



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*J. Martin Brennan, Greg Hooper, Nathan Klomp, 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."*

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Monday, April 4, 2011

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber  
and Ravi Yalamanchi

**Absent** 1 - J. Martin Brennan

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Scott Cope, Director of Building/Ordinance Compliance  
Ron Crowell, Fire Chief/Emergency Management Director  
Paul Davis, Acting Director of DPS/Engineering  
Bob Grace, Director of MIS  
Jane Leslie, City Clerk  
John Staran, City Attorney*

*Mr. Brennan provided prior notice that he would not be in attendance at tonight's  
meeting.*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Yalamanchi, seconded by Webber, that the Agenda be  
Approved as Presented. The motion carried by the following vote.**

**Aye** 6 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

## PUBLIC COMMENT

**Dee Hilbert**, 3234 Quail Ridge Circle, requested an update on the actions of the Police and Road Funding Technical Review Committee with respect to the two expiring police millages.

**Alice Benbow**, 1582 Northumberland, distributed a book on mental health disorders, and commented that the use of antidepressants and other psychotropic drugs can actually lead to an increased risk for suicide.

**Dr. Richard Stamps**, 2900 Heidelberg Court, stated that this month is the beginning of the Sesquicentennial of the Civil War. He mentioned an article appearing in the Detroit Free Press Sunday Edition which pointed out the significant contributions made by Michigan, and Oakland County in particular, to the Civil War. He noted that when President Abraham Lincoln called for northern support for war efforts, Michigan was the first state to respond. He suggested that the City might take the opportunity during Memorial Day activities to remember this watershed event in our country's history.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** responded to Ms. Hilbert's request for an update on Police and Road Funding Technical Review Committee (PRTRC) actions, stating that subsequent to the successful passing of the replacement millage last year to be repurposed for Local Roads, the PRTRC is reviewing its previously-drafted list of strategic priorities for Police and Road funding.

**Mr. Pixley** thanked Dr. Stamps for his comments on the Sesquicentennial of the Civil War.

**Mr. Klomp** announced that the Green Space Advisory Board will host a Discovery Hike on Saturday, April 23, 2011 from 10:00 a.m. to 2:00 p.m. He stated that the goal of the hike is to introduce residents to the green spaces the City has acquired, the majority of which are located along the Clinton River Trail.

**Mr. Webber** mentioned that the PRTRC, led by citizen Chairperson Don Cline, is scheduled to meet on Wednesday, April 13 at 6:00 p.m. He noted that the PRTRC has been discussing the expiring millages. He wished everyone a Happy Easter.

**Mayor Barnett** made the following announcements:

- The Clerk's Office will hold its annual Passport Fair on Saturday, April 9th, from 9:00 a.m. to 1:00 p.m. The Clerk's Office will be open for passport processing only during this time to help those who find it difficult to come in during normal business hours.

- The Rochester Hills Planning Commission will review the Draft Capital Improvement Plan at its meeting tomorrow.
- Arbor Day festivities are scheduled for Friday, April 29th at 4:00 p.m., at the Stoney Creek Schoolhouse on Washington Road in the Historic District.
- Work began on the Crooks Road Overpass at M-59 and will continue throughout most of the summer. Traffic should remain open in both directions for the entire project, with intermittent one-way flagged interruptions. There will be a period of approximately ten days when the intersection at Star-Batt Drive and Crooks Road will be closed.
- The Walton Boulevard Rehabilitation Project will begin on April 15th, and will encompass reconstruction work from Crittenton Hospital to just east of the Village of Rochester Hills. Work is expected to be completed by August 12th.
- The 2010 Census reports that the City of Rochester Hills is one of the few large cities in Michigan to grow in population, up 3.2 percent from 2000 numbers, and solidifying the City's position as the 16th largest city in Michigan. Population numbers grew from approximately 68,000 in 2000 to 70,995 in 2010.

Mayor Barnett distributed an article which appeared in the Rochester Post regarding the Clinton River Watershed Council's partnership with the City as a result of their relocation to the Environmental Education Center.

He introduced **Allan Schneck**, recently appointed as the City's Director of DPS/Engineering, noting that Mr. Schneck will begin work with the City next week.

**Mr. Schneck** commented that he has been a resident of the City for 12 years and mentioned that he had the opportunity to meet with City staff last week. He stated that he previously held positions with the Road Commission for Oakland County, the Michigan Department of Transportation and the City of Pontiac, and commented that his past experience has resulted in many good relationships with individuals at these organizations.

**President Hooper** welcomed Mr. Schneck on behalf of Council.

## ATTORNEY MATTERS

**City Attorney John Staran** had nothing to report.

## PRESENTATIONS

2011-0158 Relay for Life Presentation; Bob Grace, presenter

Attachments: [Agenda Summary](#)

**Bob Grace**, Director of MIS, stated that this is the 12th year for Relay for Life activities in the greater Rochester area and the sixth year for the City's Relay Team. He commented that this 24-hour family fun event, one of the largest in southeast Michigan, increases cancer awareness and raises money to support the programs and services of the American Cancer Society. Activities have also included a Motorcycle Rally and a Pancake Breakfast hosted by the

*Rochester Hills Fire Department. He gave the following presentation regarding previous American Cancer Society studies and Relay's focus on finding participants for a long-range CPS-3 Study:*

AMERICAN CANCER SOCIETY - PREVIOUS STUDIES:

- *The effects of cigarette smoking and second-hand smoke on lung cancer.*
- *The benefits of regular physical activity.*
- *The impact of air pollution on heart and lung conditions.*
- *The link between aspirin and colon cancer prevention.*

CPS-3 STUDY SEARCH FOR PARTICIPANTS:

- *Hart Middle School; Saturday, June 25, 2011 - 4:00 p.m. to 8:00 p.m.*
- *Be between the ages of 30 to 65.*
- *Have no previous history of cancer.*
- *Be willing to take a survey every couple of years.*
- *At Relay for Life you will:*
  - \* *Fill out a brief survey (contact information, demographics, etc.)*
  - \* *Give a waist measurement*
  - \* *Give a small sample of blood (seven teaspoons)*

CONTACT INFORMATION:

- *Angela Harris, American Cancer Society*
  - \* *angela.harris@cancer.org*
  - \* *248-663-3432*
- *Cheryl Satterthwaite*
  - \* *cps3.rochestermi@gmail.com*

*Mr. Grace noted that participants will receive an initial survey to complete at home which will provide baseline information of lifestyle and family medical history. Participants will be asked to update the survey every couple of years to gather ongoing information. He mentioned that 85,000 individuals have signed up for the study to date, with a goal of encouraging 500,000 to sign up.*

**Mayor Barnett** *commented that Relay for Life is a passion for Rochester Hills employees. He mentioned that the City has lost several employees to cancer, while others continue to fight valiantly. He stated that City fund raising activities have included chili cook-offs, contests, head-shaving and more; and he pointed out that the City Team raises between \$15,000 to \$20,000 each year. He encouraged those individuals watching the meeting at home to learn more about participating in the CPS-3 Study.*

**Presented.**

## RECOGNITIONS

- 2011-0161** Proclamation in Recognition of Judy Huddleston for her outstanding act of heroism in an emergency situation

**Attachments:** [Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** stated that it is fortunate to meet someone who does something as heroic as saving a life. He introduced Judy Huddleston, a nurse who rendered aid to a man she encountered lying in the street suffering from a diabetic crisis. He stated that Ms. Huddleston recognized that he was in crisis, called 911 after closely monitoring his unsuccessful attempt to walk home, and stayed with the gentleman until help arrived. He read the proclamation honoring Ms. Huddleston.

**Ms. Huddleston** expressed her thanks, commenting that she was overwhelmed with the City's recognition and kindness.

Council congratulated Ms. Huddleston.

#### **Presented.**

February 24, 2011 would not be an ordinary day for Mercy Hospice Oakland Registered Nurse Judy Huddleston. Following a home visit, Judy passed by a man lying near the street where he had been walking. Judy noticed the man did not get up, so she stopped to offer assistance. The nurse inside her realized something wasn't right. As she got out of the car and approached the man, he said, "I'm a diabetic." He was already giving himself a second Glucagon stick to get his blood sugar up.

As Judy tried to assist the man to his feet, she knew he was in crises. The man asked Judy not to call 911 and attempted to stumble home. After closely monitoring his attempt to walk home, Judy convinced the man to let her call 911. Judy stayed with the man until paramedics arrived on the scene. The man thanked Judy for her kindness, and she went on to finish her day.

**Whereas**, Judy Huddleston is truly a hero in the eyes of her team members at Mercy Hospice Oakland; and

**Whereas**, Judy demonstrated professionalism and clear thinking while providing life saving assistance to a person in need.

**Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills hereby recognize Judy Huddleston for her outstanding act of heroism in an emergency situation.

## **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.

- 2011-0143** Request for Approval of the Storm Water System Maintenance Agreement between the City of Rochester Hills and Jarna Development, LLC, a Limited Liability Company, for Auto Zone

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

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0074-2011

**Resolved**, that the Rochester Hills City Council 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 Auto Zone, for City File No. 00-041, for Parcel No. 15-35-226-049.

**Further Resolved**, that the City Clerk is authorized to execute and deliver the agreement on behalf of the City.

- 2011-0144** Request for Purchase Authorization - BLDG: Blanket Purchase Order for weed mowing and lawn maintenance for Ordinance compliance for unoccupied lots to Brantley Development LLC, Westland, Michigan in the amount not-to-exceed \$40,000.00 through December 31, 2011, and a Blanket Purchase Order to Universal Lawn Care Inc., Shelby Township, Michigan for weed mowing and lawn maintenance for Ordinance compliance for occupied lots in the amount not-to-exceed \$15,000.00 through December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Proposals Tabulations.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0075-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for weed mowing and lawn maintenance for Ordinance compliance for unoccupied lots to Brantley Development LLC, Westland Michigan in the amount not-to-exceed \$40,000.00 through December 31, 2011 and a Blanket Purchase Order to Universal Lawn Care Inc., Shelby Township, Michigan for weed mowing and lawn maintenance for Ordinance compliance for occupied lots in the amount not-to-exceed \$15,000.00 through December 31, 2011 and further authorizes the Mayor to execute contracts on behalf of the City.

**Resolved**, that the City's acceptance of a proposal/bid and approval of the award of a contract shall not constitute a formed contract, and the acceptance of a proposal/bid and award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**Passed the Consent Agenda**

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

**Aye** 6 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

## ORDINANCE FOR INTRODUCTION

**2010-0109** Request for Historic District Designation - Stiles School, located on the northwest corner of Livernois and South Boulevard, consisting of a portion of Parcel No. 15-33-476-027, Zoned R-4, One Family Residential and to Accept for First Reading the proposed Ordinance adding the Noncontiguous Historic District identified as 3976 S. Livernois (Stiles School), part of Parcel No. 15-33-476-027

**Attachments:** [Agenda Summary.pdf](#)  
[120910 Final Report.pdf](#)  
[Ordinance.pdf](#)  
[Minutes HDSC 120910.pdf](#)  
[Minutes HDSC 111110.pdf](#)  
[120910 Draft Final Report \(Revised\).pdf](#)  
[120910 Draft Final Report.pdf](#)  
[112210 Kidorf letter.pdf](#)  
[111510 Webster Title Work.pdf](#)  
[032310 SHPO Comments.pdf](#)  
[Minutes PC 030210.pdf](#)  
[Minutes HDSC 021110.pdf](#)  
[Dec 2009 Revised Preliminary Report.pdf](#)  
[Minutes PC 102109.pdf](#)  
[Minutes CC 060109.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, stated that the Stiles School has been under consideration for a Historic Designation for several years.

**Kristine Kidorf**, Kidorf Preservation Consulting, noted that Council first reviewed the historical information on Stiles School in 2009; at that time, the current owners of the school expressed their desire to not have the entire site designated. Subsequent to that meeting, the Historic Districts Study Committee (HDSC) re-examined Stiles School and determined that a Historic District could be created that only encompasses the historic portion of the school buildings. She noted that the State Historic Preservation Office (SHPO) concurs with this recommendation.

**Dr. Richard Stamps**, HDSC member, noted that the two-story brick portion of the Stiles School building is an important piece of history, generating a great sense of community. He pointed out that when the State of Michigan put together a booklet highlighting examples of schools in Michigan, they chose Stiles School to represent that particular style of architecture. He stated that the HDSC strongly supports the recommendation.

**Katherine Thiverge**, representing Oakland Steiner School, the current owners of Stiles School, commended the HDSC for its extensive work and efforts in reducing the proposed Historic District to something that the owners find quite appropriate. She stated that the report is an amazing piece of history and will be treasured. She commented that the owners concur with this recommendation and look forward to becoming a part of the City's Historic Districts.

*Mr. Yalamanchi expressed his thanks to the HDSC for their work, commenting that Council's input and recommendation to narrow the district down to the historic portion of the building made the designation workable.*

*Mr. Webber noted that it has been a balancing act to get to this point in the designation process. He stated that it is a win-win situation and will serve to preserve a historic building in our community.*

*After the vote, Mr. Anzek questioned whether Ms. Kidorf's presence at the Second Reading for the Ordinance Amendment will be necessary.*

*President Hooper noted that it will not.*

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote.**

**Aye** 6 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

**Whereas**, Division 4 of the City's Historic Preservation Ordinance (Chapter 118) establishes the procedure for the establishment, modification or elimination of Historic Districts; and

**Whereas**, Section 118-130 of the City's Historic Preservation Ordinance (Chapter 118) identifies the duties of the City's Historic Districts Study Committee and the process for establishment of a study committee report; and

**Whereas**, the City's duly established Potential List included the following property, identified as:

3976 S. Livernois, a portion of Parcel Number 15-33-476-027

**Whereas**, in compliance with the City's Historic Preservation Ordinance, the City's Historic Districts Study Committee conducted research on the above identified property; prepared a Preliminary Report revised in December 2009; transmitted a copy of the Preliminary Report to the City's Planning Commission and the State Historic Preservation Office; held the required and properly noticed Public Hearing on February 11, 2010; and submitted a Final Report to City Council; and

**Whereas**, based on meeting the National Register criteria for architecture and events that have made significant contributions to the history of the Community, it is the recommendation of the Historic Districts Study Committee that City Council designate the property and establish the site as a Local Historic District within the City of Rochester Hills.

**Resolved**, that the City of Rochester Hills City Council concurs with the recommendation of the City's Historic Districts Study Committee and does hereby designate the property identified above as a local Historic District within the City of Rochester Hills, and accepts the proposed Ordinance for First Reading.

## NOMINATIONS/APPOINTMENTS



- 2011-0095** Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board to fill the unexpired term of Laura Douglas ending December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Aubuchon CQ.pdf](#)  
[Desy CQ.pdf](#)  
[Dohr CQ.pdf](#)  
[032111 Agenda Summary \(Revised\).pdf](#)  
[032111 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Cobb CQ.pdf](#)  
[Hunter CQ.pdf](#)  
[Kubicina CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Larry Aubuchon, Patricia Desy and Thomas Dohr were nominated to the Green Space Advisory Board at the March 21, 2011 Regular City Council meeting. He instructed Council to vote for one nominee. The nominees received the following votes:

**Larry Aubuchon:** Klomp

**Patricia Desy:** Yalamanchi

**Thomas Dohr:** Hooper, Pixley, Rosen and Webber

**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 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0076-2011

**Resolved,** that the Rochester Hills City Council appoints Thomas Dohr to serve as Green Space Advisory Board Representative to fill the unexpired term of Laura Douglas ending December 31, 2011.

- 2011-0148** Nomination/Appointment of one (1) Citizen Representative to the Building Authority to fill the unexpired term of Allan Schneck ending December 31, 2013

**Attachments:** [Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Booth CQ.pdf](#)  
[Cobb CQ.pdf](#)  
[Foster CQ.pdf](#)  
[Kingery CQ.pdf](#)  
[McGuire CQ.pdf](#)  
[McGunn CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**Public Comment:**

**Michael McGuire**, 935 John R, requested Council's consideration for the vacancy, stating that he has 25 years of experience working with municipalities, with the last ten years working with Mayors, Council Members, State Representatives and members of Congress.

**President Hooper Opened the Floor for Nominations.**

**Mr. Yalamanchi** nominated Michael McGunn.

**President Hooper** nominated Don Booth.

**Mr. Webber** nominated Michael McGuire.

**President Hooper Closed the Floor for Nominations.** As there were three nominations, he noted that this item would be set over to the next Council meeting for a vote.

Discussed.

**NEW BUSINESS**

**2011-0149** Request for Site Plan Approval, pursuant to the May 26, 2005 Amended Consent Judgment, for outdoor seating for Grand Tavern restaurant, a proposed patio with seating for 56, located on Marketplace Circle, zoned ORT, Office, Research and Technology, Parcel No. 15-30-276-007, Rochester Hills Market Place, LLC, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Memo Anzek 032511.pdf](#)  
[Site Plans.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, stated that the Grand Tavern restaurant has taken over the building previously occupied by the Chili's at Marketplace Circle. He explained that the Consent Judgment on the property requires Council's review and approval of the request for outdoor seating and overrules the necessity for a Conditional Land Use approval. He noted that the restaurant will be adding the outdoor seating area to the front of the building and stated that all reviews by Planning and Fire have been completed and Building Permits are ready to be issued. He pointed out that there will be no awning, and seating will consist of an open patio with umbrellas over tables.

**Mr. Rosen** commented that he hoped that the outdoor seating area will be successful in attracting diners, noting that the area is close to M-59.

**George Lacai**, representing the Grand Tavern restaurant, responded that many of their patrons have asked for patio seating.

**Mr. Pixley** questioned whether State Law allows smoking on the outdoor patio.

**Mr. Lacai** responded that it does not.

**President Hooper** expressed his appreciation for the improvements made to

*the restaurant, stating that the Grand Tavern has brought more traffic to the area than the previous business.*

*After the vote, **Mayor Barnett** commented that many workers from the nearby technology parks have lunch at the restaurant. He noted that while the purpose of adding streets to link the technology parks to Adams Road is to divert truck traffic, these streets also allow better access to this retail area.*

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

**Aye** 6 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0077-2011

**Resolved**, that the Rochester Hills City Council hereby approves the Site Plan for outdoor seating for Grand Tavern, City File No. 10-002, a patio with seating for 56, located on Marketplace Circle, south of M-59 and west of Adams, zoned by Consent Judgment, Parcel No. 15-30-276-007, based on plans dated received by the Planning and Economic Development Department on March 16, 2011.

**2011-0151** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Avon Players, Inc.

**Attachments:** [Agenda Summary.pdf](#)  
[AP Letter.pdf](#)  
[AP Overview.pdf](#)  
[AP IRS Nonprofit.pdf](#)  
[AP Bylaws.pdf](#)  
[AP Articles of Incorporation.pdf](#)  
[AP Board Members.pdf](#)  
[AP Board Resolution.pdf](#)  
[AP Form 990.pdf](#)  
[Resolution.pdf](#)

***Tina Peterson**, Vice President of Membership and Costume Chairperson for the Avon Players, Inc., stated that the organization is entering into its 65th season in Rochester Hills. She explained that in order for the organization to hold charity poker events at a location in Lake Orion, the State requires a non-profit designation from the City.*

***Mr. Pixley** noted that his family has a long history with the Avon Players organization and concurred with approving the designation.*

**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 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0078-2011

**Resolved**, that the request from the Avon Players, Inc., located at 1185 Washington Road, Rochester Hills, Michigan 48306, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a

charitable gaming license, be considered for approval.

- 2011-0152** Request for Approval of Michigan Department of Natural Resources and Environment (MDNRE) Canada Goose Nest Destruction and Canada Goose Round-up for Lochmoor Hills

**Attachments:** [Agenda Summary.pdf](#)  
[Lochmoor Hills Request Letter.pdf](#)  
[Goose Nest Destruction Application.pdf](#)  
[Goose Round Up Application.pdf](#)  
[Resolution.pdf](#)

**Michael English**, 267 Shagbark Drive, Board Member for the Lochmoor Hills Neighborhood Association, stated that the Association is requesting approval from Council to allow the Association to conduct Goose Nest destruction. He mentioned that while the Association is also submitting a permit application for bird round-up, he does not expect that a round-up will be undertaken this year.

**President Hooper** questioned whether the Association had undertaken nest destruction and goose round-up in the past.

**Mr. English** responded that the Association has done this for the past four or five years.

**Public Comment:**

**Don Hughes**, 3744 Bald Mountain Road, Auburn Hills, stated that according to the Michigan Department of Natural Resources (MDNR), the Canada Goose Problem Program encourages homeowners to use non-lethal scare tactics and habitat modification in lieu of performing round-up activities. He noted that lethal methods are not effective, and provided a DVD on Canada Goose Deterrent Methods.

**Council Discussion:**

**Mr. Klomp** noted that the United States Department of Agriculture will be taking over the program from the MDNR, and pointed out that their application states that 70 percent of the homeowners should sign a resolution requesting the removal. He questioned whether there was approval by 70 percent of the owners and what nuisance the geese are to the residents.

**Mr. English** responded that he took over handling the request as the individual who had run the program for the past few years recently moved away, and the timeline prevented the Association from obtaining individual signatures. He stated that the vast majority of the lakefront owners support the program. He explained that the geese are very noisy, and defecate on all the lawns. He commented that the only way to control them is to keep the population down.

**President Hooper** stated that while other methods are available, they are not effective. He noted that a number of subdivisions have requested Council's approval to perform nest destruction and round-up activities.

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

**Aye** 5 - Hooper, Pixley, Rosen, Webber and Yalamanchi

**Nay** 1 - Klomp

**Absent** 1 - Brennan

Enactment No: RES0079-2011

**Resolved**, that the City of Rochester Hills requests the Michigan Department of Natural Resources and Environment (MDNRE) to allow Lochmoor Hills Homeowners Association to conduct a program of Canada Goose Nest Destruction and Canada Goose Round-up for a period of five (5) years. The residents of Lochmoor Hills are aware that the geese may be euthanized.

**2011-0146** Request for Purchase Authorization - DPS: Blanket Purchase Order for shoulder right-of-way, detention basin and site distance mowing services in the not-to-exceed amount of \$152,250.00 through December 31, 2013; Kleen Kut, Gilbertsville, KY

**Attachments:** [Agenda Summary.doc](#)  
[Proposals Tabulation.pdf](#)  
[Resolution.pdf](#)

**Paul Davis**, Acting Director of DPS/Engineering, noted that the company being recommended for this work has been providing service to the City for over 20 years. He stated that Kleen Kut has done a very good job, minimizing staff involvement while providing good service and follow-up to customer complaints.

**President Hooper** questioned why the low bidder is not being recommended.

**Mr. Davis** responded that while the Administration is not against going with someone else for a cheaper price, there are many unknowns. He explained that the reviewing team checked on the bidders' experience and equipment. The low bidder had much less experience working with municipalities and their tractors and finish mowing decks are not comparable to that owned by Kleen Kut.

**Mr. Rosen** questioned where Kleen Kut's headquarters are located and why there was such a vast difference in the bids. He mentioned that as the Administration has been very satisfied with Kleen Kut, he is not averse to selecting them instead of the lowest bidder.

**Mr. Davis** responded that while headquartered in Kentucky, Kleen Kut's local office is in Shelby Township. He pointed out that one bidder's response was actually so far off that it had to have been a mistake. He stated that while he was not a part of the selection team, in his review of all considerations, it is worth continuing with Kleen Kut.

**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 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0080-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Kleen Kut, Gilbertsville, Kentucky for shoulder right-of-way, detention basin and site distance mowing services in the not-to-exceed amount of \$152,250.00 through December 31, 2013 and further authorizes the Mayor to execute a contract on behalf of the City.

The City's acceptance of a proposal/bid and approval of the award of a contract shall not constitute a formed contract, and the acceptance of a proposal/bid and award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2011-0147** Request for Purchase Authorization - BLDG/FACILITIES: Project Budget for a vehicle exhaust removal system at Fire Station #5 in the amount not-to-exceed \$41,753.00; Nederman, Inc., Westland, MI and other contractors as required

**Attachments:** [Agenda Summary.pdf](#)  
[Nederman Proposal.pdf](#)  
[Resolution.pdf](#)

**Ron Crowell**, Fire Chief/Emergency Management Director, stated that the City has used the Nederman Vehicle Exhaust System at four of its Fire Stations since 2007. He noted that utilizing this system throughout the City will allow vehicles to move from station to station. As the current system at Fire Station #5 was determined to be beyond repair, it is recommended that the Nederman system be installed to continue standardization throughout all the stations.

**President Hooper** questioned why the Request For Proposal was issued as a sole-source bid.

**Chief Crowell** responded that each manufacturer produces systems with slight differences. If a different manufacturer is selected, the vehicles will not be able to move between stations.

**President Hooper** questioned whether the price is considered fair and reasonable.

**Chief Crowell** stated that it is, and noted that the City will save money by having its own contractor do the electrical work necessary to prepare for the system's installation.

**Mr. Yalamanchi** questioned what impact single-sourcing has on repair and maintenance costs.

**Chief Crowell** responded that costs are comparable. He explained that Nederman is the third system that the City has installed and consists of an electronic system and magnet that releases when a vehicle pulls out, preventing any of the hoses or parts from tearing off. He commented that this is by far the best system the City has had.

**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 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0081-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes a Project Budget for a vehicle exhaust removal system at Fire Station #5 to Nederman, Inc., Westland, Michigan and other contractors as required to complete the project in the amount not-to-exceed \$41,753.00 and further authorizes the Mayor to execute contracts on behalf of the City.

The City's acceptance of a proposal/bid and approval of the award of a contract shall not constitute a formed contract, and the acceptance of a proposal/bid and award of a contract shall be contingent and conditional upon the parties entry into and execution of a written agreement acceptable to the City.

**2011-0150** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for completing preliminary engineering for the reconstruction and widening of Crooks Road between Star-Batt and Hamlin in the amount of \$25,000.00; Road Commission for Oakland County, Beverly Hills, MI

**Attachments:** [Agenda Summary.pdf](#)  
[RCOC Letter 031011.pdf](#)  
[Cost Participation Agreement-PE.pdf](#)  
[Resolution.pdf](#)

**Paul Davis**, Acting Director of DPS/Engineering, stated that this Cost Participation Agreement will allow design to commence on the portion of Crooks Road from Star-Batt Drive to Hamlin. He noted that the project has been in the planning stages since the early 1990s, and while there was a possibility that the project would be undertaken as a portion of the M-59 and Crooks Road Interchange, funding limitations did not allow for that to occur. He noted that with the recent development coming into the City from Kostal Kontakt Systeme, the City was notified on March 16th that a Category A Funding Grant of \$500,000 was awarded for the project. While originally not scheduled for funding by the Road Commission for Oakland County (RCOC) until 2018, upon receipt of the Category A approval, the RCOC reviewed the project and reprogrammed Category C monies toward the project for 2012.

He noted that as the project is moving forward, the RCOC is asking that the City participate in the design costs. He pointed out that the RCOC will design the project in-house for an estimated \$150,000, with a City share of \$75,000. He explained that while not originally expected, approximately \$225,000 in Tri-Party funding is available to the City for 2011. The Administration is recommending that \$75,000 of these Tri-Party funds be used for project design. He mentioned that there will be a ten percent local match for right-of-way acquisitions and construction costs as well.

**Mr. Yalamanchi** questioned why this request is for \$25,000.

**Mr. Davis** responded that out of \$225,000 in Tri-Party Funds, a one-third contribution share by the City is required. An allocation of \$75,000 from

*Tri-Party Funds includes a commitment by the City of \$25,000 of its own funds. He noted that in the past, cities were allowed to save their Tri-Party funding for a number of years. The RCOC now wants to see communities use the funding in the years allocated. He mentioned that the RCOC will soon be looking for a resolution of intent on how the City intends to spend the remainder of the funds.*

**Mr. Yalamanchi** questioned whether the remaining Tri-Party funding could be put toward the Avon and Livernois Bridge Projects.

**Mr. Davis** responded that they could; however, he noted that the funds could also be used toward the balance of this project as construction is slated for 2012.

**President Hooper** questioned whether additional expenses are anticipated.

**Mr. Davis** responded that the City's total outlay for the project is estimated to be \$137,000.

**Mr. Yalamanchi** questioned whether the road will be widened.

**Mr. Davis** responded that the road will be widened to five lanes to just north of Hamlin, and then will taper in to meet the existing road. He stated that a refuge island crossing will be incorporated at the Clinton River Trail.

**Mr. Webber** thanked the Administration for bringing this project forward.

**Mr. Rosen** concurred, stating that the City should undertake the project.

**Mayor Barnett** commented that this project was spurred by the fact that the City experienced economic growth on Hamlin Road. He noted that the City will be able to complete the project for dimes on the dollar.

**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 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Absent** 1 - Brennan

Enactment No: RES0082-2011

**Resolved**, that the Rochester Hills City Council approves the Cost Participation Agreement with the Road Commission for Oakland County, Beverly Hills, Michigan, for completing preliminary engineering for the reconstruction and widening of Crooks Road between Star-Batt and Hamlin in the amount of \$25,000.00 and further authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

**Resolved**, that the Rochester Hills City Council approves the utilization of the 2010 and 2011 Tri-Party Program allocations to the City of Rochester Hills to fund the costs for completing the project's preliminary engineering as listed in Exhibit A of the Cost Participation Agreement.



## COUNCIL COMMITTEE REPORTS

### Older Persons' Commission (OPC):

*Mr. Webber* noted that the Older Persons' Commission Governing Board will next meet on April 7, 2011 at its new time of 4:00 p.m. at the OPC.

### Green Space Advisory Board (GSAB):

*Mr. Klomp* noted that the starting location for the GSAB's Discovery Hike on Saturday, April 23rd will be on the northeast side of the intersection of Livernois and Avon, near the entrance to the Trailway adjacent to the River Crest Professional Center.

## ANY OTHER BUSINESS

*Mr. Webber* announced that the Rochester Regional Chamber of Commerce will host a Legislative Update on Monday, April 11, 2011 from 7:30 a.m. to 10:00 a.m. at the Older Persons' Center, 650 Letica Drive, Rochester.

## NEXT MEETING DATE

*Regular Meeting - Monday, April 18, 2011 - Cancelled; Regular Meeting - Monday, May 2, 2011 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 8:24 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*MARY JO WHITBEY  
Administrative Secretary  
City Clerk's Office*

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