



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr.
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Home Page:
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*Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi*

Vision Statement: The Community of Choice for Families and Business

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier
community of choice to live, work and raise a family by enhancing our vibrant residential
character complemented by an attractive business community."*

Monday, June 30, 2008

7:30 PM

RESCHEDULED from 07/07/08

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:30 p.m. Michigan Time.

ROLL CALL

Present 7 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Mike Hartner, Director of Parks and Forestry
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
Roger Rousse, Director of D.P.S./Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Ambrozaitis, seconded by Yalamanchi, that the Agenda be Approved as Amended to add Legislative File 2008-0348 under ATTORNEY MATTERS. The motion CARRIED unanimously.

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

PUBLIC COMMENT

Linda Goulet, 2031 Avoncrest, spoke against the cell tower proposed for West Middle School. She stated that she is employed by Comerica Bank in a technology research capacity and cited many reasons why this type of exposure is harmful to children. She offered to work with the City's technology department and share her research findings.

Bill Bidwell, 2055 Avoncrest, read a letter addressed to Mayor Barnett dated June 27, 2008, as well as a letter addressed to City Council dated June 28, 2008 regarding a proposed cell tower at West Middle School.

Melinda Hill, 1451 Mill Race Road, requested an update on the condition of Tienken Road from Adams to Rochester Road. She noted that County and State dollars were involved and requested a report from the City and the County. She then inquired about the City Council's Parks Tour scheduled for next Monday, July 7, 2008 and cautioned Council to consider the importance of parks to the community.

Lee Zendel, 1575 Dutton, discussed how a trash millage would make passage of a Police or Road Millage impossible. He shared information from the 2008 Community Profile about the vacant homes in the City and shared his concern about the mathematics of cost versus homes being serviced. He believes City Council should bill for trash hauling rather than pass a millage.

Shawn Rasanen, 1220 Christian Hills, requested that City Council put the Gypsy Moth Spraying into the budget for this year and thanked them for help with the deer issue. She expressed her hope that City Council would reconsider the proposed cell tower at West Middle School because there are too many homes in close proximity.

Diane Donahue, 2502 South Christian Hills, spoke regarding the number of gypsy moth caterpillars in the trees in her neighborhood. She asked for a contact at Oakland County to help with this matter.

Patrice Bogden, 2531 Stoodleigh, shared pictures and a coffee can full of caterpillars to express her concern regarding the gypsy moths.

Robert Schuler, 1255 Concord, stressed the need to find funding for the spraying of the gypsy moths. He suggested that the City revisit the data about spraying prevention for 2009.

Thomas Gamalski, 2762 South Christian Hills, expressed the same concerns about the caterpillars and moths and requested that funding be put in the budget for an aerial spraying program.

Jane Gonhoff, 2657 Stoodleigh, stated her concern that the loss of trees due to gypsy moth damage would affect residents' property values in Christian Hills.

Eunice Dempster, 2621 Stoodleigh, spoke as a resident of Christian Hills, as well as a real estate professional, stating that she has removed fifteen oak trees over the last five years which had died from extreme stress caused by gypsy

moths. She stated that gypsy moths are not unique to their neighborhood and expressed concern that there will not be any spraying unless Oakland County does it; and stated it must be widespread spraying. She stressed that the state of the economy is already affecting real estate values and the loss of trees adds further damage to property values. She expressed that any consideration and direction to address this problem would be appreciated. She submitted pictures.

Jeff Werth, 2503 New England, requested assistance with the gypsy moth infestation.

Chris Hughes, 1408 New Life Lane, spoke on behalf of the Velodrome at Bloomer Park, referencing the presentation from a couple of weeks ago. She reminded residents and City Council of an upcoming International three-day race and a bicycle swap.

Sigrid Stern, 1185 Concord, complained about solicitors coming to her house. She stated she has no soliciting signs posted and requested an opt-out list for residents that do not want solicitors. She then spoke about the dead Ash trees in the Christian Hills subdivision and suggested adding removal of dead trees to the Weed Ordinance. Regarding the gypsy moth problem, she suggested residents call Tru-Green to spray the caterpillars.

Mayor Barnett introduced Mike Hartner, Director of Parks and Forestry, to address the gypsy moth issue. **Mr. Hartner** stated that this has been a particularly heavy year with the caterpillars. He explained that the Parks and Forestry Department would be discussing the impact of the discontinuance of the aerial spraying program with Oakland County. He noted the last aerial spraying was May 2004. He further explained that spraying the caterpillars at this time would not be as effective. He referred residents to the Hills Herald to see tips on how to eradicate the caterpillars. He explained that it had cost over \$100,000.00 a year to spray and because Oakland County has disbanded the program, it would be necessary to use contractual helicopters to spray again.

Council Discussion:

Mr. Yalamanchi questioned when these discussions should start with Oakland County and when would spraying, if any, be done.

Mr. Hartner stated that spraying usually occurred in the Spring and noted they would contact the County. He explained that a fungus and bacteria usually occur to kill the caterpillars but was not certain why this had not happened yet this season.

Mr. Brennan asked Mr. Hartner if the State of Michigan had any involvement in the caterpillar eradication program and if not, why.

Mr. Hartner responded that the State of Michigan is not involved. He explained there was involvement from the Extension Service through Michigan State University. He cautioned that it is difficult for pest control companies to adequately spray the caterpillars at this time because of the dense tree canopy.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper, addressing Ms. Hill's question regarding the status of the Tienken Road project, stated that it is in the environmental impact stage and that Mayor Barnett will have more information about this in the future. He addressed Ms. Stern's question regarding solicitors stating that there is a freedom of speech issue with solicitors. He asked City Attorney Staran to elaborate further.

City Attorney Staran stated that currently there is an Ordinance regarding solicitation, however, because of past court rulings, the City has run into a legal issue that charitable and political causes are no longer required to be registered. He then explained that there is an Ordinance for commercial solicitation requiring registration and the police assist in these matters. He stated there is a solicitation prohibition in the Ordinance if a resident has a 'no solicitation' sign posted.

President Hooper commented on Ms. Stern's question regarding the removal of dead Ash trees. He stated it would behoove all residents to remove any dead Ash trees since they would be liable for any damage to neighboring property if such a tree should fall.

President Hooper encouraged everyone to attend the Festival of the Hills.

Mr. Ambrozaitis publicly congratulated Paul Funk on his daughter being named valedictorian at her school. He also thanked Mayor Barnett for the expeditious removal of a trash dumpster in a shopping center parking lot.

Mr. Pixley announced that he had spent the day with members of the Rochester Hills Government Youth Council interviewing next year's Government Youth Council. He stated how proud he is of the youth in this community and the quality of the young adults interviewing for the open positions. He commented that this week in Omaha, Nebraska are the Olympic time trials and congratulated a Rochester Hills family, the VanderKays, who have four sons that competed in the U.S. Olympic Time Trials.

Mr. Webber announced that as a result of State budget negotiations it appears that municipalities will be gaining a two percent increase in revenue sharing.

Mr. Yalamanchi questioned if the cell tower proposed by T-mobile is for commercial purposes only, and when this item would be coming before the City.

City Attorney Staran explained that he has not been involved with the cell tower discussions. However, it was his understanding it is a commercial tower proposed by T-mobile. He further explained that a commercial tower is being proposed on school property which would make it subject to local zoning and site plan approval.

Mayor Barnett responded to the T-Mobile and the cell tower item with the

following:

- Referring to Mr. Bidwell's comments, he stated that the City has not been approached by T-Mobile. The cell tower next to City Hall is not owned by the City, it is owned by Oakland County. Oakland County was approached by T-Mobile and stated that they would not allow the sale of the tower or use for privatization. He has talked with the School Board and it is a School Board issue regarding the acceptance or denial of the cell tower at West Middle School. He stated his concern about the misconceptions stated in Mr. Bidwell's letter.
- He addressed Mrs. Goulet regarding her cell tower concerns and safer alternatives. He suggested that she contact Vince Foisy regarding alternative issues.

Mayor Barnett had the following updates:

- DTE has run power for the irrigation to commence on the Adams Road Median and the Livernois Road Median.
- Adams Road is maintained by the County, however, the City Council can review and approve weekly mowing of this median.
- Effective July 31, 2008, all of the 911 PSAP calls should change to the County.
- The Administration will be giving an update on the deer situation in July. He hopes to have an update on the Tienken Road situation, as well as the gypsy moth situation.
- The Festival of the Hills event will be tomorrow night at Borden Park. It is the third largest fireworks display in Michigan and is sponsored generously by the community businesses.

Mr. Yalamanchi questioned whether the City or Oakland County is responsible for maintaining Adams Road south to Hamlin Road.

Mr. Rouse responded that Hamlin Road is the City of Rochester Hills' responsibility, however, the portion over M-59, including the entrance and exit ramps, are Oakland County's responsibility. He stated that the City put out a Request for Proposal for this area to be mowed, bringing forward an agreement with the Road Commission. The proposals will be coming in the next couple of weeks. He stated that there are plans to irrigate Hamlin and Adams.

President Hooper inquired if Crooks, Walton, and Livernois boulevards are all mowed by the City. He understood that it is Oakland County's duty to ensure visibility for driving.

Mr. Yalamanchi expressed his concern about safety issues.

ATTORNEY MATTERS

2008-0348 Litigation - *Donnelly vs. City of Rochester Hills*

A motion was made by Yalamanchi, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0209-2008

Whereas, the City Council met in closed session to discuss the matter of Donnelly vs. City of Rochester Hills, U.S. District Court, Eastern District of Michigan Case No. 08-10352.

Resolved, that the City of Rochester Hills City Council hereby authorizes the City Attorney to proceed in accordance with the recommended trial or settlement strategy.

PRESENTATIONS

2007-0856 Presentation and Request for Approval of four (4) Nominated Properties on Harding Road for Acquisition recommended by the Green Space Advisory

Attachments: [Agenda Summary.pdf](#)
[Nomination Form - Harding Street.pdf](#)
[Resolution.pdf](#)
[Suppl Info Presentation.pdf](#)

William Windscheif, Chair and **Paul Funk**, Vice Chair of Green Space Advisory Board (GSAB), gave the following presentation:

Recent GSAB Activity:

Since the last GSAB Property Recommendation:

- GSAB continues to meet monthly
- Open meetings with regular citizen input
- Developed Work Plan and defined Sub-Committees
- Integrated an active Youth Member into the GSAB process
- Received and reviewed additional property nominations
- Reviewed, toured, evaluated and scored six parcels
- Selected four parcels as a group for nomination
- Appraisals were performed by state certified experts
- GSAB is now recommending the City begin the acquisition process for the four parcel group

GSAB Approved Process Flowchart- Property Interest Acquisition Process:

Parcel Identification:

Natural Features Inventory; Priority one to three of parcels that are vacant, unrestricted or underutilized; GIS; Site Attributes; County Greenway

Determine Availability:

- Contact by letter; Set Window of Opportunity; Property Nomination Form; Informational Session

Assemble Candidate List:

- Apply greenspace/natural features criteria; Price; Easement; Development Rights; Donations; Partial sale/split

Develop Target Properties:

- Grants, Report to Council; Negotiations; Appraisal; Options; Make Recommendation to Council; City Council Public Hearing; GSAB's Final Report; Council Authorization; and Purchase or Acceptance of Donation

Property Evaluation Criteria - Greenspace/Natural Features Criteria:

- Water Resources - rivers, streams, ponds and lakes; wetlands, floodplains
- Habitat Protection - wildlife habitat, woodlands
- Recreational/Historical Resources: Clinton River greenway corridor, other streams and trail corridors, adjacency/connectivity, scenic views, passive recreation, historical/cultural, community planning
- Other factors - other unique factors, market value considerations, development risk, steep slopes, size of property
- Adverse factors - environmental hazards, higher than "market value" costs, any unique detractors

Natural Features Inventory Priority 1, 2 & 3 Green Space Areas:

- Letters were sent to property owners to determine owner interest in nominating property for GSAB evaluation. Other owners of key properties have since expressed interest.

Nominated Properties for Acquisition:

- After visiting all of the recent nominated parcels and using the selection criteria the GSAB focused on four parcels to recommend for acquisition at this time. The four parcels are being presented tonight as a single candidate: 23.86 acres of rolling woodlands between the Clinton River Trail and Harding Road.
- Nominated by property owner September 2007.
- GSAB conducted a on-site tours in November and the parcels received high scores by the GSAB for: proximity to the Clinton River and Clinton River Trail, relatively large size, wetlands, woodlands, slopes and varied terrain, connectivity to Oakland County 'Hubs and Spokes' greenways, one of very few large green space parcels left within Rochester Hills

GSAB Recommendation:

GSAB has reached a decision to recommend for purchase at this time the four parcels on Harding Road for the following reasons as listed:

- All properties were compared using criteria relating to protection of water resources, habitat protection, steep slopes, woodlands, recreational value and natural features
- Site contribution to the Oakland County Greenways vision of hubs and spokes was considered
- Support the Master Transportation Plan and Master Recreation Plan
- These properties support the GSAB 'Vision'
- GSAB invites the City Council to walk this property with the GSAB or Staff to become familiar with its features.

Mr. Funk reported that the GSAB has some targeted grant opportunities that have to be submitted by August 1, 2008.

Mr. Rosen inquired if the next step would be a Closed Session to discuss strategy.

President Hooper responded that the resolution states to 'authorize City administration to create an acquisition team to begin the acquisition process with the property owners'. He then questioned who the Acquisition Team would consist of.

Mayor Barnett responded that it would be an internal team; a similar group as in the past.

Mr. Webber expressed his appreciation for the presentation and for the presence of the GSAB members at the meeting this evening. He stated he would appreciate the opportunity to walk the property with some of the GSAB members.

Mr. Ambrozaitis also expressed his appreciation for the presentation.

A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0210-2008

Whereas, the Rochester Hills City Council established the Green Space Advisory Board (GSAB) for the purpose of developing strategies and recommendations to City Council regarding the expenditure of Open Space Millage funds for permanently preserving natural green spaces, wildlife habitats and scenic views; protecting woodlands, wetlands, rivers and streams; and expanding the Clinton River Greenway and other trail corridors;

Whereas, the GSAB has established a Property Interest Acquisition Process which includes parcel identification, determination of availability, assemblage of a candidate list, determination of target properties and recommendation to City Council;

Whereas, the GSAB has established Property Evaluation Criteria which includes water resources, habitat protection, recreation historical resources, other factors and adverse factors;

Whereas, the GSAB has evaluated the nominated properties based on the Property

Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Spoke & Hub Strategy;

Whereas, the GSAB has also considered how the nominated parcels support the Master Recreation Plan;

Whereas, the GSAB, based on its findings, recommends the City pursue the acquisition of The Villas property; four (4) parcels totalling 23.86 acres (Parcel Nos. 15-15-327-001, 007, 010 and 15-15-328-001);

Now Therefore Be It Resolved, that the Rochester Hills City Council adopts the GSAB's recommendation to pursue the acquisition of The Villas property; four (4) parcels totalling 23.86 acres (Parcel Nos. 15-15-327-001, 007, 010 and 15-15-328-001);

Be It Further Resolved, that the City Council authorizes the City Administration to create an acquisition team and to begin the acquisition process with the property owners.

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.

2008-0318 Request for Approval of the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and L & R Homes, Inc.

Attachments: [Agenda Summary.pdf](#)
[Exhibit.pdf](#)
[Storm Water Maintenance Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0199-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the storm water detention system, relative to the details of the development and use, repair and maintenance of the storm water system, for Pine Woods Condominiums, for City File #05-005, between the City of Rochester Hills and L & R Homes, Inc., 2490 Walton Blvd., Suite 103, Rochester Hills, MI 48309.

2008-0319 Request for Acceptance of the Warranty Deed for Shortridge right-of-way granted by D & F Development, LLC, a Michigan Limited Liability Company, for the Commons South Condos

Attachments: [Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0200-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed easement granted by D & F Development, LLC, a Michigan Limited Liability Company, 1171 Hickory Hill, Rochester Hills, MI 48309, for Part of Parcel No. #15-34-301-013.

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

- 2008-0320** Request for Acceptance of the Warranty Deed for the public road right-of-way granted by L & R Homes, Inc., a Michigan Corporation, for Pine Woods Condominiums

Attachments: [Agenda Summary.pdf](#)
[Exhibit.pdf](#)
[Warranty Deed.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0201-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed easement granted by L & R Homes, Inc., a Michigan Corporation, 2490 Walton Blvd, Ste. 103, Rochester Hills, MI 48309, for Part of Parcel Nos. #15-34-101-012 & #15-34-101-013.

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

- 2008-0321** Request for Approval of the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and D & F Development, LLC

Attachments: [Agenda Summary.pdf](#)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Storm Water Maintenance Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0202-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the storm water detention system, relative to the details of the development and use, repair and maintenance of the storm water system, for the Commons South Site Condos, for City File #05-011, between the City of Rochester Hills and D & F Development LLC, 1171 Hickory Hill Dr., Rochester Hills, MI 48309.

- 2008-0339** Request from Palace Sports & Entertainment, to transfer 7,000 shares of stock in a 2008 Class C licensed business with an Entertainment Permit, located at

Oakland University, Meadowbrook Music Festival, from William Davidson to new stockholder, D Management Group, LLC

Attachments: [Agenda Summary.pdf](#)
[Meadowbrook Music Festival Application.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0203-2008

Resolved, that the request from Palace Sports & Entertainment, Inc. to transfer stock in 2008 Class C licensed business (MCL 436.1531(7); non-transferrable) with Entertainment Permit, located at Oakland University, Meadowbrook Music Festival, Rochester Hills, MI 48309, Oakland County, thru transfer of 7,000 shares from William Davidson to new stockholder, D Management Group, LLC be considered for approval.

Passed the Consent Agenda

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

The following Consent Agenda Items were discussed and adopted by separate Motions:

2007-0447 Request for Purchase Authorization - DPS/FACILITIES: Increase Blanket Purchase Order for Snow Removal Services at four (4) City owned facilities, in the amount of \$1,136.00 for a not-to-exceed amount of \$96,836.00; Advanced Services Landscape, LLD, Sterling Heights, MI

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[040708 Agenda Summary.pdf](#)
[040708 Resolution.pdf](#)
[022508 Agenda Summary.pdf](#)
[022508 Suppl Info Rev. Agenda Summary.pdf](#)
[022508 Resolution.pdf](#)
[080807 Agenda Summary.pdf](#)
[080807 Resolution.pdf](#)

Mr. Ambrozaitis had requested removal of this item from the Consent Agenda and asked for a voice vote.

A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0212-2008

Resolved, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Advanced Services Landscape, LLC of Sterling Heights,

Michigan, for 2007-2008 Snow Removal Services at four (4) City owned facilities, in the amount of \$1,136.00 for a not-to-exceed amount of \$96,836.00 through October 15, 2008.

- 2008-0334** Request for Purchase Authorization - DPS/ENG: Project budget for upgrade to the Television Sewer Inspection System in the amount not-to-exceed \$75,000.00; Telespector Corporation, Auburn Hills, MI; Pennisular Technologies, Ada, MI and various other vendors.

Attachments: [Agenda Summary \(Revised\).pdf](#)
[Proposals Tabulation.pdf](#)
[Resolution.pdf](#)
[Agenda Summary.pdf](#)

Both Mr. Pixley and Mr. Yalamanchi asked for this item to be removed from the Consent Agenda to allow discussion. Mr. Pixley inquired as to the necessity of this purchase. He stated that this subject had come up earlier in the year and questioned whether it was related to some of the sewer inspection policies. He also inquired about the status of the current equipment being used.

Mr. Rousse responded that the City's current camera equipment is not adequate for the larger sewer televising jobs and suggested placing this equipment on a new, larger tractor to expand their program to allow them to perform the larger system evaluations and inspections. He explained that the City needs to convert the current VHS system to a digital system which will allow for cataloging the information, making it accessible to the GIS and Asset Management Programs.

Mr. Pixley inquired about the current cost of performing these inspections.

Mr. Rousse stated that the current practice is to contract out when a homeowner's association reports there is a problem, blockage or a failure. He stated that the tractor portion of this equipment would allow for rapid inspection and allow it to be cataloged in an accessible manner for an immediate digital on-site inspection.

Mr. Pixley requested a cost comparison to what has been done in the past.

Mr. Rousse stated that this would increase the level of service.

Mr. Ambrozaitis shared that his subdivision had to utilize these services earlier this year. He questioned the benefit to developers and builders.

Mr. Rosen questioned if the camera was purchased in 2004 or 2005.

Mr. Rousse stated it was 2004, but that the camera only recorded to VHS not to digital.

President Hooper stated that it is paid for out of the Water and Sewer Funds.

A motion was made by Pixley, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0204-2008

Resolved, that the Rochester Hills City Council hereby authorizes the project budget for the upgrade to the Television Sewer Inspection System to Telespector Corporation, Auburn Hills, Michigan, Pennisular Technologies, Ada, Michigan and various other vendors in the amount not-to-exceed \$75,000.00.

UNFINISHED BUSINESS

2008-0314 Request for Purchase Authorization - MAYOR: Blanket Purchase Order for Citywide Microfilming Services in the amount not-to-exceed \$97,500.00; Advance Microfilm Service Company, Port Huron, MI

Attachments: [Agenda Summary.pdf](#)
[Tabulation.pdf](#)
[Memo re Microfilm vs Imaging.pdf](#)
[Resolution.pdf](#)

President Hooper referenced City Clerk Leslie's memorandum dated June 30, 2008 distributed to City Council.

PUBLIC COMMENT:

Lee Zendel, 1575 Dutton Road, compared the quickness of Google versus searching through microfilm records. He stated that microfilm is last century's technology.

Mr. Yalamanchi questioned the process in place for the City to move toward digitizing information for scanning, creating and copying. He further questioned if the cost was already looked at and found to be more expensive and this is why the move toward microfilm was made versus digitizing the City's records.

Clerk Leslie responded that the Clerk's Department had been working with a consultant on the City's Record Retention Program over the last two years to identify all of the records of the City and to identify the needs for retention of those records and the management method thereof. Long-term storage, however, is prescribed by the State Department of History, Arts and Library. Some records, while the City may have to keep the document on file, may not be referenced very often. This would be a case where the consultant would recommend storage on microfilm because it would be a more cost effective method and there is not usually an urgent need for it to be searched. She stated that most of the City's current records are very easily searched/accessible. The consultant did not recommend any particular new technologies at that point in time or new software systems. The City does still need to review the electronic recordkeeping procedure through J.D. Edwards, Asset Management, GIS, as well as the other information systems. She mentioned that the City does have a searching mechanism available.

Mr. Yalamanchi commented that the City should move away from microfilm, if not this year, hopefully next year or in the near future.

Clerk Leslie added that the City is constantly looking at what the technology will be. She stated that Deputy Clerk Susan Galeczka answered this question in a

previous memorandum which stated that companies are now downloading their information from the computer back to microfilm technology to save the space without having to spend the money on new servers and new softwares. She explained that once an electronic method of record retention is in place, a migration system also needs to be in place. The time frame for migration from one system to another for newer technology is roughly five to seven years. It is reduced on some issues between three to five years so it shortens the time span for having to have a substantial amount of money to replace a software system and to convert records from one system to another.

Mr. Webber requested a copy of the consultant's report.

Mr. Brennan stated he would like to see Ms. Galeczka's memorandum included as part of the public record for future reference.

President Hooper referenced the large format document imaging listed in the Capital Improvement Project and questioned if it were to move forward, would everything that is microfilm then be converted to digital memory.

Clerk Leslie explained that the Capital Improvement Project referenced in the memorandum is related to large format document imaging and the City's Vital Statistics Program; birth and death records that are imaged. This system went into place in 1997 at a cost of approximately \$130,000.00. The Management Information System Department has subsequently been 'band-aiding' it for the last few years because the software company that developed it no longer supports this system. The consultant identified the large format document imaging is something that the Engineering Division will be using related to their daily use of large plans, and that Vital Stats was the other item that needed replacement.

President Hooper questioned what the City currently does with those items.

Clerk Leslie responded that the Engineering Department currently has large plans that are maintained until they complete a project. Once completed, they microfilm their whole packet of information so that they are kept together and available for the life of whatever development it may be. A requirement in the retention of records is that the records be 'human readable', and that is one of the reasons why microfilm is approved before they approve electronic methods without migration processes in place. A person could always unroll the roll of microfilm and hold it up to the light and read it.

President Hooper further questioned if this only applied to certain records.

Clerk Leslie responded that this is only for the long term record retention issues. The Building Department is the other large user of microfilm. Whether it is commercial or residential, they microfilm quite a few of the large projects and all of that stays with the City until such time as that property is no longer the same development.

Mr. Yalamanchi stated he has difficulty with this because the world is moving towards digitizing and not microfilming. He stated he would vote no on this.

Mr. Rosen stated that in some ways this makes sense that some items, once completed, will not be looked at again. He stated for example, the sewer issue, in just four years has gone from VHS to digital. He asked Clerk Leslie if this makes sense for items that do not change much, however, for items such as voter records, etc., those should be digital and accessible.

Mr. Pixley questioned what the alternative cost would be if the City does not use microfilm.

Clerk Leslie stated that a large number of the City's records are not in a digital format at this time. The records would have to be converted into whatever format the City would use. She stated that her estimate for the large format document imaging system, about two years ago, when the Records Management process began, was approximately \$225,000.00. The Vital Stats portion would now be closer to approximately \$150,000 - \$175,000.00. The two items have been lumped together in the Capital Improvement Plan for approximately \$350,000.00 to go forward in 2010.

Mr. Pixley inquired if the Vital Statistic function is currently being handled digitally. He stated that this would also need an upgrade.

Clerk Leslie stated that Vital Stats was listed as one of the critical needs for upgrading almost immediately if the City moves onto any new digital equipment or new software.

Mr. Pixley inquired what the down side would be, other than cost, if this item was not approved tonight.

Clerk Leslie stated the down side is that the Building Department would have to pack all of those records and store them offsite. The Engineering Division would have to perform the same task for the items not being used on a regular basis. She further stated that the City stores records offsite at Iron Mountain for a monthly storage fee, and an initial set-up cost for putting boxes into storage. Microfilm would be smaller in cost and storage space. She identified that for disaster recovery, a records retention facility must be ten miles away.

Mr. Webber stated he would like to see a transition plan in place toward digital imaging.

Clerk Leslie stated that Troy and Sterling Heights microfilm records as well, and they are taking advantage of our City's initial contract with this company to get the best pricing based on the comparisons.

A motion was made by Rosen, seconded by Ambrozaitis, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 5 - Ambrozaitis, Brennan, Pixley, Rosen and Webber

Nay 2 - Hooper and Yalamanchi

Enactment No: RES0205-2008

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase

Order to Advance Microfilm Service Company, Port Huron, Michigan for citywide microfilming services in the amount not-to-exceed \$97,500.00 for one year.

NEW BUSINESS

2008-0332 Request for Approval of the Flood Plain Use Permit for 1331 New Love Lane

Attachments: [Agenda Summary.pdf](#)
[Site Plans.pdf](#)
[FEMA Response.pdf](#)
[Flood Plain Use Permit Application.pdf](#)
[Consent Judgment.pdf](#)
[MDEQ Permit.pdf](#)
[Nowak & Fraus Letter 012808.pdf](#)
[Resolution.pdf](#)

Paul Davis, City Engineer, reminded City Council that back on March 31, 2008, Council reviewed three floodplain use permits. Of those three, this one was denied. He explained that the Engineering Division had issues with the proposed building addition that was going to be on the existing home. He stated that the applicant had his engineer revise the drawings to remove the reference to the proposed building addition and then regrade the property. He further stated that Engineering has reviewed the revised plan and is recommending approval of the floodplain use permit so that the applicant, in conjunction with the other two already approved, can do a combined effort to re-establish floodplain volume and restore some of the wetlands that were damaged.

Mr. Yalamanchi asked if the plan is in conformity with the one-hundred-year flood plain.

Mr. Davis responded that this area with the three lots together, would actually provide a slight net increase to the available volume in the hundred-year floodplain.

President Hooper clarified that Mr. Yalamanchi is looking for the City's Emergency Response Plan for the one-hundred-year and five-hundred-year flood plains and what the City does in accordance with FEMA.

Responding to Mr. Davis' suggestion, **President Hooper** stated that the Administration could come back with a presentation for Council on the City's Emergency Response Plan for one-hundred year and five-hundred year plans.

Mr. Davis responded to Mr. Ambrozaitis' inquiry by stating it is his belief that the filling that was previously done will be resolved with the applicant following through on the plans on the three lots to remove the fill and re-establish the wetlands to its prior condition. He stated that it is his belief that the applicant has intentions of carrying this through very soon.

A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0206-2008

Whereas, the property owner at 1331 New Love Lane, Joe Gruits, is the applicant for a Flood Plain Use Permit and;

Whereas, the Department of Public Service/Engineering Services has recommended approval of the Flood Plain Use Permit application as submitted and;

Now Therefore Be It Resolved, that the Rochester Hills City Council finds, after reviewing supporting documentation, that the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 114, Article III, Division 2, Section 114 - 159, as submitted by Joe Gruits, issues approval of the permit application.

2008-0344 Request for Approval for the Rights-of-Way Acquisitions obtained to date for the Hamlin Road (Crooks to Livernois) Project

Attachments: [Agenda Summary.pdf](#)
[Hamlin ROW 062508.pdf](#)
[Resolution.pdf](#)

A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0207-2008

Resolved, that the Rochester Hills City Council approves the Rights-of-Way acquisitions obtained to date for the Hamlin Road, (Livernois to Crooks) Project and authorizes payments to the land owners in the combined amount of \$351,073.00.

2008-0246 Status Update from Mayor Barnett on the 2008/2009 Police School Liaison Agreement

Attachments: [Agenda Summary.pdf](#)
[051908 Agenda Summary.pdf](#)
[2008-09 Pol Liaison Calc.pdf](#)
[2007-08 Pol Liaison Calc.pdf](#)
[Resolution.pdf](#)

Mayor Barnett reminded everyone that City Council tabled this item at their May 19, 2008 meeting and asked the administration to enter into discussions highlighting the City's concerns with the funding of the program. He reported that the Police Liaison Steering Committee met and he shared City Council's concern about future funding of the program. Based on the discussions at that meeting, Mayor Barnett requested that City Council reconsider the original resolution this evening because Rochester Community Schools' fiscal year ends June 30th. He stated that at the Steering Committee Meeting, it was suggested that there will need to be some significant dialogue resulting in significant changes and arriving at a resolution prior to the next school budget year.

Mr. Rosen suggested that there should be a further resolution; that the Mayor

and the Police Liaison Steering Committee will begin discussions in October for the correct budget year so that this train of thought is not lost.

A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0211-2008

Whereas, the City of Rochester Hills City Council hereby approves the Police Liaison 2008/2009 (school year) budget in the amount of \$645,433, of which as a participating party, the City of Rochester Hills' contribution is \$350,473 (72% of \$486,768 - the amount to be shared by the three participating communities) as presented,

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

Be it Further Resolved, that the Mayor will reconvene the Police Liaison Steering Committee in October 2008 to continue dialogue regarding the scope and funding of the Police School Liaison Program for the 2009/2010 School Year.

(Recess 9:35 p.m. - 9:47 p.m.)

2008-0340 Discussion regarding Eliminating City Primary Elections

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[063008 Agenda Summary.pdf](#)
[Proposal Language - Eliminate Primary Elections.pdf](#)
[CoNSTRUct Spreadsheet Excerpt.pdf](#)

President Hooper announced that the next four topics are for discussion only, that no motions would be taken this evening, no decisions will be made, these are strictly discussion items. He stated that he had put together a brief summary of the Charter Non-Structural Committee and the synopsis of the history of that Committee. He invited public comment.

Public Comment:

Lee Zendel, 1575 Dutton, stated that there were three people on the Committee, in addition to himself, with many years of experience. The consensus among them was that if these four items were put on the November 2008 ballot, they would be at the end of very long ballot, after judges, trustees and perhaps after any millage question. He stated his belief that Council will be spinning their wheels if they attempt to put these items on the November 2008 ballot.

Melinda Hill, 1481 Mill Race, noted that these items were brought forward by President Hooper of his own volition for discussion with Council. There was no consensus of the Committee to do so. She stated that the City of Rochester Hills has a strong Mayor form of government. Most cities in Michigan have a City Manager. The City has dedicated millages for the desired services in this community and others do not. She commented that eliminating the primary

could reduce the City's cost by \$40,000.00 - \$50,000.00. She stated that several other communities have eliminated the primary. She noted that some of the other changes such as changing the Fiscal Year and moving the Accounting division are really structural changes to the City's Charter. If the City wants to have a structural change, she feels that the residents should ask for a Charter Commission to look at the Charter. At this point in time, she does not think the committee looked at all the implications of these suggested changes and, therefore, does not think they should be placed on the ballot.

Jim Duistermars, 308 Woodside Court, stated that he does not agree with the elimination of the primary elections because it would run the risk of the elected officials not being voted for by a majority of the community.

President Hooper requested that City Attorney Staran bring Council and the residents up to date on what State legislature is doing regarding having an election by mail-in ballot rather than going to the voting booth.

City Attorney Staran replied that there is a bill that may still be in Committee that has been introduced to amend the Michigan Election Law to authorize voting by mail. Until the Michigan Election Law is amended, there really is no legal authority to vote by mail except for those voters who qualify as absentee voters.

President Hooper stated that he thought people will read the ballot. When they exercise their constitutional right to vote, they are going to vote on the entire ballot.

Mr. Webber questioned what the City's cost would be, especially since there will already be a Presidential Election in November.

City Clerk Leslie responded that there is no additional cost to add these items, her than for the cost of the printing on the space that will be utilized on the ballot. She stated that the City does have an additional cost in the publication of the notice of the election because the City does have to include all of this information in the newspaper legal notices.

Mr. Webber questioned what the time frame was for City Council to decide to put these items onto the ballot for November.

City Attorney Staran responded that there is a minimum of sixty days from the time the Council passes a resolution before it can be placed on the ballot. Within that time, the Governor's approval would also have to be obtained.

President Hooper asked if it is realistic that City Council has until the end of July 2008, should it decide to place these items on the ballot.

City Clerk Leslie stated that the last day for the Clerk's Department to certify any local ballot proposals to Oakland County for the November 2008 ballot is August 26, 2008, noting that the response from the Governor's office would need to be received by that time.

Mr. Rosen stated that there was quite a bit of division among the Committee members as to whether some of these items are structural changes to the Charter. Regarding the elimination of the primary elections, he stated that while saving the money is attractive; at the same time, he prefers the clear choice between two candidates. He noted that he was not in favor of bringing any of this before Council because he did not feel the Committee had finished their discussions.

Mr. Webber inquired if the City has obtained any type of legal opinion as to whether the City is crossing the line from Charter Structural revisions versus non-Structural.

City Attorney Staran stated that he is comfortable that all of the potential questions are considered non-structural and can be dealt with through a Charter Amendment, not a Charter Revision.

Mr. Rosen inquired if a citizen could file some sort of a legal action to stop them from being considered because the contention was that they were structural.

City Attorney Staran responded that this is always a possibility, however it was his opinion was the reason these items go to the Governor's office to be reviewed by an assistant to the Attorney General who specializes in government affairs. Typically, a Charter revision is necessary when one is actually changing the form of government, as opposed to procedural type items. A primary election is a procedural issue, it is not changing the form of government rather it is changing the avenue to get there.

Mr. Webber inquired if one or all three City Council members could take him through the other issues that were discussed during the Committee meetings. He stated he would like to get a better understanding of how the Committee reached these four items coming before Council tonight.

Mr. Rosen stated that at the last Committee meeting, four of the six members were present. Mr. Hooper declined to take a vote at this meeting because it was concluded that had it been a motion, it would have been defeated. He noted that Mr. Hooper chose to bring these items forward on his own initiative.

President Hooper confirmed Mr. Rosen's statement.

Mr. Webber commented that the Committee looked at thirty-seven different items and brought forward four. He commented that it appears as though some of the members do not have the same sense of urgency as other members to move forward with these changes.

President Hooper stated that three City Council members and four residents were appointed to this Committee. Of those, only three members submitted topics to be reviewed. After discussion on each of those topics, these four items were left. Rather than have these items die in Committee, he brought it to City Council for discussion.

Mayor Barnett explained that the administration provided topics to the

Committee for review as well.

Mr. Brennan commented with regard to the city primary elections, he does not think that this item should be on the ballot. He also commented regarding the qualifications of the candidates and the felonies, that he does not think that will ever be an issue for our City. He stated he favored changing the Fiscal Year to July 1 and moving the Accounting Division from the Clerk's Department to the Mayor's Department, noting that this will promote the efficient administration of the City.

Mr. Pixley questioned if from a procedural standpoint, there would be public hearings on these issues.

President Hooper responded that if Council decides to move forward, a decision needs to be made within two to three weeks.

Mr. Yalamanchi stated he does not want to see the primary elections eliminated. As for the other three items, he was in favor of placing them on the November 2008 ballot.

Mr. Webber stated he would not be opposed to putting all of the items on the ballot for the voters to decide.

Mr. Pixley expressed his opinion that he was in favor of placing all of the items on the November 2008 ballot, with the exception of eliminating the primary election. Although he would love to save the \$50,000, primary elections have a very important impact on the elections.

Mr. Rosen stated he is not in agreement with moving forward on any of the four items. He prefers the checks and balances currently in place by having three separate divisions: Accounting, Treasury and Fiscal. He stated that he does not think anything is broken in the current arrangement.

PUBLIC COMMENT:

Melinda Hill, 1481 Mill Race, stated that having to get these items to the Governor by August would not be enough time to inform the public sufficiently. She disagreed with changing the Fiscal Year to July 1, explaining that tax collection may cause hardships for many residents and this current economic climate is not the time to make such changes. She stated that the committee has not had time to discuss the pros and cons. She concurred with Mr. Brennan regarding the qualification's issue. She referred to former City Clerk Beverly Jasinski's memorandum noting that Mrs. Jasinski's husband sat on the original Charter Commission and stated that Accounting is part of the recordkeeping team, the checks and balances. She concurred with Mrs. Jasinski that Fiscal should be on one hand and Accounting on the other. She requested an explanation of the definition of "efficiencies" and stated that the Committee has more work to perform.

Lee Zendel, 1575 Dutton Road, questioned if a changeover in the Fiscal Year to end June 30 would require the City to perform an audit for \$70,000 or \$90,000 and then have the auditors return again for the next full, fiscal year. He stated

that \$50,000 for the primary election is far less than conducting two audits within the changeover time period.

Mr. Duistermars, 308 Woodside Court, stressed the need to keep the primary elections.

President Hooper stated that the primary election is strictly a money saving issue to him compared to other possible cuts. He stated his support for a change in the fiscal year. He shared that he had talked to four of the members of the original Charter Commission about the City's current topics and found the primary goal was to model the township form of government, keep a strong mayoral form of government and to keep the taxes low. He found in his research that the only qualification for City Council and Mayor was to be eighteen years of age and a registered voter for a year. He would like to see the integrity level raised and have a defined procedure for removal of unfit candidates and officers of the City. He agreed with Mr. Yalamanchi about the efficiencies of Accounting being under the Mayor's Department rather than under the Clerk's Department. He asked for resident's comments and inquiries. He stated that this will come back in a couple of weeks.

Mr. Ambrozaitis stated that he is a product of the primary process and that he supports the primary system. He suggested that discussion relative to changing the City's Fiscal Year continue. He supports the addition of qualifications for City officials and stated his opinion that Accounting has worked under the Clerk's Department and remarked that if it is not broken it should not be fixed.

This matter was Discussed.

Enactment No: RES0230-2008

2008-0341 Discussion regarding Changing the City's Fiscal Year to begin on July 1

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[063008 Agenda Summary.pdf](#)
[Charter Amendment Language.pdf](#)
[Proposal Language - Change Fiscal Year.pdf](#)
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

This matter was Discussed.

Enactment No: RES0231-2008

2008-0342 Discussion regarding adding additional qualifications to both candidates and elected officials of the City

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[072108 Resolution \(Revised\).pdf](#)
[071408 Agenda Summary.pdf](#)
[071408 Resolution.pdf](#)
[063008 Agenda Summary.pdf](#)
[Charter Amendment Language.pdf](#)
[Proposal Language - Council not in default.pdf](#)
[Proposal Language - Judge Qualifications.pdf](#)
[Proposal Language - Council Felony.pdf](#)
[Proposal Language - Mayor Felony.pdf](#)
[Proposal Language - Mayor not in default.pdf](#)
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

This matter was Discussed.

Enactment No: RES0276-2008

2008-0343 Discussion regarding moving the Accounting Division from under the Clerk's Office to the Mayor's Office

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[071408 Resolution.pdf](#)
[Letter from Plante & Moran 063008.pdf](#)
[063008 Agenda Summary.pdf](#)
[Charter Amendment Language.pdf](#)
[Proposal Language - Chief Accountant.pdf](#)
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)
[Accounting Responsibilities.pdf](#)

This matter was Discussed.

Enactment No: RES0279-2008

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

President Hooper responded to **Mr. Ambrozaitis'** question about the Parks Tour stating it will be Monday, July 7, 2008. Council Members will meet at Borden Park at 6:00 p.m. to begin the tour of the City's park systems.

Mayor Barnett distributed a letter from Phil Bertolini of Oakland County regarding an update on the Wireless Oakland Program. He stated that Oakland

County is putting this program on indefinite hold.

NEXT MEETING DATE - Regular Meeting - Monday, July 14, 2008 - 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:55 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*CHRISTINE A. WISSBRUN
Administrative Secretary
City Clerk's Office*

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