

MINUTES of a Regular Rochester Hills City Council Work Session held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, January 8, 2003 at 7:30 PM.

1. CALL TO ORDER

President Dalton called the Special Rochester Hills City Council Work Session to order at 7:30 PM.

2. ROLL CALL

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

Absent: None

QUORUM PRESENT

Others Present: Mayor Pat Somerville
Beverly Jasinski, City Clerk
John A. Staran, City Attorney
Ed Anzek, Director, Planning Department
Bob Spaman, Finance Director
Roger Rousse, Director, Public Service Department

No Resolutions were adopted.

3. PLEDGE OF ALLEGIANCE

This Agenda Item was deleted due to the fact no American Flag was displayed at this location. President Dalton indicated a flag would be provided prior to the next City Council Meeting.

4. PUBLIC COMMENTS - (Non Agenda Items)

No Speaker Cards were received on any Non-Agenda Item.

5. ADMINISTRATION

5a. Clerk's Office

1. Purchase Authorization - 2003 Postage Permits, blanket purchase order not-to-exceed \$50,000.00; Rochester Post Office, Rochester, MI (A0467) (Members received a copy of a City Council Work Session Discussion Information Sheet dated December 20, 2002 from Jane Leslie, Deputy Clerk, with attachments)
2. Purchase Authorization - Postage by Phone, metered mail, blanket purchase order not-to-exceed \$50,000.00; Pitney Bowes, Inc., Louisville, KY (A0468) (Members received a copy of a City Council Work Session Discussion

Information Sheet dated December 23, 2002 from Jane Leslie, Deputy Clerk, with attachments)

Member Holder questioned the current cost of bulk mail items, noting bar coding could reduce postage costs substantially. City Clerk Jasinski stated the City utilized a Permit Fee. She noted some items were bar coded; however, those items were required to be preprinted.

Member Duistermars clarified that bar coding was utilized on large mailings. City Clerk Jasinski stated the bar coding was used for large mailings such as election items.

Upon hearing no further questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

5b. Mayor's Office

1. 2003 Budget Amendments (A0373) (Members received a copy of a City Council Work Session Discussion Information Sheet dated December 20, 2002 from Bob Spaman, Finance Director, with attachments)

Mr. Spaman explained at the December 18, 2002 City Council Meeting, Budget Amendments were approved to undesignate Funds for certain goods and services. He indicated those Funds were now being undesignated and incorporated into the 2003 Budget.

Upon hearing no questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

2. Request for authorization for the County Bond Counsel to proceed with the necessary actions to refund the Crake and Chester Drain Debt (A0472) (Members received a copy of a City Council Work Session Discussion Information Sheet dated December 27, 2002 from Bob Spaman, Finance Director, with attachments)

Mr. Spaman stated the City had been provided the opportunity to work with the County to refinance old debt at much lower interest rates. He indicated he expected the City to realize a cost savings of approximately Two Hundred Thousand (\$200,000.00) Dollars over the life of the debt, which would expire in 2011 and 2014.

Upon hearing no questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

5c. Planning Department

1. Hazelton Meadows Condominiums, a One-Family Residential Detached Condominium Development containing approximately 1.44 acres located on Hazelton Street, east of Livernois Road, zoned R-4, One Family Residential District; Parcel No. 15-34-101-040 (A0465) (Members received a copy of a City Council Work Session Discussion Information Sheet dated December 27, 2002 from Derek Delacourt, Planner II, with attachments)

- (a) Request for Sidewalk Waiver
- (b) Request for Approval of the Preliminary Site Condominium Plan

Mr. Anzek stated the request was to subdivide property located on Hazelton Drive through the single-family site condominium procedures. He indicated the Planning Commission had reviewed the proposed plan and recommended City Council approval. He explained if approval were granted, the Applicant would prepare the Master Deed and other necessary documents for recordation. He noted a Sidewalk Waiver was also being requested. He stated Sidewalk Waivers had previously been granted for the properties immediately to the west. He indicated the Side Condominium Plan met all Zoning and Ordinance Requirements.

Member Golden questioned the distance to the nearest continuous sidewalk. Mr. Anzek responded it was the pathway on Livernois. He noted the location of an open swale system, which prevented construction of a sidewalk.

Member Barnett clarified the location of Livernois on the drawings included in the packet. Mr. Anzek pointed out the location of Livernois and the property adjacent to the Applicant's property.

Member Golden suggested the criteria for a Sidewalk Waiver be included in the packet information. Mr. Anzek indicated that information would be included in the future.

Member Duistermars noted it was stated the property to the west of the Applicant's property had been granted a Sidewalk Waiver, and requested an update on the background of that request. Mr. Anzek stated the property owners had a two hundred (200') foot wide parcel that had been split into two (2) one hundred (100') foot wide parcels, and they were granted a Sidewalk Waiver.

Member Duistermars questioned whether there were any lots to the east that had been granted a Waiver. Mr. Anzek stated there were none.

Member Barnett suggested information be provided Council Members indicating the other parcels on Hazelton Drive to the west of the Applicant's property that had been granted a Waiver.

Member Barnett questioned whether the Waiver would run with the property in perpetuity. Attorney Staran indicated the Waiver would run with the land, however, it was tied to the specific proposal before Council. He stated if the plan was changed or not developed, the Waiver would not continue. He explained if the land were sold, the successor would retain the Waiver.

Member Hill noted that if the Sidewalk Waiver was granted, the first (1st) condition included in the resolution for the approval of the Preliminary Site Condominium Plan could be eliminated.

Upon hearing no additional questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

5d. Public Services

1. Purchase Authorization - DPS/FLEET: Excavator, purchase order in the amount of \$132,250.00; Michigan Cat, Shelby Township, MI (A0466) (Members received a copy of a City Council Work Session Discussion Information dated December 17, 2002 from Julie Hamilton, Purchasing Analyst, with attachments)

Mr. Rouse explained the requested Excavator is a piece of equipment used on a regular basis for multiple duties, including ditch cleaning and water main repair. He stated this machine would replace an eight (8) year old machine with approximately Four Thousand, Eight Hundred (4,800) hours on it. He indicated the requested Excavator was a new style with a stationary engine, which would eliminate problems experienced with the older machine such as the boom breaking down and transmission trouble.

Member Golden noted although there was only one (1) acceptable bid, she indicated she would like to review information about the other bids that were received.

Member Robbins questioned what the cost would be if this purchase were delayed for one (1) year. Mr. Rouse indicated the cost of inflation would have to be considered, and noted technology in the heavy equipment industry had improved the longevity, design and quality of the equipment. He stated maintenance and repair costs had been increasing on the current machine, which had resulted in a lower trade-in amount. He indicated by waiting a year, less value on the trade-in would be received; the purchase price would increase approximately Two (2%) to Three (3%) Percent, and repair costs on the current machine would continue.

Member Robbins questioned whether the equipment came with a warranty. Mr. Rouse stated the machine would have a warranty. He indicated the machine received a lot of rough service because it had concrete breaking equipment on it and was heavily used.

President Dalton questioned whether the requested purchase price included the trade-in amount. Mr. Rouse indicated that was correct.

Upon hearing no additional questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

6. CITY COUNCIL COMMUNICATION COMMITTEES

- 6a. Administration and Information Services Committee - Discussion regarding proposed 2004 Salaries (A0014) (Members received a copy of a City Council Work Session Discussion Information Sheet dated January 2, 2003 from Barbara Holder, Chairperson, AIS Committee, with attachments)

Member Holder stated the reason she requested this item be placed on the Agenda was to hold a discussion regarding how the individual Council Members would like the Council salary to be determined. She noted there had been previous suggestions of forming a resident Salary Committee; changing the rate of pay structure; eliminating the fifty (50) meeting quota; payment should be per meeting beginning with the first (1st) meeting of the year, and the Two and one-half (2-1/2%) Percent pay increase was not adequate.

Council Members discussed the current policy for determining City Council compensation, noting:

- The City Charter indicates Council Members would be paid for each meeting attended, with the amount established by Council.
 - Type of meeting is not specified, leaving that open for interpretation.
 - Perhaps "meeting" should be more clearly defined.
 - Charter Amendments had been considered previously.
- City Council Members attended a significant number of meetings.
- The number of Council Members assigned to the Communication Committees be decreased.
- Payment per meeting would compensate those Council Members who chose to attend.
- Many Communities utilize independent compensation boards, which would eliminate controversy.
- The former Salary Committee was absorbed into the AIS Committee.
- A Charter amendment would be required to establish an independent compensation board.
- The AIS Committee can utilize outside sources to help make a determination.
- A flat salary across the board could provide fair compensation.
 - Administrative and employee costs would be reduced.
- The AIS Committee had two (2) resident members, providing citizen input.
- The number of other Communities using independent compensation boards should be researched.
- The number of City Council Meetings held during 2002 was approximately Seventy-five (75).
- It was difficult for a person to discuss his or her own salary compensation.
- Compensation should be reasonable.
- Currently, Council Members are allowed to vote on the AIS Committee recommendation.
- All meetings have administrative and employee costs associated with them.

Council Members indicated the employee time required to track meetings, and the related accounting expenses, should be provided to the AIS Committee for consideration, along with a breakdown of the total number of meetings.

Member Holder indicated the AIS Committee would consider the information when it begins discussion on salaries.

Member Robbins stated he would like to receive the benchmark comparative data used the by AIS Committee, because it was a good tool for Council to review what other Communities were doing.

City Clerk Jasinski noted this Council's workload was considerably larger than most other Communities because of the Committee level, which is not utilized in other Communities.

President Dalton indicated this Agenda Item was scheduled for discussion purposes only and would not be scheduled for the next Regular City Council Meeting.

7. NEW BUSINESS

7a. An Ordinance to Amend Chapter 70, Offenses, Article III, Offenses Against Public Peace, Division 1, generally, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Section 70-91 prohibiting the resisting or obstructing of law enforcement and to deem such offenses as misdemeanors, and to prescribe a penalty for said violations (A0473) (Members received a copy of a City Council Work Session Discussion Information Sheet dated January 3, 2003 from Jeffrey S. Kragt, Beier Howlett, P.C., with attachments)

Member Barnett requested an explanation of the possible revenue increase associated with this Ordinance Amendment.

Attorney Staran explained if a person were cited under a local Ordinance, assessed fines would belong to the City.

Member Hill requested an explanation of the difficulties currently being experienced with the Oakland County Prosecutor's Office, which led to this Ordinance Amendment. Attorney Staran stated in general the Amendment would allow the Sheriff's Deputies to write under local Ordinances rather than State Law. He explained the procedures required by the County Prosecutor's Office for certain violations were difficult, impractical and discouraging for the Sheriff's Deputies to write under. He indicated some of the standards imposed by the County Prosecutor's Office resulted in denial of many requests made by the Sheriff's Deputies.

President Dalton stated it was very time consuming for the Officers to go to the County and follow all their procedures. He explained the Oakland County Prosecutor's Office was set up to handle felony warrants rather than misdemeanors. He indicated this Ordinance Amendment would allow the Officers to ticket the party.

Member Hill referred to the last sentence of Section 70-91, and suggested the sentence should read "... of not more than \$500 or by a sentence of *not* more than 93 days ...". Attorney Staran stated he would review the Ordinance prior to the next Council Meeting.

Member Duistermars requested an explanation of the standards used in connection with the phrase "who shall obstruct, resist or oppose said officer/person by any means including verbally, physically or otherwise,...".

Attorney Staran explained the language closely followed State Law, which is what the Deputies were currently attempting to prosecute under. He stated the terms did involve some subjectivity and enforcement would depend on the circumstances.

Upon hearing no additional questions or discussion, President Dalton indicated this item would be set over to the next Regular City Council Meeting for action.

8. COMMENTS & ANNOUNCEMENTS

8a. City Council Members

President Dalton stated the Avondale Youth Assistance would hold a dinner on January 21, 2003 for their volunteers and sponsors. He encouraged Council Members to attend the dinner, noting the City Council had been honored last year for their support.

Member Barnett stated the D.A.R.E. graduation ceremonies would be held on Thursday, January 7, 2003 at Avondale Meadows School, and encouraged Council Members to attend the event.

8b. Mayor

Mayor Somerville had no comments or announcements.

8c. Attorney

Attorney Staran had no comments or announcements.

9. ANY OTHER BUSINESS

President Dalton stated he would like to schedule a Joint Meeting with the Planning Commission on January 28, 2003. He noted the Zoning Rewrite was on going and he felt it was important for both the Planning Commission and the City Council to work together on that Rewrite.

Member Hill stated she was in favor of continuing Joint Meetings with the Planning Commission. She noted there were many potential projects being presented for the Community, and indicated for the record that she would like the following information to be provided prior to the Joint Meeting:

- Development needs – how much the Community could support
- Percentage of retail/commercial development that should be provided in this Community for support of surrounding Communities
- Revenue generated from commercial development, including:
 - Percentage from retail
 - Percentage from Office/ORT
- Existing commercial vacancies in the City, percentage or average year-to-year
- If commercial development increased:
 - What areas in the City
 - Look at Master Land Use Plan
 - How align with existing infrastructure
- If commercial expanded for development:
 - What are the infrastructure needs
 - What is potential cost of infrastructure needs
 - Who will pay for the cost of infrastructure

Member Hill stated this would be an important discussion from the standpoint of the Zoning Ordinance Update; the number of projects being presented; the limited land left in the City, and the redevelopment for the Community over the next twenty (20) years.

Member Robbins stated the Joint Meetings were a good idea; however, he would like to see something beneficial result from them, and ensure the same topics were not discussed over and over again.

President Dalton questioned whether there were any Council Members who could not meet on January 28, 2003. Hearing no objections, he stated he would work with Mr. Anzek and the Planning Commission Chair to schedule the meeting on January 28, 2003.

President Dalton stated a presentation would be made at the January 15, 2003 Council Meeting regarding the new rail corridor trail. He indicated the same presentation would be made to the other Communities along the corridor.

President Dalton stated the meetings had been moved to 1700 W. Hamlin Road due to the conditions at the City Hall Building during the renovation. He indicated he had been informed not everyone wanted to meet away from the Municipal Offices, and questioned whether Council Members would like to continue holding meetings at 1700 W. Hamlin Road.

Council Members requested an explanation of any complaints that had been received.

Mayor Somerville explained the compression move of the employees to the new addition and the renovation of the existing City Hall Building had been moved to the end of April or May, 2003. She indicated it would be helpful for the Department Directors if the meetings continued at City Hall until the compression because they would have access to Department files and records that might be needed at a Council Meeting.

Council Members indicated:

- Safety at the City Hall Building was a concern.
- Continuity of the location was important.
- If additional information is required from the Department files or records, Council Members should request that information prior to the meeting.

Mayor Somerville stated some of the safety concerns at the current City Hall Building had been reviewed, and it was determined additional floodlights could be installed; improvements could be made to the condition of the walkway by utilizing a special type of mat material; the visitor area of the parking lot could be resurfaced, and the City vehicles could be moved from the compound, allowing the public to park in the compound area during the meetings. She noted the compound area would not accommodate parking for a large crowd.

Council Members indicated:

- There were safety concerns with holding public meetings at a construction site.
- Information requested at a Work Session could be provided at the subsequent Regular Meeting.

- Access to 1700 W. Hamlin Road was easier.
- Signs could be posted on Hamlin Road indicating City Meetings were being held at the 1700 W. Hamlin Road location.
- The new location had already been published and announced.
- Moving the meetings back and forth would create confusion.
- Council Members should request additional information in a more timely fashion.
- The additional cost of utilizing 1700 W. Hamlin Road should be considered.
 - Cost of snow removal.
 - Custodians working at the City Hall Building would have to maintain 1700 W. Hamlin Road as well.
- Construction updates were provided on the City's Outlook System.

Member Holder stated according to the Steering Committee Meeting held on Monday, December 30, 2002, the move of the City Hall employees to the compression area was scheduled for the end of May, 2003. She indicated the contractors were requested to level off the patched areas of the parking lot and walkway.

Member Holder questioned whether a decision had been made regarding the time and location of the Administration and Information Services (AIS) Committee Meeting scheduled for Friday, January 10, 2003. City Clerk Jasinski stated the meeting would be held in Conference Room 110 at the Municipal Offices.

President Dalton stated it was his understanding when the meeting location was moved, the equipment would be permanently set up at 1700 W. Hamlin Road, which would eliminate additional work for the City Staff in setting up meetings at different locations. He indicated it appeared Council's consensus was that all Boards, Commissions and Committees would hold their meetings at 1700 W. Hamlin Road until the renovations were complete.

Member Robbins questioned whether the Budget Books could be provided in a CD format. He indicated he would prefer that version rather than receiving it in paper format. Members Golden and Hill agreed they would prefer CD format as well. Mr. Spaman stated he would provide the Budget to Council Members in CD format.

Member Golden stated the Road Commission for Oakland County had indicated it would be meeting with the Oakland County Communities to review road projects. She noted the Five (5) Year Road Plan was due to expire at the end of 2003, and suggested future funding be scheduled for Council discussion.

President Dalton stated a closed session would be held at the conclusion of the January 15, 2003 Regular Meeting to discuss an attorney/client privileged matter.

President Dalton stated the 2004 Budget Schedule was being prepared, and Council Members would be provided a copy of the Schedule as soon as possible.

10. NEXT MEETING DATE

10a. Wednesday, January 15, 2003 - Regular Meeting - 7:30 PM

11. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 8:58 PM

JOHN L. DALTON, President
Rochester Hills City Council

JUDY A. BIALK,
Administrative Assistant to the City Clerk

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills