



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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."*

Monday, December 14, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*Vice President Pixley called the Regular Rochester Hills City Council Meeting to
order at 7:02 p.m. Michigan Time.*

ROLL CALL

Present 6 - J. Martin Brennan, Nathan Klomp, Vern Pixley, James Rosen, Michael
Webber and Ravi Yalamanchi

Absent 1 - Greg Hooper

Others Present:

*Bryan Barnett, Mayor
Tara Beatty, Chief Assistant to the Mayor
Alan Buckenmeyer, Parks Operations Manager
Bud Clark, Crew Leader
Jenna Clarkson, Rochester Hills Government Youth Council Representative
Scott Cope, Director of Building/Ordinance Compliance
Kurt Dawson, Director of Assessing/Treasury
Mike Hartner, Director of Parks and Forestry
Bud Leafdale, General Superintendent
Ed Leafdale, General Foreman
Jane Leslie, City Clerk
Gerry Lee, Forestry Operations Manager
Roger Rousse, Director of DPS/Engineering
Keith Sawdon, Director of Finance
Bob White, Supervisor of Ordinance Services*

President Hooper provided prior notice that he would arrive late to the meeting.

PLEDGE OF ALLEGIANCE

Boy Scout Troop #123 Presented the Colors.

APPROVAL OF AGENDA

A motion was made by Yalamanchi, seconded by Webber, that the Agenda be approved as amended to add Legislative File 2009-0563, Request to Confirm the Mayor's appointment of Dale Hetrick to the Planning Commission to fill the unexpired term of Nathan Klomp which will expire March 31, 2010 under Nominations/Appointments. The motion CARRIED by the following vote:

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

Absent 1 - Hooper

PUBLIC COMMENT

Lee Zendel, 1575 Dutton Road, commented that a recent press release from Google stated that over two million businesses worldwide are now using Google Apps. He noted that the City of Los Angeles will be equipping its 34,000 employees with Google Apps for e-mail and on-line services. He commented that the City should explore moving to Google Apps to save taxpayer money.

Greg Domka, 891 River Bend, requested that street addresses of those speaking not be announced during Council meetings, noting safety concerns. He commented that a public forum for the 2011 budget process should be held in January at the City instead of at Oakland University, as in the past. He expressed disappointment that Council Member Rosen will not continue as Council representative to the Older Persons' Commission Board for 2010.

Melinda Hill, 1481 Mill Race, concurred with Mr. Domka and also requested that speakers' addresses not be announced during Council meetings. She questioned whether the Draft Environmental Assessment for the Tienken Road Widening Project is available online, and whether the City's budget workshops could be held at City Hall and televised. She expressed concern that Council representation on City Boards, Commissions and Committees does not appear to be spread evenly across all seven seats.

Scot Beaton, 655 Bolinger, stated that while the past planning process held at Oakland University generated new and good ideas, he would like to see the process become more open and allow those participating to have their names attached to the ideas presented. He suggested that the planning workshop be held at Fire Station No. 1 as a roundtable session and be recorded.

Bill Black, 2408 Jackson Drive, commented that the 2011 budget talks should be held in an open forum at City Hall. He noted that Michigan has lost over 850,000 jobs and commented that he had attended an event with L. Brooks Patterson, County Executive, where Oakland County's economic forecast was discussed.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Vice President Pixley noted that City Council approved its meeting schedule for 2010 at the December 7, 2009 meeting, and noted that a meeting in late January is typically a Strategic Planning and Goal Setting Session.

Mr. Brennan commented that resident David Kibby wrote a letter in the December 14, 2009 Oakland Press which noted the need for the spirit of giving throughout the holidays in these economic times.

Mr. Klomp thanked Boy Scout Troop 123 for presenting the colors today. He wished everyone a safe holiday season.

Mr. Rosen commented that he agrees with resident comments regarding not announcing addresses of public speakers. He wished everyone a happy holiday season.

Mr. Webber wished everyone a happy holiday and a happy New Year and thanked the Mayor and Council members for the past year's work. He mentioned that the Meijer store at Rochester and Auburn has been very helpful to many organizations and events, including the Holiday Helpers and the Rochester Area Jaycees Shopping Tour.

Mr. Yalamanchi concurred with the request to not announce residents' addresses. He wished everyone a happy holiday season and a prosperous and successful 2010.

Jenna Clarkson, Rochester Hills Government Youth Council (RHGYC) Representative, stated that the RHGYC helped at the City's Holiday Family Fun Night and marched in the Rochester Hometown Christmas Parade. She commented that the RHGYC is planning a 5k Run/Walk tentatively scheduled for June of 2010 and stated that the group is in the process of selecting a benefitting charity for the event.

Mayor Barnett made the following announcements:

- Meijer's has been instrumental in helping several different charitable organizations.
- Every name was taken off of the Christmas tree outside of his office and many individuals will receive needed gifts. He thanked Holiday Helpers for organizing that collection.
- The City will be closed on December 24, 25, 28 and 31, 2009, and January 1, 2010.
- The City will be closing on the purchase of the Cloverport property tomorrow morning. He noted that this was a victory for the City's green space and its residents.
- Meghan Goethals, Rochester High School student, won the Footlocker National Championship Cross Country race in record time.
- The meeting held last January at Oakland University between Council and the Administration was a goal-setting workshop. He noted that Budget Workshops for 2011 are already scheduled for August.
- The Draft Environmental Assessment for the Tienken Road Widening Project is available for review on the City's website. He mentioned that a workshop will be set for sometime in January to discuss the results.

Mayor Barnett wished everyone a Merry Christmas and a happy holiday season.

ATTORNEY MATTERS

None.

RECOGNITIONS

2009-0548 In Recognition of Ed Leafdale for being named the 2009 Employee of the Year

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

Mayor Barnett introduced Ed Leafdale as the City's 2009 Employee of the Year. He commented that Mr. Leafdale is an outstanding employee and has been with the City since January 28, 1974.

Ed Leafdale, General Foreman, commented that he has had a great past few months, noting that he received his 35-year service pin; and noted that it has been a pleasure to work side-by-side with his brother Bud Leafdale, General Superintendent.

Presented.

Whereas, Ed Leafdale began working for Avon Township on January 28, 1974; and

Whereas, during the past 35 years, Ed has worked as a Laborer, Crew Leader, and promoted to General Foreman on October 1, 1984; and

Whereas, the city has received numerous letters from residents commending Ed for his professionalism, dedication and assistance; and

Whereas, in April 2001, the Rochester Elks recognized Ed as the "Citizen of the Year", in 2004, Ed was honored as State of Michigan Veteran of the Year, and in 2005, he was selected as the Grand Marshall of the Greater Rochester Parade; and

Whereas, throughout Rochester Hills, Ed is known for his humanitarian efforts on behalf of Veterans and Veterans Memorial Pointe;

Whereas, for the last few years, Ed has volunteered both his talent and time to lead the city employees Relay for Life Team, Eddie and the City Cruisers; and

Whereas, Ed has been described as caring, creative, capable and conscientious.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Ed Leafdale on being selected the 2009 Employee of the Year, and thank him for his hard work and dedication to the City of Rochester Hills.

2009-0549 In Recognition of Alan Buckenmeyer for being selected a 2009 Outstanding Employee

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

Mayor Barnett announced that Alan Buckenmeyer, Parks Operations Manager, was selected as a 2009 Outstanding Employee, noting that he has stepped up to his duties in Parks and Forestry, has been a key player in the City's Wellness Program, the Safety Committee and the Festival of the Hills.

Presented.

Whereas, Alan Buckenmeyer is a positive, reasonable, and hard-working employee; and

Whereas, Alan is a committed employees to his department and his job. He is very involved in many park organizations, is passionate about his work and takes a personal interest in seeing that the city's parks offer exciting and safe activities for the City of Rochester Hills residents and visitors; and

Whereas, Alan works on many events throughout the year. He puts his heart and soul into the Festival of the Hills. It takes many people to make this event successful, but it takes a excellent coordinator to make sure the event goes off without a hitch; and

Whereas, in addition to his many duties as Park Manager, Alan's commitment to the Safety Committee and his active participation with the Michigan Municipal Risk Management Authority has benefited the city in their effort to insure a safe environment for employees to work; and

Whereas, Alan is a proponent of education who continues to seek avenues to enhance his knowledge and experience. His commitment to safety has extended to the well-being of all city staff, as he was instrumental in forming the Wellness Committee; and

Whereas, as a manager, Alan allows his staff to take ownership of the areas of responsibility, providing the latitude to implement their ideas. He includes his staff in the decision making process of many projects, including vendor selection, ideas for activities and programs and identifying resources to improve the parks for the Rochester Hills residents.

Now, Therefore, Be It Resolved, that, I, Bryan K. Barnett, Mayor of Rochester Hills do hereby congratulate Alan Buckenmeyer on being selected a 2009 Outstanding Employee, and thank him for his hard work and dedication to the City of Rochester Hills.

2009-0555 In Recognition of Nancy Butty for being selected a 2009 Outstanding Employee

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

Mayor Barnett announced Nancy Butty, Public Education Specialist - Fire, was named a 2009 Outstanding Employee and stated that she was unable to attend this evening.

Discussed; Nancy Butty not in attendance.

Whereas, Nancy Butty is not only the Fire Department's Public Education Specialist, she is also a Paid-on-Call Lieutenant assigned to Fire Station 2; and

Whereas, in her role as Public Education Specialist, Nancy is responsible for all Fire

Prevention programs including station tours, school safety programs, home fire safety, Fire Prevention Week, CPR classes, Citizen Emergency Response Team training, Sound the Alarm program, and home fire safety; and

Whereas, in 2009, Nancy visited 123 classrooms and taught fire safety to over 3000 of the city's children. She has also instructed over 400 seniors about fall prevention, and coordinated and/or installed 155 child safety seats; and

Whereas, Nancy is responsible for over 10,000 adults, seniors, and children receiving some type of health, safety and welfare education so far this year; and

Whereas, Nancy performs all of her duties professionally and enthusiastically. She is a stellar employee, a tireless fire safety advocate and an outstanding representative of the Rochester Hills Fire Department.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Nancy Butty on being selected a 2009 Outstanding Employee, and thank her for her hard work and dedication to the City of Rochester Hills.

2009-0556 In Recognition of Bob White for being selected a 2009 Outstanding Employee

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

Mayor Barnett introduced Bob White, Supervisor of Ordinance Services, as a 2009 Outstanding Employee. He noted that Mr. White was instrumental in the City's new Single Waste Hauler Program.

Presented.

Whereas, Bob White has been employed by the City of Rochester Hills for 19 years, and has been the Supervisor of Ordinance Services during the last four years; and

Whereas, he is always quick to step up and help with projects in the Building Department and around the city; and

Whereas, Bob is known for his entertaining and animated sidekick, "Seymour"; and

Whereas, when the City implemented the new single-hauler solid waste program, Bob became the city contact person, which has required many hours of extra work and patience during implementation of the new program; and

Whereas, Bob continues to be the city spokesperson for the program and continues to handle numerous calls and emails with diplomacy and tact; and

Whereas, Bob deserves many pats on the back for getting the job done! He has a reputation throughout the city as a shining example of character, integrity and dedication.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Bob White on being selected a 2009 Outstanding Employee, and express my thanks for his hard work and dedication to the City of Rochester Hills.

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.

(Both Items under Consent Agenda were removed for discussion and adoption by separate motions.)

2009-0477 Request for Approval of Traffic Control Order TM-27.1 The intersection of Old Perch and Ansal Drive, Section No. 16 & 17: "No Left Turn" from southbound Old Perch onto eastbound Ansal Drive at their intersection from 7am to 8am - School Days Only

Attachments: [Agenda Summary.pdf](#)
[Old Perch at Ansal Map.pdf](#)
[Traffic Improv Assoc Ltr 102309.pdf](#)
[Traffic Study Summary.pdf](#)
[AT&S Minutes 111009 \(Draft\).pdf](#)
[Traffic Control Order.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi requested this item be removed from the Consent Agenda for discussion, questioning whether a no parking sign could be considered for the roadway on Ansal near Old Perch from 7:00 a.m. to 8:00 a.m. He expressed concern over drivers stopping to drop students off for the middle school on that section of roadway.

Roger Rouse, Director of DPS/Engineering, commented that he will bring Mr. Yalamanchi's concerns to the attention of the Advisory Traffic and Safety Board.

Mr. Webber commented that the Advisory Traffic and Safety Board discussed similar concerns for traffic in Cumberland Hills Subdivision near Hamlin School.

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, Klomp, Pixley, Rosen, Webber and Yalamanchi

Absent 1 - Hooper

Enactment No: RES0335-2009

Whereas, Traffic Control Order No. TM-27.1 has been issued by the City Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

TM-27.1 "NO LEFT TURN" from southbound Old Perch onto eastbound Ansal Drive at their intersection from 7AM to 8AM - School Days Only.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90)

days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order TM-27.1 to be in effect until rescinded or superseded by subsequent order; and

Now, Therefore, Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

2009-0557 Designation of City Depositories for 2010

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

Mr. Yalamanchi requested this item be removed for the Consent Agenda to be voted on separately.

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

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

Abstain 1 - Yalamanchi

Absent 1 - Hooper

Enactment No: RES0336-2009

Whereas, there now may be and hereafter from time to time come unto the hands of the Treasurer of the City of Rochester Hills, Michigan, certain public monies belonging to or held for the State, County or other political units of the State or otherwise according to the law; and

Whereas, under the laws of Michigan and the City's Investment Policy, the Rochester Hills City Council is required to provide by resolution for the deposit of all public monies coming into the hands of said Treasurer, in one or more bank(s).

Now Therefore Be It Resolved, that the following financial institution(s) be added as a depository for City funds and other public monies coming into the hands of said Treasurer during the Fiscal Year beginning January 1, 2010 and ending December 31, 2010.

Broker/Dealers/Safekeeping

Bank of America Merrill Lynch.
J.P. Morgan Securities Inc.
Morgan Keegan & Company, Inc.
Multi-Bank Securities Inc.
Morgan Stanley Smith Barney.
UBS Financial Services, Inc.

Pooled Accounts

Ambassador Capital Management/Ambassador Money Market Fund
Columbia Government Fund/Bank of America
Federated Securities Corp./Federated Government Obligations Fund 05
MBIA Municipal Investors Service Corporation/Michigan CLASS

Banks

Bank of America
Bank of Rochester/The Private Bank
JP Morgan Chase Bank
Citizens Banking Corporation
Charter One Bank
Comerica Bank
Community Central Bank
Fifth Third Bank
Flagstar Bank
Franklin Bank/First Place Bank
Huntington Bank
National City Bank/PNC
TCF Bank

Be It Further Resolved, that each of the above depository(ies) so designated is/are hereby requested, directed and authorized to honor all checks for payment of monies drawn on the various accounts when bearing the actual or facsimile signature of persons authorized by the City of Rochester Hills to sign said checks and orders.

PUBLIC HEARINGS

(President Greg Hooper entered at 7:52 p.m.)

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

2009-0560 FY 2009 4th Quarter Budget Amendments

Attachments: [Agenda Summary.pdf](#)
[2009 - 4th Qtr BA Summary.pdf](#)
[2009 - 4th Qtr BA Summary Breakdown.pdf](#)
[2009 - 4th Qtr BA Detail.pdf](#)
[2009 - Administrative Adjustments .pdf](#)
[2009 - Aggregate BA Summary.pdf](#)
[OPC RARA 4th Qtr Amendment.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, commented that the Fourth Quarter Budget Amendment reduces all budgets across all funds by almost \$6.8 million. He noted that interest income is down for 2009 over all funds and State Shared Revenue was also down \$225,000. He commented that all revenue reductions have been offset by reductions in expenditures. He pointed out that the Second Quarter Budget Amendment included \$1.3 million allocated to fund the Supplemental Retiree Health Trust and noted that if this item had not been brought forward to include in the Budget, the City would have ended the fiscal year with a \$300,000 or \$400,000 surplus.

Vice President Pixley Opened the Public Hearing at 7:54 p.m.

Melinda Hill, 1481 Mill Race, stated that she was glad to see the Budget brought back down to where it started, noting that the Fourth Quarter Budget Amendment is only approximately \$400,000 over the original budget. She questioned the Administrative Adjustments contained in the Budget Amendment, inquiring whether these were all done as end of the year adjustments. She commented that revenue and interest will continue to fall and that there was still room to reduce expenditures.

Vice President Pixley Closed the Public Hearing at 7:58 p.m.

Council Discussion:

Mr. Yalamanchi thanked Mr. Sawdon for including summary notes with the Budget Amendments. He questioned the following:

- Does the Administration have an estimate for future drops in State Shared Revenue and interest earnings?
- Are there revenues to support projects transferred from 2009 to 2010?
- When will the City see the projected \$100,000 savings for insurance premiums?
- How will the drop in water and sewer usage affect the City's fixed costs?
- Have reductions in Water and Sewer personnel resulted in a shift of these personnel to other areas?
- Is the \$80,000 in false alarm revenues predominantly from residential or commercial alarms?
- How often is Council provided a report on the Administrative transfers in the Budget?

Mr. Sawdon responded to Mr. Yalamanchi's questions with the following:

- Kurt Dawson, Director of Assessing/Treasury, would be presenting a revenue update to Council after review of the assessment roll in January.
- The City's insurance premium is based on a typical city fiscal year, while the City runs a calendar fiscal year. Insurance premium savings will be realized in 2010.
- When the Water and Sewer Technical Review Committee recommended rates for the second half of 2009 and 2010, rate recommendations were based on lower predictions for water usage. Fixed costs also affect the City of Detroit and are becoming a bigger component of their rate structure as well.
- Allocation of DPS personnel is based on service delivery needs for the upcoming fiscal year.
- False alarm revenues are predominantly from commercial alarms.
- Council is provided with a report on Administrative transfers whenever there is a need for them to occur. There were no Administrative transfers noted for the Third Quarter. As the Administration nears year-end, different adjustments are needed to bring the projections in line with actual expenditures.

President Hooper noted the list of deferred projects and purchases and stated that he would like the Administration to review whether the Vactor Truck purchase could be reviewed for deferment for another couple of years. He commented that he wished to have a review of the Records Archive Management Program (RAMP)

as well, noting that this project was deferred from 2009 into 2010. He pointed out that the Administration cannot spend more than what is allocated in the Budget and commented that he felt that the Administrative adjustments presented are fully appropriate and reduce the number of adjustments made by Council.

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

Enactment No: RES0337-2009

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, in accordance with Section 19 of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act the City Council may permit the Mayor to execute *adjustments* to the budget within limits;

Whereas, the Public Hearing for the proposed 2009 4th Quarter Budget Amendments was noticed on November 19, 2009; and

Whereas, the proposed 2009 4th Quarter Budget Amendments were available for public viewing beginning on December 4, 2009; and

Whereas, at its December 14, 2009 meeting City Council held a Public Hearing on the proposed 4th Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2009 fund totals as amended:

101 - General Fund	\$26,978,620
202 - Major Road Fund	8,970,330
203 - Local Street Fund	6,666,630
206 - Fire Department Fund	8,160,310
213 - RARA Millage Fund	716,540
214 - Pathway Maintenance	686,540
232 - Tree Fund	33,750
244 - Drain Maintenance Fund	2,011,150
265 - OPC Millage Fund	1,210,710
299 - Green Space Millage Fund	1,110,550
331 - Drain Debt Millage Fund	2,780,860
337 - SAD Street Improvements (1994 Series)	283,930
368 - OPC Building Debt Millage Fund	745,730
402 - Fire Capital Fund	809,000
403 - Pathway Construction Fund	553,610
420 - Capital Improvement Fund	254,400
592 - W&S Operating Fund	29,028,670
593 - W&S Capital Fund	5,398,590
631 - Facilities Fund	5,027,790
636 - MIS Fund	1,831,823
661 - Fleet Equipment Fund	2,775,270
843 - Brownfield Redevelopment Fund	34,960

848 - LDFA Fund	1,070,000
851 - Smart-Zone Fund	454,000
OPC Operation Fund	4,383,490
RARA Operation Fund	2,178,339

and, Therefore, Be It Resolved, the Mayor is authorized to administratively adjust the operating budget line-items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment.

NOTE: Some fund totals include contributions to fund balance.

(Vice President Pixley turned the meeting over to President Hooper)

ORDINANCE FOR INTRODUCTION

2009-0561 Acceptance for First Reading - an Ordinance to add Section 10-192 to Article IV, Mechanical and Electronic Amusement Devices, of Chapter 10 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to authorize the City Council to grant a variance from certain restrictions and operating requirements of Article IV in order to alleviate an unnecessary hardship; repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [121409 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[121409 Resolution.pdf](#)

Mayor Barnett distributed a memorandum from the Building Department providing background information on the process for obtaining Mechanical and Electronic Amusement Device Permits.

Mr. Webber commented that this proposed Ordinance is a good resolution to concerns raised regarding allowing variances to grant permits for these devices.

Mr. Brennan stated that he is opposed to the proposed Ordinance, stating that it is his opinion that the City is moving too fast to amend this Ordinance.

Mr. Klomp commented that in weighing the pros and cons of amending this Ordinance, it is his opinion that allowing a variance for this type of business is good for the city. He stated that the current Ordinance is outdated and is in need of updating.

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

Aye 5 - Hooper, Klomp, Pixley, Webber and Yalamanchi

Nay 2 - Brennan and Rosen

Enactment No: RES0009-2010

Resolved, that an Ordinance to add Section 10-192 to Article IV, Mechanical and Electronic Amusement Devices, of Chapter 10 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to authorize the City Council to grant a variance from certain restrictions and operating requirements of Article IV in order to alleviate an unnecessary hardship; repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2009-0220 Acceptance for Second Reading - an Ordinance to amend Section 110-404 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the permit fee charged for temporary signs, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[120709 Agenda Summary.pdf](#)
[120709 Resolution.pdf](#)
[062209 Agenda Summary.pdf](#)
[062209 Ordinance \(Revised\).pdf](#)
[062209 Resolution.pdf](#)
[060109 Agenda Summary.pdf](#)
[060109 Ordinance.pdf](#)
[060109 Resolution.pdf](#)
[Resolution.pdf](#)

A motion was made by Yalamanchi, seconded by Pixley, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:

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

Enactment No: RES0338-2009

Resolved, that an Ordinance to amend Section 110-404 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the permit fee charged for temporary signs, repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, December 25, 2009, the day following its publication in the Rochester Post on Thursday, December 24, 2009.

2009-0365 Acceptance for Second Reading - an Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to remove references to natural landscape, clarify the weed cutting charge; repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[120709 Agenda Summary.pdf](#)
[092809 Agenda Summary.pdf](#)
[092809 Ordinance \(Revised\).pdf](#)
[092109 Agenda Summary.pdf](#)
[092109 Ordinance.pdf](#)
[092109 Resolution.pdf](#)
[092809 Resolution.pdf](#)
[120709 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Paul Miller, 1021 Harding, commented that from time to time, the City's Ordinances are in need of updating to keep current with the changing times. He stated, however, that the proposed Ordinance, repealing the natural landscaping provision, is a step in the wrong direction. He pointed out that natural landscaping has benefits that short grass does not have, reduces heat island effect, decreases storm runoff and provides an environment for animals and insects that maintain the ecosystem.

Council Discussion:

President Hooper questioned how the Ordinance revisions would be applied to determine whether a property has natural landscaping or noxious weeds and whether the proposed Ordinance will apply to trees.

Scott Cope, Director of Building/Ordinance Compliance, stated that enforcement will be on a case-by-case basis and that a landscape architect would evaluate those areas of concern. He confirmed that the proposed Ordinance will not apply to trees.

Mr. Rosen questioned whether daylilies by a mailbox would fall under this Ordinance.

Mr. Cope responded that daylilies are considered flowers, not noxious weeds; and the proposed Ordinance will not apply.

A motion was made by Webber, seconded by Brennan, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:

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

Enactment No: RES0339-2009

Resolved, that an Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to remove references to natural landscape, clarify the weed cutting charge; repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, December 25, 2009, the day following its publication in the Rochester Post on Thursday, December 24, 2009.

2009-0542 Acceptance for Second Reading - an Ordinance to amend Sections 134-1, 134-7, 134-109, 134-148, 134-177, 134-178, 134-179 and 134-181 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to define terms; clarify location requirements; authorize and regulate temporary advertising banner flags and modify regulations for temporary wall and freestanding portable signs; modify electronic message sign regulations; modify standards for area, setback, height and number of signs; repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance \(2nd Revision\).pdf](#)
[Ordinance \(Revised\).pdf](#)
[120709 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[120709 Resolution.pdf](#)
[Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, noted that the Ordinance was revised for second reading to include a change in a maximum allowable temporary real estate sign from 36 square feet to 49 square feet.

A motion was made by Yalamanchi, seconded by Webber, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:

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

Enactment No: RES0340-2009

Resolved, that an Ordinance to amend Sections 134-1, 134-7, 134-109, 134-148, 134-177, 134-178, 134-179 and 134-181 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to define terms; clarify location requirements; authorize and regulate temporary advertising banner flags and modify regulations for temporary wall and freestanding portable signs; modify electronic message sign regulations; modify standards for area, setback, height and number of signs; repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, December 25, 2009, the day following its publication in the Rochester Post on Thursday, December 24, 2009.

2009-0530 Acceptance for Second Reading - an Ordinance to amend Article VIII of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase park entry and shelter and sports field rental fees, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[120709 Agenda Summary.pdf](#)
[Park Fees - 2010 Proposed.pdf](#)
[Field Fees - 2010 Proposed.pdf](#)
[120709 Resolution.pdf](#)
[Resolution.pdf](#)

A motion was made by Pixley, seconded by Klomp, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:

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

Enactment No: RES0341-2009

Resolved, that an Ordinance to amend Article VIII of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase park entry and shelter and sports field rental fees, repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, December 25, 2009, the day following its publication in the Rochester Post on Thursday, December 24, 2009.

NOMINATIONS/APPOINTMENTS

2009-0563 Request to Confirm the Mayor's appointment of Dale Hetrick to the Planning Commission to fill the unexpired term of Nathan Klomp which will expire March 31, 2010

Attachments: [Suppl Agenda Summary.pdf](#)
[Hetrick CQ.pdf](#)
[Suppl Resolution.pdf](#)

Mayor Barnett stated that over 30 applications were received for the Planning Commission vacancy and commented that he is confident in selecting Dale Hetrick for the vacancy.

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

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

Enactment No: RES0342-2009

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Dale Hetrick to the Planning Commission to fill the unexpired term of Nathan Klomp which will expire March 31, 2010.

2009-0427 Nomination/Appointment of seven (7) Citizen Representatives to the Water and Sewer Technical Review Committee each for one-year terms expiring December 31, 2010

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Sher Akhtar CQ.pdf](#)
[Johanna Allen CQ.pdf](#)
[Martin Borucki CQ.pdf](#)
[Clare Cheesman.pdf](#)
[Frank Cosenza CQ.pdf](#)
[Richard Graham CQ.pdf](#)
[Philip Hurst CQ.pdf](#)
[Tim Jacobson CQ.pdf](#)
[George Karas CQ.pdf](#)
[Gerard Verschueren CQ.pdf](#)
[Suppl Ted Zellers CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Sher Akhtar, Johanna Allen, Martin Borucki, Frank Cosenza, Richard Graham, Tim Jacobson, George Karas, Gerard Verschueren and Ted Zellers were nominated to the Water and Sewer Technical Review Committee at the December 7, 2009 Regular City Council meeting. He instructed Council to vote for seven nominees. The nominees received the following votes:

Vote #1:

Sher Akhtar - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

Johanna Allen - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

Martin Borucki - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Frank Cosenza - Mr. Rosen and Mr. Yalamanchi

Richard Graham - President Hooper, Mr. Klomp and Mr. Rosen

Tim Jacobson - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

George Karas - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Gerard Verschueren - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Ted Zellers - Mr. Brennan, Mr. Pixley and Mr. Webber

Ms. Allen, Mr. Akhtar, Mr. Borucki, Mr. Jacobson, Mr. Karas and Mr. Verschueren received a majority number of votes. A second vote was taken

between Mr. Graham and Mr. Zellers to determine the second appointment.

Vote #2:

Richard Graham - President Hooper, Mr. Klomp and Mr. Rosen

Ted Zellers - Mr. Brennan, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

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

Enactment No: RES0343-2009

Resolved, that the Rochester Hills City Council appoints Sher Akhtar, Johanna Allen, Martin Borucki, George Karas, Tim Jacobson, Gerard Verschueren and Ted Zellers to the Water and Sewer Technical Review Committee each for one-year terms expiring December 31, 2010.

2009-0428 Nomination/Appointment of two (2) Citizen Representatives to the Human Resources Technical Review Committee each for one-year terms to expire December 31, 2010

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Johanna Allen CQ.pdf](#)
[Donald Atkinson CQ.pdf](#)
[Clare Cheesman.pdf](#)
[Christopher Cobb CQ.pdf](#)
[Frank Cosenza CQ.pdf](#)
[Dona Martinez CQ.pdf](#)
[Edward Olson CQ.pdf](#)
[Alexios Pathenos CQ.pdf](#)
[Kenneth Wissbrun CQ.pdf](#)
[Suppl Thomas McDonald CQ.pdf](#)
[Suppl Ted Zellers CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Donald Atkinson, Clare Cheesman and Tom McDonald were nominated to the Human Resources Technical Review Committee at the December 7, 2009 Regular City Council meeting. He instructed Council to vote for two nominees. The nominees received the following votes:

Donald Atkinson - Mr. Rosen and Mr. Yalamanchi

Clare Cheesman - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Tom McDonald - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley and Mr. Webber

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

Enactment No: RES0344-2009

Resolved, that the Rochester Hills City Council appoints Clare Cheesman and Tom McDonald to the Human Resources Technical Review Committee each to serve one-year terms to expire December 31, 2010.

2009-0430 Nomination/Appointment of two (2) Citizen Representatives to the Canvassing Board each for a four-year term to expire December 31, 2013

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Christopher Cobb CQ.pdf](#)
[James Duistermars CQ.pdf](#)
[Paul Funk CQ.pdf](#)
[Sigrid Grace CQ.pdf](#)
[Theresa Mungiolli CQ.pdf](#)
[Alexios Pathenos CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Sigrid Grace (Democrat), Paul Funk (Republican) and James Duistermars (Republican) had been nominated to the Canvassing Board at the December 7, 2009 Regular City Council Meeting. He instructed Council to vote for one Democrat and one Republican. The nominees received the following votes:

Sigrid Grace - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Paul Funk - Mr. Brennan, Mr. Rosen and Mr. Yalamanchi

James Duistermars - President Hooper, Mr. Klomp, Mr. Pixley and Mr. Webber

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

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

Enactment No: RES0345-2009

Resolved, that the Rochester Hills City Council appoints Sigrid Grace as the Democratic Representative and James Duistermars as the Republican Representative to the Canvassing Board to serve a four-year term expiring December 31, 2013.

2009-0431 Nomination/Appointment of one (1) Citizen Representative to the Rochester Avon Recreation Authority for a three-year term to expire December 31, 2012

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Christopher Cobb CQ.pdf](#)
[James Duistermars CQ.pdf](#)
[Dianah Foster CQ.pdf](#)
[Jim Kubicina CQ.pdf](#)
[Alexios Pathenos CQ.pdf](#)
[Brian Probst CQ.pdf](#)
[Suppl Mike Reno CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Jim Kubicina and Michael J. Reno had been nominated at the December 7, 2009 Regular City Council Meeting. The nominees to the Rochester Avon Recreation Authority received the following votes:

Jim Kubicina - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Webber

Michael J. Reno - Mr. Rosen and Mr. Yalamanchi

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

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

Enactment No: RES0346-2009

Resolved, that the Rochester Hills City Council appoints Jim Kubicina to serve as Rochester Avon Recreation Authority Representative for a three-year term expiring December 31, 2012.

2009-0564 Motion to Postpone Historic Districts Commission and Historic Districts Study Committee Appointments until the City Attorney has had an opportunity to render an opinion on having a City Employee sit on both boards

Public Comment:

Melinda Hill, 1481 Mill Race, expressed concern that City employees should not be appointed as voting members of City Boards and Commissions and commented that the City should have a policy regarding employee appointments to Boards, Commissions and Committees. She commented that the Historic Districts Commission (HDC) is not just an advisory board, but is a quasi-judicial body, and influence of the workplace is problematic. She encouraged Council to support reappointment of the currently serving members of the HDC.

Council Discussion:

Mr. Rosen stated that being a part of the Rochester Hills Museum at Van Hoosen Farm and sitting on the HDC is a conflict of interest. He stated that the HDC and Historic Districts Study Committee (HDSC) appointments should be postponed until the City Attorney can render an opinion.

Mr. Webber stated that a part-time City employee is on the Green Space Advisory Board and felt comfortable with voting today.

President Hooper stated that this would not be the first time that a resident, who is also a City employee, is considered for appointment to a City Board, Commission or Committee. He commented that while he would not be opposed to postponing a vote, he is fine with voting tonight.

Mr. Yalamanchi supported postponing the vote, stating that he did not want to give the impression of a potential for undue influence.

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

Aye 3 - Hooper, Rosen and Yalamanchi

Nay 4 - Brennan, Klomp, Pixley and Webber

Enactment No: RES0347-2009

Resolved, that the Appointments to the Historic Districts Commission and Historic Districts Study Committee be postponed until the City Attorney has had an opportunity to render an opinion on having a City Employee sit on both boards.

2009-0432 Nomination/Appointment of three (3) Citizen Representatives to the Historic Districts Commission each for three-year terms to expire December 31, 2012

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDC Special Membership Requirements.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Christopher Cobb CQ.pdf](#)
[Melinda Hill CQ.pdf](#)
[Micheal Kilpatrick CQ.pdf](#)
[Stewart Myers CQ.pdf](#)
[Richard Stamps CQ.pdf](#)
[Jason Thompson CQ.pdf](#)
[Suppl Sue Thomasson CQ.pdf](#)
[Resolution.pdf](#)

President Hooper reviewed the requirements for HDC membership and stated that Micheal Kilpatrick, Richard Stamps, Sue Thomasson and Jason Thompson were nominated to the Historic Districts Commission at the December 7, 2009 Regular City Council Meeting. Council was instructed to vote for three nominees. The nominees received the following votes:

Micheal Kilpatrick - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Richard Stamps - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Jason Thompson - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

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

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

Enactment No: RES0348-2009

Resolved, that the Rochester Hills City Council appoints Micheal Kilpatrick, Richard Stamps and Jason Thompson to the Historic Districts Commission each for three-year terms to expire December 31, 2012.

2009-0433 Nomination/Appointment of four (4) Citizen Representatives to the Historic Districts Study Committee each for two-year terms to expire December 31, 2011

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[120709 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDSC Cmte Appt Memo.pdf](#)
[2009 Notice of Vacancy Commissions and Committees2.pdf](#)
[Christopher Cobb CQ.pdf](#)
[James Hannick CQ.pdf](#)
[Richard Stamps CQ.pdf](#)
[LaVere Webster CQ.pdf](#)
[Suppl Sue Thomasson CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Christopher Cobb, James Hannick, Richard Stamps, Sue Thomasson and LaVere Webster were nominated to the Historic Districts Study Committee at the December 7, 2009 Regular City Council Meeting. Council was instructed to vote for four nominees. The nominees received the following votes:

Christopher Cobb - Mr. Yalamanchi

James Hannick - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Richard Stamps - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Sue Thomasson - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, and Mr. Webber

LaVere Webster - Mr. Brennan, President Hooper, Mr. Klomp, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

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

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

Enactment No: RES0349-2009

Resolved, that the Rochester Hills City Council appoints James Hannick, Richard Stamps, Sue Thomasson and LaVere Webster to the Historic Districts Study Committee each to serve a two-year term to expire December 31, 2011.

2009-0522 Nomination/Appointment of one (1) Citizen Representative to the Cemetery Citizens Advisory Technical Review Committee

Attachments: [Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Notice of Vacancy.pdf](#)
[Jean Malatesta CQ.pdf](#)
[Resolution.pdf](#)

President Hooper opened the floor for nominations.

Mr. Pixley nominated Jean Malatesta.

President Hooper closed the floor for nominations.

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

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

Enactment No: RES0350-2009

Resolved, that the Rochester Hills City Council appoints Jean Malatesta as Citizen Representative to the Cemetery Citizens Advisory Technical Review Committee.

2009-0551 Appointment of two (2) City Council Members to the Pine Trace Committee each for a one-year term to expire December 6, 2010

Attachments: [Agenda Summary.pdf](#)
[Nomination Form - Pine Trace Committee.pdf](#)
[Resolution.pdf](#)

Mr. Rosen questioned why there is a need to appoint Council members to this committee for 2010.

Mr. Webber commented that the Pine Trace Committee met as needed and noted that the Committee addresses any concerns arising between the City and Pine Trace Golf Course.

President Hooper noted that the Committee reviews any issues that arise with the lease agreement for Pine Trace.

Mr. Yalamanchi questioned when the lease agreement is coming up for renewal.

Mayor Barnett noted that the management of Pine Trace wished to open discussions with the City on certain operational issues as the golfing industry evolves. He noted that the City's lease agreement with Pine Trace has

approximately 12 to 14 years remaining.

President Hooper opened the floor for nominations.

Mr. Pixley nominated himself and Mr. Webber.

President Hooper closed the floor for nominations.

Seeing no additional nominations, **President Hooper** noted that Mr. Pixley and Mr. Webber will be appointed to the Pine Trace Committee.

Appointed Vern Pixley and Michael Webber.

NEW BUSINESS

2009-0559 Request for Adoption of the Tree Fund Policy

Attachments: [Agenda Summary.pdf](#)
[Tree Fund Policy.pdf](#)
[Memo Additional info Tree Fund.pdf](#)
[Tree Fund Fund Balance.pdf](#)
[Projected Tree Fund Fund Balance.pdf](#)
[Projection Data -Tree Fund.pdf](#)
[Year to Year Projected Fund Balance.pdf](#)
[Resolution.pdf](#)

President Hooper stated that discussions held during the 2009 Budget Workshops addressed the Tree Fund Fund Balance and the Tree Fund Policy. He noted that during the 2010 Budget Process, Council had elected to defer interest only from the Tree Fund Fund Balance to the General Fund for use for operation and maintenance. He stated that Council should discuss whether to maintain status quo or to move toward a tree-planting program which could look at the aesthetic nature of areas in the City where trees have been removed, such as MDOT right-of-ways.

Public Comment:

John Gaber, 1024 Adele Court, stated that on behalf of Covington Place Subdivision, he wished to question whether the Tree Fund can be used to supplement the planting of trees in the M-59 right-of-way. He noted that the Michigan Department of Transportation (MDOT) has recently cleared a 25-foot strip along the M-59 freeway, creating a negative impact on his subdivision. He thanked Council for appointing a resident of his subdivision to the MR-42E Noise Barrier/Sound Wall Technical Review Committee, however, he commented that it was unlikely that there would be funding available for sound walls in the foreseeable future.

Council Discussion:

Mr. Rosen expressed concern that the Tree Fund would be depleted in approximately 30 years and commented that he would like to see the interest reinvested to preserve capital and provide growth for the Fund. He commented

that he does not want the City to deplete its main source for funding trees and stated that while Council decided to transfer interest for 2010, it should not consider transferring interest for maintenance and operations in the future. He questioned whether the annual cost projections for tree purchase and planting included City labor.

Mike Hartner, Director of Parks and Forestry, explained that a cost of \$250 per tree includes the tree, the contractor's labor and a one-year guarantee and stated that no City staff time is needed. He commented that the City estimates it will plant approximately 200 trees per year, with 100 trees planted at full-cost to the City and 100 trees per year planted as a part of the cooperative planting program, where residents share fifty-percent of the tree planting costs. He noted that the Administration's goal is to have a Tree Policy flexible enough to address any catastrophic disease or infestation that could attack the City's trees, such as the Emerald Ash Borer, Asian Longhorn Beetle or Oak Wilt.

Keith Sawdon, Director of Finance, commented that moving forward, the General Fund will have difficulties in maintaining the trees that have been planted and noted that the proposed Policy parallels Council's decision during the 2010 Budget Process to transfer interest from the Tree Fund to the General Fund for maintenance activities. He noted that retaining interest in the Tree Fund would only add five to seven years to the Fund.

Mr. Yalamanchi commented that he does not wish to see the Tree Fund principal used for operating purposes and questioned whether the proposed Policy would allow the City to plant trees within State right-of-ways.

Mr. Sawdon responded that the proposed Policy allows planting in any public street right-of-way.

Mr. Pixley stated that the policy should allow Council to consider the use of Fund Balance for each budget year.

Mr. Brennan commented that supplementing replanting along the MDOT right-of-way would be a reasonable use of the Tree Fund. He questioned who decides where trees are planted.

Mr. Hartner responded that planting activities have focused on subdivisions and areas that have escrowed trees; and noted that cooperative requests are added to the planting cycle. He commented that the Administration has an inventory of all planting sites in the city and areas that have had infrastructure work have some priority.

Mr. Klomp stated that Council should consider whether opening the program up to support replanting along M-59 could open the floodgates with additional requests.

Mr. Hartner recommended that MDOT be allowed to complete construction and replanting activities before the City acts to replant trees in the M-59 right-of-way, noting that it could be a year or more before any planting activities should be considered for this area.

Mayor Barnett commented that operations to maintain trees that are already planted are a continual drain on the General Fund. He stated that the proposed Tree Policy is a conservative approach that does not assume any influx from parcels to be developed in the City that would contribute to the Tree Fund. He noted that Bordine's donated 70 trees this year and commented that the City can frequently buy trees at the end of each planting season from nurseries at a fraction of their original costs. He pointed out that the goal is not to draw down Fund Balance but to allow flexibility to support the overall mission of the Forestry Department.

Mr. Yalamanchi stated that the Policy should be consistent from year to year; however, it should address extenuating circumstances. He commented that he agreed with transferring interest for operations and maintenance activities as a support mechanism in place for trees currently planted.

President Hooper stated that the draft Tree Fund Policy would be brought back to Council in January for final review.

Discussed.

(Nathan Klomp exited at 9:44 p.m. and re-entered at 9:46 p.m.)

2009-0255 Discussion relative to the Police and Road Funding Technical Review Committee recommendations

Attachments:

[121409 Agenda Summary.pdf](#)
[Spreadsheet sorted by CC Ranking.pdf](#)
[Spreadsheet sorted by Area.pdf](#)
[Spreadsheet sorted by Timing.pdf](#)
[Spreadsheet sorted by No Action Needed.pdf](#)
[081009 Agenda Summary.pdf](#)
[Replacement Millage Ballot Question \(Rev 072809\).pdf](#)
[072709 Agenda Summary.pdf](#)
[Final Spreadsheet Strgly Rec 2009.pdf](#)
[Final Spreadsheet Strgly Rec 2009 In Process.pdf](#)
[Final Spreadsheet 2010+.pdf](#)
[Road Debt Schedule \\$1.6 million.pdf](#)
[Replacement Millage Ballot Question \(072209\).pdf](#)
[071309 Agenda Summary.pdf](#)
[062909 Agenda Summary.pdf](#)
[Final Report to Council.pdf](#)

Mr. Webber stated that several spreadsheets were included for discussion detailing the recommendations of the Police and Road Funding Technical Review Committee, sorted by Council rankings, by area, by timeframe and by items requiring no further action. He noted that a few of the recommendations should be referred back for additional work and discussion at the Committee level, including a recommendation to optimize the Oakland County Sheriff's contract and a recommendation for the establishment of a Parks Bond Millage Committee.

He stated that Roger Rousse, Director of DPS/Engineering, should be requested to prepare a presentation for Council on how communities within Oakland County have leveraged their road dollars to fund road projects. He suggested Council schedule a meeting for discussion in January or February for these items.

Public Comment:

***Lee Zendel**, 1575 Dutton, noted that historically, dedicated millages have had more success at the polls than Charter amendments. He stated that Rochester Hills' demographics indicate that the population is aging, and it will be more and more difficult to pass millages without extensive community education.*

Council Discussion:

***President Hooper** commented that Council elected to defer bringing repurposing of the expiring debt millage forward to the voters until after the election and noted that it should be added to an upcoming agenda.*

***Mr. Rosen** stated that a debt millage continuance would provide a fairly modest amount and that the City needed to address police funding issues. He stated that while it might be considered a continuance of an existing millage, repurposing it can be considered a new millage or tax. He commented that the City should do something more than attempt a continuance of 0.3545 mills and stated that it could take a year or two to arrive at a fully-understood strategy.*

***President Hooper** commented that a continuance would not be a tax increase and would maintain the taxes currently paid. He pointed out that if the millages are allowed to fall off, services will fall off as well. He stated that Council needs to be proactive.*

***Mr. Pixley** concurred and suggested that a millage continuance discussion be scheduled in early January along with additional discussion regarding optimization of the Oakland County Sheriff's Contract.*

***Mr. Webber** commented that the Police and Road Funding Technical Review Committee worked very hard to come up with a series of recommendations on roads, police and parks. He commented that an educational component should be developed related to road issues and stated that the Committee should be recharged to look at the recommendations for further development.*

***President Hooper** stated that a discussion of an extension of the Committee's purpose and charge along with additional discussion regarding repurposing the expiring debt millage would be undertaken at Council's first meeting in January. He noted that considerations for supplementing Local Roads funding by transferring fifty (50) percent of funding from Major Roads could be adopted as a formal Policy if Council desired.*

***Mr. Webber** commented that he would review the Committee's original purpose and charge and bring back language for an extension in January.*

Discussed.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Monday, January 11, 2010 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:00 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

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