Entertainment Permit to be held in conjunction with a new Club License to be located at 525 W. Auburn Road, Rochester Hills, MI; American Albanian Club, Applicant (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 10, 2003 from Jane Leslie, Deputy Clerk)

Mr. Joseph Dedvukaj, 26555 Evergreen Road, Southfield, Michigan, representing St. Paul's Albanian Catholic Church as its attorney and a parishioner, cited a letter dated September 12, 2003 that outlined several steps the Church is and will be taking to correct and mitigate the difficulties neighborhood residents have experienced since the introduction of the Church to the neighborhood.

President Dalton announced that the matter before Council was for a dance permit only and that the liquor license has been issued by the State of Michigan and, therefore, is beyond the purview of City Council.

PUBLIC COMMENT:

Ms. Connie Schovan, 2730 Walbridge, described the congested parking on her street as a result of an overflow from the Church during Sunday services, as well as the fear she and her neighbors experienced during the shooting incident at the Church.

Attorney Staran explained that it is a local ordinance that requires a dance permit be issued in accordance with a State-issued liquor license.

Ms. Schovan stated that the addition of the Church has “changed the whole neighborhood.” She expressed her opposition to the issuance of the dance permit.

Mr. Paul Dermikaelian, 2950 Walbridge, questioned why a Church would require a liquor license. He stated he felt this would result in a need for increased police intervention.

Mr. Bruce Coleman, 2910 Walbridge, expressed his belief that the change in zoning that allowed the construction of the Church was a mistake, and noted there is already a problem with excessive noise, which will likely continue with the issuance of a liquor license and dance permit.

Ms. Joanne Grant, 2750 Walbridge, noted that the church she attends has enough parking for special functions and does not understand why parishioners of the Albanian church are permitted to park on residential streets.

Ms. Linda Huyghe, 2791 Walbridge, asked that the Council deny the request for a dance permit, and described the difficulty she has faced with excessive parking on her street by parishioners, noting that emergency vehicles would be unable to respond to an emergency on their street at such times.

Ms. Juel Bjerke, 2640 Walbridge, expressed her opposition to the dance permit, noting similar concerns about parking, and questioned who would be responsible for preventing underage drinking on the premises.

Mr. Clayton Walsh, 3228 Norton Lawn, agreed with the previous speakers and suggested that parishioners should go to nightclubs to drink and dance, rather than church. He also expressed his belief that events should end by 9:00 p.m.

Ms. LaDonna Tartoni, 3086 Norton Lawn, expressed her belief that church is a place for worship, not for drinking and dancing. She stated she will go to the State of Michigan regarding the liquor license.

Ms. Lynn Walsh, 3228 Norton Lawn, listed several problems with Church parishioners and noted that with the addition of a dance permit, these issues will escalate.

Mr. Alan Harrah, 2935 Fair Acres, along with other issues, noted the excessively loud music. He stated it is a waste of police resources to have them monitoring Church parishioners and questioned how the Church plans to control the use of the facility by non-club members. He expressed his belief that if there was some way to revoke the liquor license, most neighbors would support it.

Mr. Charles Hawkins, 2893 Fair Acres, expressed his opposition to the dance permit.

(Recess 8:33 p.m. – 8:51 p.m.)

Mr. Dedvukaj noted the following in response to the concerns voiced by residents:

- The Church met the requirements and passed the state examination for issuance of a liquor license.
- Their doors are open to everyone and they cannot prevent people from attending.
- The club is for parishioners and their quests only.
- Due to parishioners bringing guests, there is not enough parking for special events.
- The Church has implemented a plan to monitor the use of residential streets.
- The Church has installed posts at the end of the dead-end road to prevent parishioners from using it as an ingress/egress point.
- He asked that neighbors communicate their problems to him directly.
- The club is a non-profit organization, the profits of which go directly to benefit the Church's school.
- The club hours of operation are not those of a nightclub.
- The Liquor Control Commission (LCC) will send investigators to the club randomly to prevent underage drinking.
- The building has a steel roof, an acoustical ceiling and five-eighths (5/8) drywall, which should prevent excessive sound and was approved by the City's Planning Commission.
- The Church planted \$1,100 worth of trees to correct a light problem experienced by a neighbor.

COUNCIL DISCUSSION:

Ms. Hill voiced her concerns regarding the club hours of operation and questioned whether the annual festival could be held at another site. She stated she would like more information regarding the policing that has taken place over the past few months.

Ms. Hill moved a motion to Postpone action on this matter; the motion was seconded by Ms. Golden

Ms. Holder expressed her surprise by the resident response, indicating that she had never heard about these issues prior to that night's meeting. She agreed with Ms. Hill's motion and requested records from the Oakland County Sheriff's Department regarding complaints filed and tickets that have been issued.

Mr. Barnett questioned whether the Church has a signed mini-agreement with the Oakland County Sheriff's Department.

Mr. Dedvukaj indicated that the Church does not have such a contract, but rather, does notify the Sheriff's Department when a large event is scheduled.

Mr. Barnett asked how events and dancing are currently permitted.

Mr. Dedvukaj explained that the dance permit is in conjunction with the liquor license. Dancing is permitted as long as no liquor is being sold.

Attorney Staran elaborated that no liquor license is required if club members or guests supply the alcohol at no charge. He also noted that the Church has utilized the full quota of one-day licenses to sell beverages.

Mr. Barnett noted that “being a good neighbor in this community is not an option, it’s expected.” He stated that the Church is asking for a privilege and making promises that will be fulfilled after that privilege has been granted. He suggested denying the permit and allowing the Church to reapply after these problems have been addressed.

Ms. Golden expressed her belief that there is some recourse for these neighbors. She noted she had heard complaints that tents were placed in the Church parking lot during the Fourth of July Festival, which exacerbated the parking difficulties. She suggested that the club hours were excessive. She questioned whether the Church would have received approval from the Planning Commission if their intent with regard to a club had been presented at that time. She requested that the Planning Department examine this issue with regard to parking. She suggested a more in-depth examination of this issue, noting that public resources cannot be “tied up with these issues.”

Attorney Staran noted there is little input the City has with regard to the club license other than health code, building code, plumbing code, etc. He stated that police involvement is only with regard to background criminal history checks.

Mayor Somerville questioned the capacity of the church and who monitors for underage drinking and inappropriate behavior outside of the club.

Mr. Dedvukaj explained that the wait staff and manager check IDs and the Church Council members have expelled individuals on two (2) occasions. With regard to behavior outside of the club, he acknowledged that during the Festival no one was monitoring the residential streets. He noted that the Church had arranged a shuttle service for guests who wished to park in the Target parking lot, however, some guests chose not to participate.

Mayor Somerville suggested that the parking problem could be solved by the addition of a parking structure built behind the church on the property that backs up to M-59.

Mr. Dedvukaj noted that the parking problem only occurs approximately five (5) times a year during peak usage and that they are making efforts to solve those occasional problems.

Mr. Duistermars described an impromptu visit he made to the Church, noting that members were making an effort to direct traffic. He suggested a presentation by the Church outlining their plans to correct the problems and their discussions with City staff.

President Dalton stated that City staff would notify all residents who participated in the Public Comment portion of this discussion when this issue returns before City Council. He asked that anyone else who wished to be contacted should notify the City Clerk’s office.

Resolution A0711–2003–R0333

MOTION by Hill, seconded by Golden,

Resolved to POSTPONE the request for approval of a Dance Entertainment Permit Agreement between the City of Rochester Hills and the American Albanian Club; and the request from the American Albanian Club for a new Dance-Entertainment Permit to be held in conjunction with a new Club license to be located at 525 W. Auburn Rd., Rochester Hills, Michigan 48307 be recommended for approval to the Michigan Liquor Control Commission.

Ayes: Dalton, Duistermars, Golden, Hill, Holder

Nays: Barnett

Absent: Robbins

MOTION CARRIED

(Recess 9:40 – 9:55 p.m.)

14. ORDINANCE ADOPTION

- 14a. Acceptance for First Reading** - An Ordinance to amend Sections 54-31 and 54-36 of Chapter 54, Fees, and Section 110-48 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to change the Fees relating to Birth Certificates, Death Certificates and Zoning Maps (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 12, 2003 from Beverly Jasinski, City Clerk)

Resolution A0710-2003-R0334

MOTION by Hill, seconded by Golden,

Resolved an Ordinance to Amend Sections 54-31 and 54-36 of Chapter 54, Fees, and Section 110-48 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to change the fees relating to birth certificates, death certificates, and zoning maps.

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

Nays: None

Absent: Robbins

MOTION CARRIED

- 14b. Acceptance for First 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 (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 10, 2003 from John Staran, City Attorney)

Resolution A0631-2003-R0335

MOTION by Hill, seconded by Golden,

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 **First Reading**.

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

Nays: None

Absent: Robbins

MOTION CARRIED

15. REPORTS AND COMMUNICATIONS

- 15a. Designation of Delegate and Alternate** to National League of Cities' Annual Business Meeting to be held on Saturday, December 13, 2003 during at the Congress of Cities (December 9-13, 2003) in Nashville, TN (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 9, 2003 from Susan Galeczka, City Council Liaison)

Resolution A0217-2003-R0336

MOTION by Barnett, seconded by Holder,

Resolved to POSTPONE the appointment of a voting delegate and alternate voting delegate to the National League of Cities' Annual Business Meeting to be held December 13, 2003, at the Congress of Cities, Nashville, TN.

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

Nays: None

Absent: Robbins

MOTION CARRIED

- 15b. Amendment to City Council Communication Committee Bylaws** - Article II, Membership regarding Youth Representatives (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 9, 2003 from Susan Galeczka, City Council Liaison)

- i. Administration and Information Services Committee (A0530)

Resolution A0530-2003-R0337

MOTION by Barnett, seconded by Golden,

Resolved the Rochester Hills City Council hereby amends the Administration and Information Services Committee Bylaws and Rules of Procedures as follows:

ARTICLE II: MEMBERSHIP

Section 1.

The Committee shall consist of three (3) members of City Council, appointed by Council, two (2) Citizen Representatives, appointed by Council, ~~two (2)~~ **a maximum of three (3)** Youth Representatives appointed by the Administration & Information Services Committee, and members of the City Administration, to be appointed by the Mayor.

Section 2.

- c.iv The Community Development & Viability Committee shall review all applications and make recommendations to each respective committee. Each Committee shall be responsible for the selection of ~~two (2)~~ **a maximum of three (3)** youth members to serve on each respective committee.

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

Nays: None

Absent: Robbins

MOTION CARRIED

- ii. Community Development and Viability Committee (A0531)

Resolution A0531- 003-R0338

MOTION by Barnett, seconded by Golden,

Resolved the Rochester Hills City Council hereby amends the Community Development and Viability Committee Bylaws and Rules of Procedures as follows:

ARTICLE II: MEMBERSHIP

Section 1.

The Committee shall consist of three (3) members of City Council, appointed by Council, two (2) Citizen Representatives, appointed by Council, ~~two (2)~~ **a maximum of three (3)** Youth Representatives appointed by the Community Development and Viability Committee, and members of the City Administration, to be appointed by the Mayor.

Section 2.

- c.iv. The Community Development & Viability Committee shall review all applications and make recommendations to each respective committee. Each Committee shall be responsible for the selection of ~~two (2)~~ a **maximum of three (3)** youth members to serve on each respective committee.

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

MOTION CARRIED

- iii. Financial Services Committee (A0532)

Resolution A0532-2003-R0339

MOTION by Barnett, seconded by Golden,

Resolved the Rochester Hills City Council hereby amends the Financial Services Committee Bylaws and Rules of Procedures as follows:

ARTICLE II: MEMBERSHIP

Section 1.

The Committee shall consist of three (3) members of City Council, appointed by Council, two (2) Citizen Representatives, appointed by Council, ~~two (2)~~ a **maximum of three (3)** Youth Representatives appointed by the Financial Services Committee, and members of the City Administration, to be appointed by the Mayor.

Section 2.

- c.iv. The Community Development & Viability Committee shall review all applications and make recommendations to each respective committee. Each Committee shall be responsible for the selection of ~~two (2)~~ a **maximum of three (3)** youth members to serve on each respective committee.

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

MOTION CARRIED

iv. Leisure Activities Committee (A0533)

Resolution A0533- 2003-R0340

MOTION by Barnett, seconded by Golden,

Resolved the Rochester Hills City Council hereby amends the Leisure Activities Committee Bylaws and Rules of Procedures as follows:

ARTICLE II: MEMBERSHIP

Section 1.

The Committee shall consist of three (3) members of City Council, appointed by Council, two (2) Citizen Representatives, appointed by Council, ~~two (2)~~ **a maximum of three (3)** Youth Representatives appointed by the Leisure Activities Committee, and members of the City Administration, to be appointed by the Mayor.

Section 2.

- c.iv The Community Development & Viability Committee shall review all applications and make recommendations to each respective committee. Each Committee shall be responsible for the selection of ~~two (2)~~ **a maximum of three (3)** youth members to serve on each respective committee.

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

Nays: None

Absent: Robbins

MOTION CARRIED

v. Public Safety Committee (A0534)

Resolution A0534- 2003-R0341

MOTION by Barnett, seconded by Golden,

Resolved the Rochester Hills City Council hereby amends the Public Safety Committee Bylaws and Rules of Procedures as follows:

ARTICLE II: MEMBERSHIP

Section 1.

The Committee shall consist of three (3) members of City Council, appointed by Council, two (2) Citizen Representatives, appointed by Council, ~~two (2)~~ a **maximum of three (3)** Youth Representatives appointed by the Public Safety Committee, and members of the City Administration, to be appointed by the Mayor.

Section 2.

- c.iv The Community Development & Viability Committee shall review all applications and make recommendations to each respective committee. Each Committee shall be responsible for the selection of ~~two (2)~~ a **maximum of three (3)** youth members to serve on each respective committee.

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

Nays: None

Absent: Robbins

MOTION CARRIED

(Member Robbins Entered at 10:00 p.m.)

16. ADMINISTRATION

- 16a. Adoption of 2003 Millage Rates** (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated September 4, 2003 from Bob Spaman, Director of Finance)

Mr. Duistermars asked that Council Members consider the Public Safety Committee's resolution to reinstate the one-tenth (1/10th) of a mill that was deducted from the Fire Department budget during the City Council's final Special Budget Work Session.

President Dalton clarified that Mr. Duistermars wanted to change the Fire Fund millage rate, as noted in the resolution, from 1.8 mills to 1.9 mills.

Ms. Hill expressed her disappointment that this subject would be brought up for discussion again. She stated that the millage was only going to affect the Fire Apparatus Fund. She did not feel it would be fiscally responsible when "we [the City] are trying to tighten the belt." She questioned the need to hire more staff, as stated in a memo from Chief Walterhouse, when the Five (5) Year Plan had yet to expire. She stressed that the Fire Department has mutual aid pacts with surrounding communities.

Mr. Robbins clarified that Chief Walterhouse had already cut his budget by one-tenth (1/10th) of a mill and that this was an additional cut. He also noted that money from the Fire Apparatus Fund can be moved back into the Fire General Fund.

Mr. Bob Spaman, Director of Finance, explained that if there is a year when the Fire Department has more expenses than revenue, funds can be transferred from the Apparatus Fund to the General Fund.

Mr. Robbins estimated that reducing the Fire Department budget by an additional one-tenth (1/10th) of a mill would result in a savings of approximately six dollars (\$6) per household. He noted that the Police and Fire Department budgets should take precedence over other budget items he considered less essential.

Mr. Duistermars acknowledged that all departments have made cuts to their budgets. He stated that his priority is to protect and save lives, and that Council needs to weigh the option of “life versus some pleasures.”

Ms. Golden stated that the staffing memo from Chief Walterhouse was requested and that the City Council establishes Communication Committees such as Public Safety to “champion these issues [and then are] second guessed.” She emphasized that the one-tenth (1/10th) of a mill in question is a reinstatement, not an increase, and that the Fire Department has increased services while working within their budget.

Ms. Hill stated that, as a citizen of Rochester Hills, she does not like being “overtaxed when I don’t need to be.” She questioned the process of moving funds from one fund to another within the Fire Department budget. She disputed the contention that it would result in “just a couple bucks here and a couple bucks there.” She expressed her belief that the danger to public safety has been exaggerated and that her approach is more fiscally responsible.

Ms. Holder noted that the ambulance program is still being developed and that, while there may be a surplus in the current Fire Department budget, the future is unpredictable, especially with regard to Homeland Security. She reminded Council that any expenditures in excess of \$50,000 must be approved by City Council and, thus, the Fire Department cannot spend money indiscriminately.

(Recess 10:26 p.m. – 10:36 p.m.)
(Member Hill Exited at 10:30 p.m.)

Mr. Robbins acknowledged that the Public Safety Committee realizes that the Fire Apparatus Fund has excess money, but what they are suggesting is, rather than reducing the Fire Millage, redistributing the money to meet the Fire Department’s other needs. He noted that, while he would like to give money back to voters, “you don’t cut taxes by cutting public safety.”

Mr. Barnett suggested that the Fire Apparatus Fund be restructured and that it should not be treated as though it cannot be touched.

Mr. Spaman explained that the Fire Apparatus Fund is an extension of the Fire Fund. The monies can move back and forth between the two funds, but cannot be used outside of the Fire Department Budget.

Mr. Barnett indicated that an increase in the budget is not necessary, but rather “we just need to streamline the way we allow the Chief to use his budget.”

President Dalton stated that the Mayor and the Fire Chief submitted a budget that addressed the needs of the Fire Department. He asked the Mayor her opinion on the subject.

Mayor Somerville confirmed that she and the Chief had agreed to a Fire millage rate of 1.9 with \$300,000 going into the Fire Apparatus Fund. She noted that it “won’t hurt the Fire Budget and it won’t hurt the City.”

Mr. Robbins expressed his concern that, while the Fire Department budget may appear excessive, it is not constant and questioned how quickly that surplus could be depleted if necessary personnel were hired.

Mr. Spaman stressed that the Fire Department budget has a revenue stream and that, based on the information in the Chief’s staffing memo, the 1.8 mills rate would still support some money going into the Apparatus Fund.

Ms. Holder clarified that the Fire Chief and the Mayor had agreed to a one-tenth (1/10th) of a mill reduction in the Fire Department Budget prior to the budget meetings. A second (2nd) one-tenth (1/10th) of a mill was requested by Ms. Hill and agreed to by consensus of City Council at the final budget meeting. This discussion reflects that second (2nd) one-tenth (1/10th) of a mill. Ms. Holder asked Chief Walterhouse about the accreditation requirements of his staff.

Chief Walterhouse explained that the Fire Department’s shortcomings will be highlighted during the accreditation process. He stressed that he and his Assistant Fire Chief are often called upon to staff ambulances due to understaffing.

Ms. Holder also questioned whether there were certain levels of accreditation necessary for the Fire Department to participate in the mutual aid program with other area fire departments.

Chief Walterhouse affirmed that it is necessary that Rochester Hills’ Fire Department have commensurate skill levels with mutual aid communities. He noted he feels an obligation to give to other communities in a similar matter to which they have given to Rochester Hills.

Ms. Holder questioned the Chief about the training and employee turnover of paid on-call firefighters.

Chief Walterhouse noted that the City has ample coverage from paid on-call firefighters during the evening hours, but the difficulty is finding paid on-call firefighters for daytime hours. He noted that employee turnover for these positions is approximately thirty percent (30%) and that was likely comparable to other area fire departments.

Ms. Golden noted that the Fire Department, with its voluntary reduction of one-tenth (1/10th) of a mill is participating in reducing the General Fund and should not be punished for its success. She stressed that strong public safety is essential to government.

Resident Lee Zendel, 1575 Dutton, suggested that the current Fire Department inspection rate of inspecting buildings every three and a half (3 1/2) years is a gamble.

President Dalton read the resolution changing the Fire Department millage rate from 1.8 to 1.9 mills.

Resolution A0477-2002-R0342

MOTION by Duistermars, seconded by Golden,

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and the Charter for the City of Rochester Hills, Chapter III, section 3.2, the Mayor as the Chief Executive Officer shall prepare the budget proposal for the ensuing year and shall submit it to the Council at its first meeting in August; and

Whereas, at its August 6, 2003 meeting City Council acknowledged receipt from the mayor of the Proposed 2004 Budget Plan and set a Public Hearing to be held September 3, 2003 at 7:30 p.m. to hear comments on the proposed Budget Plan; and

Whereas, at its September 3, 2003 meeting City Council held said Public Hearing on the proposed Budget Plan; and

Now Therefore Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millages Limitation, to be levied in December 2003 to provide the tax revenues included in the Proposed 2004 Budget:

City General Tax	3.0850 Mills
Fire Fund	1.9000 Mills
Special Police I	0.8003 Mills
Special Police II	0.4359 Mills
Public Improvement Fund (Drains)	0.4110 Mills
Pathway (voted)	0.1903 Mills
R.A.R.A. (voted)	0.1609 Mills
Older Persons Millage (voted)	0.2460 Mills
Older Persons Transportation (voted)	0.0226 Mills
Library Operating	0.8003 Mills
Special Drain Fund	0.5890 Mills
General Obligation Refunding Bond-(GORB) series 1998	0.0593 Mills
General Obligation 2002 Refunding Bond-(GORB) series 2002	0.4492 Mills
Older Persons Building Bond (voted)	<u>0.2183 Mills</u>
Total City Millages	9.3681 Mills

per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and further, Special Lighting (Christian Hills) be levied at the rate of \$10.33 per lot or description,

Be It Further Resolved, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2003 Tax Rolls.

ROLL CALL VOTE:

Ayes: Holder, Duistermars, Golden, Robbins

Nays: Dalton, Barnett

Absent: Hill

MOTION CARRIED

- 16b. Request for Purchase Authorization - COMMUNICATIONS:** Local Telephone Service and Advertising for Essential Circuits and Lines, blanket purchase order not-to-exceed \$150,000.00; SBC Communications, Saginaw, MI (Members received a copy of a City Council Regular Meeting Agenda Summary Sheet dated August 25, 2003 from Vincent Foisy, Supervisor of Communication Systems)

Resolution A0697-2003-R0343

MOTION by Barnett, seconded by Holder,

Resolved, that the Rochester Hills City Council approves the Blanket Purchase Order for SBC Communications not to exceed \$150,000 through June 30, 2005.

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

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

Nays: None

Absent: Hill

MOTION CARRIED

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

Resolution A0704-2003-R0344

MOTION by Duistermars, seconded by Golden,

Resolved to POSTPONE the request to award a contract for Professional Services between Hubbell, Roth & Clark, Inc. and the City of Rochester Hills for the Tienken Road & Kings Cove Intersection-Traffic Signal & Bridge Study in the amount not-to-exceed \$159,350.00 and authorize the Mayor and Clerk to execute a contract on behalf of the City.

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

MOTION CARRIED

17. COUNCIL COMMITTEE REPORTS

Council had nothing to report.

18. ANY OTHER BUSINESS

Ms. Holder expressed her disappointment at the early departure of one of her fellow Council members.

19. NEXT MEETING DATE - Wednesday, September 17, 2003 Regular Meeting.

20. ADJOURNMENT

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

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