



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, June 20, 2011

7:00 PM

1000 Rochester Hills Drive

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

Absent 1 - Michael Webber

Others Present:

Ed Anzek, Director of Planning and Economic Development

Bryan Barnett, Mayor

Tara Beatty, Chief Assistant

Jim Bradford, Deputy Fire Chief

Alan Buckenmeyer, Parks Operations Manager

Paul Davis, City Engineer

Mike Hartner, Director of Parks and Forestry

Captain Michael Johnson, Oakland County Sheriff's Office

Jane Leslie, City Clerk

Keith Sawdon, Director of Finance

Allan Schneck, Director of DPS/Engineering

John Staran, City Attorney

Kelly Winters, Deputy Director of Building/Ordinance Compliance

Council Member Michael Webber provided notice that he was unable to attend.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Pixley, seconded by Klomp, that the Agenda be Approved as Amended to move Legislative File 2011-0279, Update on the City's seven-year Financial Forecast (FY 2012 to FY 2018) to immediately follow Legislative File 2010-0108, Request for Historic District Designation - William S. Adams House, 2040 S. Livernois, located on the southwest corner of Livernois and Hamlin Roads, Zoned R-2, One Family Residential. The motion carried by the following vote:

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

Absent 1 - Webber

PUBLIC COMMENT

Dee Hilbert, 3234 Quail Ridge Circle, reported that Honor Flight Michigan, a nonprofit organization, has been involved in transporting over 1,400 World War II Veterans to the Veteran's Memorial in Washington, D.C. The group is undertaking a Legacy Project to build a walk of honor for Veterans in Royal Oak, Michigan. Proceeds from a book and DVD about Honor Flight Michigan will support the project. She encouraged interested individuals to visit the organization's website at honorflightmichigan.com for more information.

Alice Benbow, 1582 Northumberland, stated that the Hills Herald publication is a means of advertising for the Mayor. She mentioned that a video of the recent Mayoral Candidate Debate is available online at the rochestercitizen.com. She encouraged individuals to attend the next Oakland County Commissioners' Meeting on July 6th, commenting that citizens are not adequately represented on the Citizens' Advisory Committee for the Courts.

Lee Zendel, 1575 Dutton Road, questioned why City candidates were not in attendance at meetings prior to their filing to run for office. He commented that those candidates who are running on the basis of one issue are poor choices for the voter.

Ann Edwards, 296 Meadowbridge, announced that the League of Women Voters will host a Candidate's Forum on Wednesday, July 20th, at 7:00 p.m. in the City Hall Auditorium. The Forum will be cable-cast live, and will begin with candidates for City Council At-Large and District 2, followed by Mayoral candidates.

Melinda Hill, 1481 Mill Race, expressed her appreciation for adjusting the agenda to move the Fiscal Forecast earlier in the meeting. She stated that Council did not make an informed decision at the June 6th meeting regarding redistricting, noting that information provided did not support the map in the meeting packet.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett made the following announcements:

- Relay for Life activities will take place on Saturday June 25th through Sunday, June 26th at Hart Middle School. In the past couple of years, the City's Relay Team has been the number one fund raising group for the event.
- The Festival of the Hills will be held on Wednesday, June 29th, at Borden Park. Over \$80,000 has been raised for the fireworks festival through donations and sponsorships, including \$2,000 raised through requests for donations in the City's water bills. No City dollars are expended for the Festival.
- Road projects are progressing, and include:
 - * The Walton Boulevard Rehabilitation Project will move into Stage Two next week, which will encompass work on the center lanes.
 - * The Crooks/M-59 Interchange work is moving forward. The easternmost lane is nearing completion up to Star-Batt Drive.
 - * Repaving of Dequindre Road from South Boulevard to Auburn Road is set to begin on August 5th.
- City Hall will close in observance of the July 4th Holiday.

He echoed comments made in honoring the country's Veterans. He mentioned that on his recent trip to Germany, he observed that things would have been very different for our world if the United States had lost the wars that it had fought.

He announced that the City was selected as the "Census Success Story for the United States" and he returned this afternoon from Baltimore, Maryland, where he gave a presentation to the nation's mayors on the City's efforts to increase Census participation. He noted that in 2000, Rochester Hills performed in the bottom five of Oakland County, with a response rate of 72 percent. In 2010, the City's team was formed and gathered the assistance of the community to help. Rochester Hills finished first in Oakland County for the 2010 Census, second in Michigan, and tied for fifth in the United States, with an 86 percent response rate. He stated that as a result, the City will see an increase of between \$140,000 and \$150,000 in Constitutional State Shared Revenue.

Mr. Yalamanchi commented that he participated in Saturday's 5k Run/Walk to benefit the Rochester Area Neighborhood House (RANH) hosted by the Rochester Hills Government Youth Council (RHGYC). He noted that the project raised over \$8,500 for RANH, and he expressed his thanks to the RHGYC for their efforts. He mentioned that having the event in Bloomer Park made him think about what a beautiful park and nature preserve it is.

In response to Public Comment, **Mr. Rosen** commented that he was not aware that the Apportionment Committee's map was not the same map presented in Council's packet on June 6th. He expressed his thoughts for Council Member Webber, who is recuperating from a broken ankle. He complimented Ms. Hilbert for her comments regarding Veterans, noting that his father flew in the Pacific Theater of Operations.

Mr. Klomp expressed his appreciation for the Mayor's update on the upcoming Dequindre Road Repaving Project, stating that it is well overdue. He expressed

his appreciation to the businesses in the vicinity of John R and Auburn Roads that have done much to improve their landscapes. He mentioned that the Rochester Area Youth Assistance will be selling raffle tickets at the Festival of the Hills for a chance at winning a Chevy Cruze.

***Mr. Brennan** wished everyone a safe and happy upcoming Fourth of July holiday.*

***Mr. Pixley** announced that the RHGYC's 5K raised \$8,853 and was a resounding success, hosting nearly 200 runners. He commented that the RHGYC selects worthy organizations to support each year for the annual 5K. He expressed his best wishes to Mr. Webber for his recuperation.*

***President Hooper** encouraged residents and visitors to attend the Festival of the Hills on June 29th and the League of Women Voters Forum on July 20th. He mentioned that he attended the RHGYC event and commented that the organization was blessed to have such great leadership. He expressed his thoughts for Mr. Webber's recuperation.*

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2011-0291 Proclamation in Recognition of Thomas J. Murphy for his outstanding acts of heroism and service to our country

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

***Mayor Barnett** stated that the highlight of Council's agenda is to honor individuals who have done something incredible for the community. He commented that Thomas J. Murphy was brought to his attention by Mr. Yalamanchi.*

***Mr. Yalamanchi** stated that he has special regard for men and women who have served in World War II, noting that their generation preserved the humanities and freedom, and created the economic prosperity that the country has enjoyed. He expressed concern that as time goes by, this generation is being lost.*

***Mayor Barnett** read the proclamation.*

***Mr. Murphy** stated that while he was not yet old enough to vote, drink or drive, he could serve his country. He mentioned that he was among the first individuals to free the prisoners of the Dachau concentration camps and commented on the impact that event made on his life.*

Mayor Barnett and Council congratulated Mr. Murphy, and he received a resounding ovation from those in attendance.

Presented.

Whereas, Thomas J. Murphy was born on March 9, 1926 in New York City, New York. He spent his childhood and teen years in Groton, Connecticut where he graduated from Robert E. Fitch High School. An outstanding student, Mr. Murphy served as class president and student council member and lettered in varsity football. Mr. Murphy graduated from high school on June 6, 1944, D-Day; and

Whereas, on June 8, 1944, Mr. Murphy was inducted into the United States Army. He completed infantry training and left for the European Theatre of Operations in December 1944. During his duty in Europe, he served in the "L" Company, 179th Infantry, 45th Division. He was active in the Colmar Pocket, freeing the Siegfried Line, crossing of the Rhine River, capture of Homburg, Nurnberg and Munich. Mr. Murphy fought under General Patch and General Patton; and

Whereas, Mr. Murphy was awarded the Bronze Star, Purple Heart, Good Conduct Medal, European Campaign Medal with two bronze service stars, WWII Medal, Army of Occupation Medal with Germany clasp, Combat Infantry Badge 1st Award and Marksman Badge with Machine Gun Bar and Rifle Bar.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Thomas J. Murphy with sincere gratitude and abiding respect for his outstanding acts of heroism and service to our country.

2011-0277 Proclamation in Recognition of the Adams and Stoney Creek Robotics Team "Adambots", Oakland County Competitive Robotics Association 2010 Champions

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

Mayor Barnett introduced the Adams and Stoney Creek Robotics Team, the "Adambots", and recognized their triumph as Oakland County's Competitive Robotics Association 2010 Championship Team. He read the proclamation.

It was noted that not only did the team win the Oakland County award, they won a Foundation Award, took First Place as the General Motors Team of the Year and won the World Website Award. In all, the Adambots won a total of 19 trophies this year, including one at the Intelligent Ground Vehicle Competition at Oakland University two weeks ago.

Mayor Barnett and Council congratulated the team members in attendance.

Presented.

Whereas, a combined robotics team from Adams High School and Stoney Creek High School, known as the Adambots, won the Oakland County Competitive Robotics Association Championship held November 20, 2010; and

Whereas, in addition to winning the Championship, the Adambots were awarded the Strategic Design Trophy for the event, and two additional trophies for Team Spirit and Technical Excellence.

Now, Therefore, Be It Resolved, that the Mayor and City Council of the City of Rochester

Hills hereby express our community's admiration for the teamwork, commitment, cooperation and talent of the following Adams and Stoney Creek Robotics Team members, and express our thanks for the dedication of their coaches:

Kritin Arya	Parker Hubbard	Jason Merlo	Thomas Szilard
Emily Bolewitz	Yutaka Iwasaki	Duy Mo	Eric Tang
Joe Bolewitz	Kristopher Junga	Tudor Moldovan	Danielle Twarozynski
Ben Bray	Matt Juriga	Max Nakfoor	Eric Wang
Matt Brisson	Dean Keithly	Tanay Patel	Haden Wasserbaech
Eric Celerin	Daniel Lee	Elizabeth Person	
Ryan Cesiel	Adriel Leung	Jack Person	Coaches:
Kevin Chang	Jerry Lin	Jordan Phillips	Warren Hildebrandt
Edna Chiang	Katie Losinski	Steven Ploog	Grace Drummer
Kieran Cooper	John Luscombe	Martyn Purvis	
Ian Cosgrove	Andrew Markel	Ganesh Ramasani	
Becky Everson	Andrew McBride	Chris Santella	
Mike Harris	Rishi Mehta	Alex Shultz	
Eric Hennessee	Sidd Menon	Garret Sochanski	

- 2011-0268** Presentation on the City's Emergency Operations Plan; Rochester Hills Fire Chief Ron Crowell and Oakland County Sheriff's Office Captain Mike Johnson, presenters

Attachments: [Agenda Summary.pdf](#)

Deputy Chief Jim Bradford and Captain Michael Johnson were in attendance to discuss the City's Emergency Operations Plan.

Deputy Chief Bradford mentioned that Chief Ron Crowell is recuperating from an illness and is unable to attend tonight's meeting. He explained that the Emergency Operations Plan was developed after the attacks on September 11, 2001 and the area-wide blackout in August of 2003. He stated that since the inception of the plan, the City's Fire Chief has been appointed as Emergency Management Coordinator. He noted that the plan defines the Mayor's and the Department Directors' roles and duties and outlined each level of response should a natural or man-made disaster occur.

He mentioned that teams were recently deployed to the toxic spill in Marshall, Michigan, after an explosion at a furniture store in downtown Wayne, Michigan, and to assist in cleanup after last year's tornado in Dundee, Michigan. He commented that teams are on standby to deploy to Joplin, Missouri, to assist in cleanup after last week's tornado.

Captain Johnson stated that over the years, the Sheriff's Office has responded to provide assistance to neighboring communities for all types of emergencies and disasters, including the crash of Flight 255 in Romulus, Michigan. He noted that Oakland County representatives traveled to Ground Zero in New York after 9/11 and to New Orleans after Hurricane Katrina. He explained that a mobile

command and dispatch center is ready to respond to emergencies and team members are all trained in the National Incident Management System. He stated that if a disaster occurs requiring resources beyond what the City can provide, the Oakland County Executive can activate the County's Emergency Operations Center (EOC), which has the capability to interface with any EOC in the country. He noted that police, fire, EMS and hospitals can now communicate directly with each other. Training includes tabletop and hands-on exercises. Last summer, City emergency staff participated in an active-shooting exercise at Oakland University.

Public Comment:

Alice Benbow, 1582 Northumberland, commented that there are a disproportionate number of men in the Oakland County Sheriff's Department.

Council Discussion:

Mr. Yalamanchi questioned whether the communication systems activate automatically when an emergency occurs.

Captain Johnson responded that in the past, communication systems were set to not interfere with each other; however, the systems are now open for interaction.

Mr. Yalamanchi questioned whether a utility emergency such as a gas line explosion would activate the City's DPS staff.

Deputy Chief Bradford responded that it would.

Mr. Pixley questioned whether the City has the technology available to text message residents in a time of emergency.

Deputy Chief Bradford responded that Fire Department staff have access to the City's radio channel and receive messages on their alpha pagers.

Captain Johnson noted that more and more individuals are subscribing to Oakland County's GovDelivery system.

Mr. Rosen stated that the community has been fairly lucky for the past 20 to 30 years, and commented that the area never anticipated the power failure that occurred in 2003. He questioned how the exercises can anticipate what might occur, noting that no one thought someone would intentionally crash an airplane into the World Trade Center.

Deputy Chief Bradford explained that the Rochester Hills Emergency Plan includes a vulnerability assessment to various disaster scenarios, including tornadoes, drought, floods, chemical spills and acts of terrorism.

Captain Johnson added that Oakland County also conducts an assessment including a survey of assets owned by corporations.

Mr. Brennan commented that the City's Fire Fighters and Oakland County Sheriff's Department do an outstanding job in protecting the community. He questioned who pays for emergency operations as they occur.

Captain Johnson responded that Oakland County covers the cost for emergency situations occurring within the County, and stated that mutual aid agreements are called into play.

Deputy Chief Bradford stated that each City is responsible for its own staffing costs; however, in times of disaster, Federal funding is available to reimburse much of the costs.

Captain Johnson noted that the Federal Government eventually reimbursed the County for manpower sent to help in cleanup after Hurricane Katrina.

Mayor Barnett noted that the City's Emergency Operations Plan also encompasses DPS staff, Human Resources, and the Building Department. He stated that the team is well prepared and receives extensive training. He mentioned that only one percent of residents responding to a survey conducted by Oakland University stated that they are very dissatisfied with Public Safety in the City. He commented that the country has experienced many challenges with tornadoes and flooding and stated that being prepared can make a difference in saving lives.

Mr. Klomp questioned what is happening with the City's Nixle program.

Mayor Barnett responded that over 1,000 Rochester Hills residents signed up with the Nixle pilot program to send messages to email and cellphones. He stated that while the pilot program service is currently free, that could change.

Captain Johnson stated that the Fire Department's website includes a link residents can access to sign up for the Nixle program.

It was noted that residents can also access the program at nixle.com.

Presented.

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.

2011-0269 Adoption of Amendment to the Charitable Gaming License Policy

Attachments: [Agenda Summary.pdf](#)
[Amended Charitable Gaming License Policy.pdf](#)
[Initial Solicitation Registration Form.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0116-2011

Resolved, that the Rochester Hills City Council hereby adopts the amended Charitable Gaming License Policy adding the requirement that the applicant provide a copy of their Solicitation Registration Form filed, or prepared for filing, with the State of Michigan, as presented.

2011-0296 Request for Approval of the Community Development Block Grant 2012-2014 Cooperation Agreement

Attachments: [Agenda Summary.pdf](#)
[County Letter Cooperative Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0117-2011

Resolved, that the Rochester Hills City Council authorizes that the City participate in Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2012, 2013 and 2014.

Furthermore, we resolve to remain in the Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City of Rochester Hills to terminate the Cooperative Agreement.

2011-0305 Request for Approval to utilize Receiving Boards for all elections conducted in the city

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0118-2011

Resolved, that the Rochester Hills City Council hereby approves the use of Receiving Boards as identified in Election Law (MCL 168.679a) for all elections conducted in the city.

Passed the Consent Agenda

A motion was made by Klomp, 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 - Brennan, Hooper, Klomp, Pixley, Rosen and Yalamanchi

Absent 1 - Webber

The following Consent Agenda item was discussed and adopted by separate Motion.

2011-0300 Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement

for road maintenance along Washington Road in the amount of \$5,893.00; Road Commission for Oakland County, Beverly Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Ltr to RCOC 060311.pdf](#)
[Ltr to RCOC 011111.pdf](#)
[Resolution.pdf](#)

Public Comment:

Melinda Hill, 1481 Mill Race, questioned whether the City of Rochester is participating in the project cost. She stated that the State law should be changed to allow counties and municipalities to request lower speed limits, noting the historic district should be protected.

Allan Schneck, Director of DPS/Engineering, responded that the project costs are covered via a cost participation agreement, with contributions by the City of Rochester Hills, the City of Rochester and the Road Commission for Oakland County.

Mayor Barnett noted that Rochester Hills will contribute 52 percent and the City of Rochester 48 percent of the local share. He commented that the limestone surface will be installed to see if it will reduce maintenance costs. He noted that the City retained the 25 mile-per-hour speed limit signs on its gravel roads as long it could.

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

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

Absent 1 - Webber

Enactment No: RES0119-2011

Resolved, that the Rochester Hills City Council hereby authorizes the Cost Participation Agreement between the Road Commission for Oakland County and the City of Rochester Hills for road maintenance along Washington Road in the amount of \$5,893.00.

ORDINANCE FOR ADOPTION

2011-0265 Acceptance for Second Reading - an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[060611 Agenda Summary.pdf](#)
[W&S TRC Resolution 051111.pdf](#)
[060611 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Alice Benbow, 1582 Northumberland, commented that rates should not be raised. She stated that the City's Watering Ordinance is being violated.

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

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

Absent 1 - Webber

Enactment No: RES0120-2011

Resolved, that an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, July 1, 2011, the day following its publication in the Rochester Post on Thursday, June 30, 2011.

NOMINATIONS/APPOINTMENTS

2011-0160 Nomination/Appointment of one (1) Citizen Representative to the Rochester Avon Recreation Authority for a three-year term to expire May 31, 2014

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Daniel Hauser CQ.pdf](#)
[Brian Probst CQ.pdf](#)
[Michael Reno CQ.pdf](#)
[060611 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Christopher Cobb CQ.pdf](#)
[Jim Duistermars CQ.pdf](#)
[Dianah Foster CQ.pdf](#)
[Edward Olson CQ.pdf](#)
[Vacancy Notice.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Daniel Hauser, Brian Probst and Michael Reno were nominated to the Rochester Avon Recreation Authority at the June 6, 2011 Regular City Council meeting.

Public Comment:

Alice Benbow, 1582 Northumberland, asked for the consideration of Michael Reno for the appointment.

President Hooper instructed Council to vote for one nominee. The nominees received the following votes:

Daniel Hauser - Hooper, Pixley, Brennan and Klomp

Michael Reno - Rosen and Yalamanchi

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

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

Absent 1 - Webber

Enactment No: RES0121-2011

Resolved, that the Rochester Hills City Council appoints Daniel Hauser to serve as Rochester Avon Recreation Authority Representative for a three-year term expiring May 31, 2014.

NEW BUSINESS

2010-0108 Request for Historic District Designation - William S. Adams House, 2040 S. Livernois, located on the southwest corner of Livernois and Hamlin Roads, Zoned R-2, One Family Residential

Attachments: [Agenda Summary.pdf](#)
[HDSC Final Report 111110.pdf](#)
[Minutes HDSC 111110.pdf](#)
[2040 S. Livernois Survey Sheet.pdf](#)
[Sinclair email 042611.pdf](#)
[SHPO Comments 032310.pdf](#)
[2009 Preliminary Report 2.pdf](#)
[Minutes PC 030210.pdf](#)
[Minutes HDSC 021110.pdf](#)
[P Sinclair Letter 20410.pdf](#)
[Resolution.pdf](#)

Kristine Kidorf, Kidorf Preservation Consulting, reviewed the findings of the Historic District Study Committee's (HDSC) report, noting that the home was built between 1835 and 1850. The family of William and Caroline Adams owned the farmhouse until 1908. She stated that the HDSC recommends a historic designation for the property.

Patrice Sinclair, 1259 Burgoyne Boulevard, owner of the home, stated that she lived in the house starting in 1996 and commented that it is a spectacular house and probably should be designated historic at some point. She stated that as the home needs a significant amount of work and has been on the market for sale for three years, she feels that designating it historic now will further hamper efforts to sell the property.

Public Comment:

Paul Miller, 1021 Harding, stated that if this home is not designated as historic, it will have no protection from future business investment. He noted that tax credits are available for work done on designated historic dwellings, and mentioned that the home could be advertised for sale in magazines of interest to individuals wishing to purchase historic dwellings.

Ms. Sinclair responded that the real estate market is very difficult, and stated that there is a fine line that is crossed when the HDSC comes in to designate a property that the owner does not wish to be designated.

President Hooper noted that the property is zoned R-2 and listed as residential in the Master Plan. He commented that while everyone wants to preserve a

home, they want to do it with others' money. He questioned what renovations have been done to the home, whether it is currently occupied, and the status of tax credits available for historic properties.

Ms. Sinclair responded that the home has been vacant for two years. She stated that while much money has been put into the home, more must be invested to make it safe. She noted that tax credits are only available when a contractor is used for renovations.

Ms. Kidorf noted that the owner-occupied State Historic Tax Credit will be eliminated from the State's budget at the end of this year. She stated that for commercial producing properties, credits will go into the Brownfield Tax pool and all projects will compete for those dollars.

Council Discussion:

Mr. Brennan stated that when a property owner does not agree with historic designation, he will not support it. He pointed out that the historic property on Crooks Road is an eyesore.

Mr. Pixley questioned why the property was not recommended for historic designation prior to now.

Ed Anzek, Director of Planning and Economic Development, explained that eight years ago, the City undertook a comprehensive study of all non-designated, non-listed homes in the City. The study, performed by Jane Busch, reviewed approximately 30 homes. Several homes have been eliminated from list. The HDSC has been going through the remaining homes on the list as time and resources allow. He noted that the HDSC is still reviewing approximately 16 homes.

Mr. Pixley questioned whether there is a risk in delaying a designation.

Mr. Anzek stated that the City would not be able to stop an owner from filing for rezoning or a demolition permit if it remains undesignated.

Ms. Sinclair commented that precedent was already set in the vicinity where a home was not rezoned. She commented that the City has no right to dictate what a buyer can do with a property.

Mr. Yalamanchi questioned whether designation could be delayed or postponed to give the homeowner an opportunity to renovate and sell.

Mr. Anzek noted that the home might be renovated to remove its historic features and converted to a structure which loses its integrity.

President Hooper noted that if the home is deemed historic, any renovations to the exterior must comply with a Certificate of Appropriateness.

John Staran, City Attorney, commented that if a historic resource is not

designated and regulated, it could be demolished or work done which would detract from its historic features. He stated that the HDSC process has been completed, and Council could always revisit the designation at a later date. He noted that the City's Historic Preservation Ordinance is based on State Law and contains a provision that an emergency moratorium can be adopted to suspend any permit application if a resource in an established or proposed historic district is threatened with a demolition permit.

Mr. Rosen questioned whether Ms. Sinclair thought of the house as historic while completing prior renovations.

Ms. Sinclair responded that she had.

Mr. Rosen commented that he understood Ms. Sinclair's concerns and wished to leave her in the best circumstance to find a buyer who wants to restore the home. He noted that it will be her responsibility to make prospective purchasers aware that a historic district is pending. He stated that it may be best to suspend the designation at this point, noting that the City has the power to act if the home is in imminent danger of demolition.

Mr. Anzek pointed out that all potential historic sites are on record in Building Department files, allowing for a failsafe system to be in place to alert staff.

Mr. Klomp commented that the home's status should be disclosed legally to prospective purchasers. He questioned the difference in designating the property now or later, and expressed concerns of the City losing its historic character.

Ms. Sinclair stated that disclosure is being made and prospective purchasers are made aware of the Jane Busch study. She commented that the City is putting its desire over the property owner's rights. She mentioned that if she were still living there, she would concur with the designation; however, she requests that Council not designate the property now. She pointed out that no additional monies are being expended on renovations.

Discussed.

(Mr. Rosen exited at 8:56 p.m. and re-entered at 8:58 p.m.)

2011-0279 Update on the City's seven-year Financial Forecast (FY 2012 to FY 2018)

Attachments: [Agenda Summary.pdf](#)
[Financial Forecast.pdf](#)
[Suppl Presentation Part 1 of 2.pdf](#)
[Suppl Presentation Part 2 of 2.pdf](#)

Keith Sawdon, Director of Finance, stated that the Administration has begun the budget cycle. He noted that now that the City has moved to a three-year budgeting process, the Administration is now looking seven years into the future to develop its fiscal forecast. He gave the following presentation:

SEVEN YEAR FINANCIAL FORECAST/FISCAL YEARS 2012-2018:

Why do we do long range forecasting?

- Helps prevent surprises.
- Helps with Decision Making (What if we... How does this (change) Impact our Budget...).
- Lets us be proactive instead of reactive.
- A Financial Forecast is not intended to be a budget, a proposed spending plan or a policy recommendation to City Council.
- It is the first step in our budget process. It helps us establish priorities and allocate our resources appropriately.

Economic Assumptions:

- The Assumptions we use are based on our current position in the Business Cycle.
 - * Continuing but slowing downturn in citywide taxable values;
 - * Moderation in funding from the State;
 - * A somewhat tight credit market;
 - * Improving unemployment levels; and
 - * Weak consumer confidence and spending but showing some signs of improvement.

Key Forecasting Points:

- Forecast Assumptions: Revenues
 - * Our Base Year is the Amended (1st quarter) 2011 Budget and assumes no changes in programs, services or policies.
 - * We are forecasting Changes in:
 - Taxable Values
 - Interest Rates
 - Future Millage Rates
 - State Shared Revenue
 - Act 51 Funding (Gas and Weigh Tax)

Taxable Values	Interest Rates	State Shared Revenue	Act 51 Revenue
-6.25%, FY 2012*	1.0%, 2012	2.9%, 2012*	-1.0%, 2012
-5.0%, FY 2013**	1.5%, 2013	1.0%, 2013	-1.0%, 2013
-5.0%, FY 2014**	2.0%, 2014	1.0%, 2014	0.0%, 2014
0.0%, FY 2015**	3.0%, 2015	0.0%, 2015	0.0%, 2015
1.0%, FY 2016**	3.0%, 2016	0.0%, 2016	0.0%, 2016
1.0%, FY 2017**	3.0%, 2017	0.0%, 2017	0.0%, 2017
2.0%, FY 2018*	3.0%, 2018	0.0%, 2018	0.0%, 2018
*Actual		*Reflects adjustment	
**Estimated		for 2010 Census data	

- * No new millage is introduced
- * All Millages expiring in the Forecasting timeline are renewed at current levels
- * Current Millage Rates only adjusted to Headlee Maximum if funding is needed to fill an operating shortfall

Mr. Sawdon noted that Act 51 Revenue is driven by gasoline sales and is not expected to recover anytime soon. He explained that the increase in taxable values is tied to the Consumer Price Index; however, it is limited to a cap of five percent per year.

- Forecast Assumptions: Expenditures

* Our Base Year is the Amended (1st Quarter) 2011 Budget and assumes no changes in programs, services or policies

* We are Forecasting Changes in: Salary and Wages; Changes in the Number of Employees; Health Care and other Fringe Benefits; City's Share of Pension Contributions; Inflation; and Changes in the Sheriff Contract

Salary and Wages	Health Care (Base Plan)	Changes in City Share of Pension	Sheriff Contract
0.0%, FY 2012	15.0%, FY 2012	-1.0%, 2012*	2.0%, 2012
0.0%, FY 2013	10.0%, FY 2013*	0.0%, 2013	2.0%, 2013
0.5%, FY 2014	10.0%, FY 2014*	0.0%, 2014	2.0%, 2014
1.0%, FY 2015	10.0%, FY 2015*	0.0%, 2015	3.0%, 2015
1.0%, FY 2016	10.0%, FY 2016*	0.0%, 2016	3.0%, 2016
1.0%, FY 2017	10.0%, FY 2017*	0.0%, 2017	3.0%, 2017
1.0%, FY 2018	10.0%, FY 2018*	0.0%, 2018	3.0%, 2018
	*Assumes a change in the City's Base Health Care plan	*Assumes a change based on current contract negotiation	Estimated provided by Oakland Sheriff Business Manager

* Changes in Number of Employees - None: No Additions and No Reductions

* Inflation - General Citywide Inflation: 1.0% Change; Capital Project Inflation: 1.0% Change

Mr. Sawdon stated that inflation is only applied to goods the City buys. He explained that after recent discussions with the Oakland County Sheriff's Business Manager, the forecasted increase in the Sheriff's Contract for 2012 will be revised upward to 3.0 percent. This increase will be incorporated into the upcoming budget documents.

A Fund Level Focus to our Fiscal Forecast:

General Fund:

- For the forecast to be effective, we will focus the forecast on the fund level.
- For General Fund, our fiscal forecast model reduces the amount being transferred to other funds to force General Fund expenditures to equal revenues.
- Local Street Fund and the Water Resource Fund are the safety valves for General Fund.

* Note: These two transfers were selected because the transfer was not funding a contract (like Special Police Fund) and the transfers are large enough to accomplish our balancing goal.

- For this presentation, we have adjusted our model so that General Fund makes a transfer to Local Street Fund large enough to make sure that the Local

Street Fund can have enough revenue to cover maintenance costs. We have not done that with the Water Resource Fund.

- The General Fund transfer to the Local Street Fund DOES NOT provide any funding for capital projects.

He displayed charts and graphs showing revenue and expenses for General Fund, highlighting projections for Property Taxes, State Shared Revenues, Personnel Services, Budgeted Full-Time Employees, and transfers out to other funds. He summarized the General Fund forecast:

- Approximately one-third of all revenue collected in General Fund is transferred to other funds to support their activities.
- The fund is fiscally sound following current budget policies and the structure used in the financial model. The fiscal soundness comes by reducing General Fund transfers to Local Streets, Water Resource Fund and possibly, in the future, Police Services if further General Fund expense to revenue balancing is needed.

Major Road Fund:

Mr. Sawdon noted that projection for the Major Road Fund is one of the more pleasant surprises in the forecast as the Fund generates more money than it needs to maintain its structure and uses its fund balance wisely. He explained that the Major Road Fund transfers out to Local Roads to help maintenance efforts. He displayed charts noting fund revenues and expenditures, fund balance and Gas and Weigh Tax projections. He pointed out that capital expenditures slated for 2015 and 2016 could be deferred out further. He listed the following current projects:

Project Name	Project Cost	City Share \$ & %
M-59	\$60,000,000	\$473,000 or 0.8%
Walton Boulevard Rehabilitation	\$2,800,000	\$339,546 or 12%
Adams Road Rehabilitation	\$1,264,000	\$255,500 or 20%
Crooks Road Reconstruction	\$3,475,000	\$137,500 or 4%
Dequindre Road	\$1,762,250	\$35,230 or 2%

He summarized the Major Road Fund forecast:

- Receives more in Act 51 funds than it needs for maintenance costs at the present time.
- The difference it receives in Act 51 funding and what the fund needs for maintenance costs is used to provide support for Local Roads.
- The Fund's fund balance is used for construction projects.
- The Fund will need to be more selective in its future capital projects because there are more projects than fund balance.

Local Street Fund:

Mr. Sawdon noted that the projections include a maintenance-only plan for Local Streets. He explained that funding for Local Street Maintenance consists of the following:

- Voted Tax, 22%
- Act 51, 20%
- General Fund, 35%
- Major Roads, 23%

He reviewed charts and graphs which highlighted revenues and expenses for Local Street Maintenance and noted the Fund's dependence on other funds via transfers in. He summarized the Local Street Fund as follows:

- The fund does not receive enough Act 51 (Gas Tax) funding to cover its maintenance costs.
- The only dedicated funding source for Local Streets is Act 51 funding and the recently voter-approved Local Street Millage.
- There is no funding source available for the reconstruction of subdivision (Local) streets.

Falling Tax Values Affects All Millage-Based Funds:

Mr. Sawdon reviewed the impact of falling tax values on the following funds:

Fire Fund:

- For FY 2012, the millage rate needs to be at the Headlee limit to be able to fund operating costs.
- Headlee limit and other revenue sources do not cover operating costs in FY 2014 and out.
- The Operating Fund Balance will not meet the City's Fund Balance Policy if operating expenses are not reduced and/or additional revenues are not found starting in FY 2017 and beyond.

He noted that the forecast model raises the Fire Millage to the Headlee limit, yet keeps the City's millage rate at 9.7060.

Special Police Fund:

- Current Millages (I & II) will expire in tax year 2013. Forecast assumes renewal at current levels.
- In FY 2011, we went from 60 officers to 57.
- In FY 2012, we are planning on going from 57 to 56 officers.
- In FY 2013, we are planning on going from 56 to 55 officers.
- Sheriff Contract pricing adjusts each year, which puts pressure on General Fund.

Mr. Sawdon mentioned that in 2018, the General Fund will provide 60 percent of the funding needs for the Special Police Fund.

Water Resources Fund:

- Has no funding sources. Department needs to develop a long-range plan for the matching of expenses to revenues and/or funding sources.
- Must make fund balance last as long as possible to pay for maintenance costs related to the City's drain system.
- Many of the City's drains were constructed under Chapter 20 of the Michigan Drain Code which obligates the City to pay Oakland County Water Resources for maintenance-related work. This limits the City's ability to contain costs.

Mr. Sawdon noted the following millage opportunities:

Millage Opportunities:*Drain Debt:*

- Over the next couple of years several of our Drain Debt millages will be expiring.
- It may be an opportunity to ask voters if they would like to repurpose those expiring millages for Roads, Fire, Police or Water Resources (for drain maintenance).

Green Space:

- Tax year 2014 for FY 2015 will be the last year the Green Space millage can be spread.
- It may be an opportunity to ask voters if they would like to repurpose that expiring millage for Roads, Fire, Police or Water Resources (for drain maintenance).

Mr. Sawdon summarized the forecast:

Critical Factors to Focus On:

- One-third of General Fund is transferred to other funds. Those transfers are putting pressure on General Fund and the services it delivers.
- Local Streets needs additional funding sources if it wants to perform any subdivision road reconstruction activity.
- Fire Fund needs expenditure reductions and/or new revenues starting in FY 2014 and beyond.
- Police Millage I and II expire in Tax Year 2013 and current Police Millage(s) only provide about 40 percent of the cost of police services. The remainder is paid for by General Fund.
- Water Resources Fund needs a future funding source to pay for the maintenance performed by Oakland County Water Resources.
- There could be an opportunity to repurpose expiring Millages without affecting the overall City Millage Rate.

Positive Factors to Remember:

- With Council's support we have been able to manage during the worst of the economic storm.

- Working together we have been able to use the fiscal forecast to move toward a multi-year approach to budgeting and to become proactive and not reactive.

Public Comment:

Melinda Hill, 1481 Mill Race, commented that the forecast is extremely sobering. She stated that the City cannot continue to support the Police Millage as it has been, and noted that roads are barely maintained now. She commented that the City needs an increased millage to support these funds.

Council Discussion:

Mr. Rosen stated that the forecast is exactly what the Strategic Planning and Policy Review Technical Review Committee has been discussing. He noted that originally it was thought that things would bottom-out during FY 2014, but now it appears to hit bottom in FY 2015. He commented that even reducing officers by 2013, funding for Special Police will be unsustainable. He stated that repurposing millages will not solve the funding problems and the City needs a long-term funding source for Police. He mentioned that cuts may become necessary in many of the services that residents have come to expect.

Mr. Yalamanchi stated that it is up to Council to now act on the forecast. He suggested that one of the upcoming budget meetings focus on developing a comprehensive approach and review various scenarios on how to act on these projections.

Mr. Pixley commented that while this is a sobering presentation, it is not too different than the projections of last year and the year before that. He stated that he fully anticipates that the budget process will address a lot of what has been pointed out. He concurred that Police Services must be addressed at some point.

Mayor Barnett noted that the Administration has already begun the process of making changes to impact the move forward and commented that predictions are always made conservatively. He pointed out that the Administration's track record has been positive and the City is in the top five percent of cities in Michigan. He stated that the Administration stands ready to work with Council.

President Hooper concurred that Police and Road Funding must be addressed.

Discussed.

(Mr. Klomp exited at 9:54 p.m. and re-entered at 9:56 p.m.)

2010-0297 Request for Approval of a Twelve-Month Extension of the Moratorium for Medical Marihuana

Attachments: [Agenda Summary.pdf](#)
[PC memo.pdf](#)
[Attorney Letters.pdf](#)
[Sample Ordinances.pdf](#)
[Minutes PC 060711.pdf](#)
[011011 Agenda Summary.pdf](#)
[Minutes PC 110410.pdf](#)
[Minutes PC 120710.pdf](#)
[Memo Anzek 120310.pdf](#)
[Med Mari Resolution PC.pdf](#)
[Final Letter Granholm 120710.pdf](#)
[071910 Agenda Summary.pdf](#)
[Memo Mayor 071410.pdf](#)
[July 2010 Medical Marihuana Article.pdf](#)
[071910 Resolution.pdf](#)
[011011 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Alice Benbow, 1582 Northumberland, stated that it is inappropriate for the City to not respect what voters in Michigan have wanted, and commented that there are medicinal reasons to use marihuana.

Dr. Bradley Barnes, 1845 N. Livernois, pointed out that he has spoken with a number of children who believe that marihuana is acceptable now that it has received so much publicity for its medicinal use. He stated that it must be made clear that only a small segment of the population might benefit from medical marihuana, and commented that marihuana is a destructive chemical to the brain that competes with alcohol as a drug of abuse.

Theresa Mungoli, 3435 Palm Aire Drive, stated that since the time that the moratorium was first considered by Council, there have been no changes in State Law regarding clarity of dispensaries, no rulings on where they can be situated, and no common theme within communities on how to address medical marihuana. She pointed out that the proposal passed by the voters does not address dispensing. She stated that as a spokesperson for Rochester Auburn Hills Community Coalition, she strongly urges Council to continue the moratorium.

Council Discussion:

Ed Anzek, Director of Planning and Economic Development, pointed out that State lawmakers have not yet taken up the issue of medical marihuana. He noted that the Federal Government still considers marihuana a controlled substance and will continue enforcement. He explained that this is a reversal from 2008, when they said that they would take a hands-off stance when it came to medical marihuana. He commented that this stance could put local authorities in jeopardy for prosecution. He stated that the Planning Commission recommends an extension of the moratorium for one year, and will come forward prior to that date should there be a breakthrough or guidance from the State or Federal Government.

Mr. Yalamanchi questioned whether extending the moratorium would mean the City will not be in compliance with State Law.

John Staran, City Attorney, responded that the extending moratorium will not put the City in noncompliance with State Law. He pointed out that the moratorium is not intended to prohibit a qualifying patient's personal use of medical marihuana in his or her private residence in accordance with the Act. He stated that the moratorium would be imposed on land use to include dispensaries, compassion clubs or growing facilities.

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

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

Absent 1 - Webber

Enactment No: RES0122-2011

Whereas, on December 4, 2008, the Michigan Medical Marihuana Act ("the Act"), MCL 333.2642 et seq, became effective; and

Whereas, the stated purpose of the Act is "to allow under State law the medical use of marihuana," to provide protections for the medical use of marihuana, to provide for a system of registry identification cards for qualifying patients and primary caregivers, to impose a fee for registry application and renewal, to provide for the promulgation of rules, to provide for the administration of this Act, to provide for the enforcement of this Act, to provide for affirmative defenses, and to provide for penalties for violations of the Act; and

Whereas, the Act allows a qualifying patient who has been issued and possesses a registry identification card to possess up to 2.5 ounces of usable marihuana for medical use, and if the patient has not specified that a primary caregiver will be allowed to cultivate marihuana for the patient, to cultivate up to 12 marihuana plants in an enclosed, locked facility for medical use; and

Whereas, the Act allows a primary caregiver to assist up to 5 qualifying patients to whom the caregiver is connected through the State Department of Community Health with the use of medical marihuana, provided that the caregiver does not possess more than 2.5 ounces of usable marihuana for each patient and cultivate more than 12 marihuana plants for each patient in an enclosed, locked facility; and

Whereas, the Act does not specify the location(s) where a qualifying patient or primary caregiver may lawfully grow or cultivate marihuana; and

Whereas, the Act does not specify the manner or location in which medical marihuana may be lawfully dispensed or delivered to a qualifying patient by the patient's caregiver; and

Whereas, the Act does not provide for medical marihuana growing facilities, or for the regulation of medical marihuana growing facilities; and

Whereas, the Act does not provide for medical marihuana dispensaries or clubs, or for the regulation of medical marihuana dispensaries or clubs; and

Whereas, law enforcement officials have expressed concern over the adverse impact unregulated medical marihuana growing facilities and dispensaries may have upon the

community; and

Whereas, recent law enforcement actions, court decisions, lawsuits, news reports, and scholarly analyses of the Act have identified various inconsistencies, conflicts and vagaries within and relating to the Act; and

Whereas, the Rochester Hills Planning Commission held a medical marihuana workshop meeting on November 4, 2010, and at its meeting on December 7, 2010, the Planning Commission adopted a resolution recommending that the City Council extend the moratorium regarding medical marihuana land uses for an additional 6 months to allow for further study and analysis by the Planning Commission

Whereas, on July 19, 2010, the Rochester Hills City Council adopted a 180-day moratorium on all land uses relating to the medical use of marihuana in the community and directed the Planning Commission to study, deliberate and recommend to the City Council whether and to what extent the City should regulate medical marihuana land uses, activities, businesses or facilities; and

Whereas, during that six-month period, the Michigan Legislature did not revisit and amend the Act to address the current Act's shortcomings and render the Act more workable for local government and the general public to provide a framework enabling local communities to properly, safely and consistently implement the intentions of the Michigan Medical Marihuana Act approved by voters in November 2008, and the City Council therefore extended the moratorium another 6 months until July 15, 2011; and

Whereas, the State Legislature has still not amended the Michigan Medical Marihuana Act to provide the framework to allow the Planning Commission to make a recommendation about medical marihuana land uses; and

Whereas, letters recently issued by the U.S. Attorneys' offices in various states have created uncertainty over the Federal Government's stance on the legality of medical marihuana land uses and have stated that state and local officials will not be immune from prosecution under Federal law; and

Whereas, the Rochester Hills Planning Commission held a public meeting on June 7, 2011 and recommended that the City Council extend the moratorium regarding medical marihuana land uses for an additional 12 months, with an update after six months, to further study and analyze and to allow more time for the State Legislature to revisit and amend the Act, for further case law development and clarification of the lawfulness of medical marihuana uses under Federal law.

Resolved, that in the interest of promoting and protecting the health, safety and welfare of the public, and in view of the need for clarification of the Act, and the resulting need for further study and analysis by the Planning Commission in order to develop a recommendation regarding whether and how to appropriately regulate medical marihuana land uses, businesses and facilities in the City, the Rochester Hills City Council hereby extends the moratorium regarding medical marihuana land uses for an additional twelve months, until June 20, 2012, with the understanding the moratorium is not intended to prohibit a qualifying patient's personal use of medical marihuana in his/her private residence in accordance with the Act, and supports a request from the Planning Commission to the Michigan Municipal League to use its best efforts to move the State Legislature toward clarifying the Medical Marihuana Act and obtaining clarification of the Federal Government's position as to whether medical marihuana uses and local regulation thereof are lawful under Federal law.

- 2011-0299** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for road resurfacing along Dequindre Road between South Boulevard and Auburn Road in the amount of \$12,833.00; Road Commission for Oakland County, Beverly Hills, MI

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

Allan Schneck, Director of DPS/Engineering, stated that the project will resurface Dequindre between South Boulevard and Auburn Road, using Tri-Party funds. He explained that the City's share will be \$12,833.00, which is seven-tenths of a percent of the projected total cost of \$1.6 million.

Public Comment:

Scot Beaton, 655 Bolinger, commented that he supports the resurfacing project; however, he does not support future plans to widen Dequindre Road.

Council Discussion:

Mr. Brennan questioned what Macomb County's involvement will be in the project, noting that Dequindre Road abuts both counties.

Mr. Schneck stated that Macomb County and Shelby Township will both have a share in the costs, each contributing \$38,500.00.

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

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

Absent 1 - Webber

Enactment No: RES0123-2011

Resolved, that the Rochester Hills City Council hereby authorizes the Cost Participation Agreement between the Road Commission for Oakland County and the City of Rochester Hills for road resurfacing along Dequindre Road between South Boulevard and Auburn Road in the amount of \$12,833.00 and further authorizes the Mayor to execute the agreement on behalf of the City.

- 2010-0557** Request for Approval of the City's Complete Streets Policy, as provided in the State Complete Streets Legislation, P.A. 135 of 2010

Attachments: [Agenda Summary.pdf](#)
[Complete Streets Policy.pdf](#)
[Memo Delacourt 022211.pdf](#)
[Minutes CC 011011.pdf](#)
[Minutes PC 022211.pdf](#)
[Memo Breuckman 033011 .pdf](#)
[Minutes PC 050311.pdf](#)
[011011 Agenda Summary.pdf](#)
[Letter Hackbarth 062910.pdf](#)
[Directors Report Steudle 080510.pdf](#)
[Brochure.pdf](#)
[Complete Streets Article.pdf](#)
[House Bill Summary.pdf](#)
[Advisory Council Members.pdf](#)
[Suppl One Pager Plus.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the Complete Streets Legislation was passed six months ago. He noted that the proposed policy will place the City in compliance with the legislation.

Public Comment:

Scot Beaton, 655 Bolinger, stated that he is in support of the policy. He commented that the proposed Tienken Road Widening Project does not meet the criteria as a "complete street".

Council Discussion:

Mr. Klomp expressed his appreciation for the work by the Planning Commission in bringing the policy forward. He stated that the proposed policy deals with all transportation, not just bicycle traffic.

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

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

Absent 1 - Webber

Enactment No: RES0124-2011

Whereas, the term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, emergency vehicles and people of all ages and abilities; and

Whereas, complete streets provide safe, attractive and equitable transportation alternatives to people of all ages and abilities, including children, families, older adults and individuals with disabilities; and

Whereas, the City of Rochester Hills wishes to encourage walking, bicycling, and public transportation use as safe, convenient, environmentally friendly and economical modes of transportation that promote health and independence for all people; and

Whereas, the promotion of capital improvements that are planned, designed and constructed to accomplish complete streets objectives increase the general safety and welfare for all of Rochester Hills' residents; and

Whereas, the State of Michigan has passed complete streets legislation (P.A. 135 of 2010, as amended); and

Whereas, as a matter of policy, the City should integrate and implement complete streets objectives in project decision-making and design; and

Whereas, at its May 3, 2011 meeting, the Planning Commission, as directed by City Council, recommended approval of the submitted Complete Streets Policy to City Council.

Resolved, that the Rochester Hills City Council hereby adopts the Complete Streets Policy dated March 30, 2011, in accordance with P.A. 135 of 2010, as amended, to be an element of the Master Thoroughfare Plan and Master Land Use Plan updates.

(President Hooper exited at 10:14 p.m. and re-entered at 10:16 p.m.)

2011-0297 Discussion regarding a Proposal to Amend the City Charter relative to the use and disposition of City-owned real estate

Attachments: [Agenda Summary.pdf](#)
[Proposed Charter Amendment.pdf](#)
[Presentation.pdf](#)
[Suppl Presentation \(Revised\).pdf](#)
[GSAB Minutes 032211 \(Excerpt\).pdf](#)
[Staran Letter 061511.pdf](#)
[Proposed Charter Amendment \(with Changes\).pdf](#)

Residents **Gary Uhl, Dr. Susan Bowyer, and Steve McGarry** gave the following presentation regarding a proposed Charter Amendment relative to the use and disposition of City-owned real estate.

Mr. Uhl began the presentation:

PROPOSAL FOR A NEW ROCHESTER HILLS CHARTER AMENDMENT

Why People Live in Rochester Hills:

- Quality of life provided here by:
 - * Parks
 - * Trails
 - * Green Space
 - * Bike Paths
 - * Town Charm
- Acknowledged by residents over the years:
 - * Millage to fund a bond to buy park land (1988)
 - * Millage to purchase green space (2005)
- This fact is recognized in City's Mission Statement:
"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."

Background:

- Over the last few years City Councils have viewed Parks as "free land".
 - * Riverbend Park - Lifetime Fitness
 - * Various Parks - Water Reservoirs
- Each time citizens have strongly voiced their objections.
- Water tank proposal made it clear that park land is important and changes are needed.
 - * 350 people crammed City Hall on January 31, 2011

Council's Efforts with City Attorney to Protect Parks and Green Spaces:

- Defined differences between parks and green spaces.
- Recommended several legal procedures.
 - * Resolutions of Intent
 - * Council Policies
 - * Restrictive Covenants or preservation easements
 - * Ordinances
- None would prohibit a Council from redesignating parks if it so chose.

Background:

- In February a group of homeowner associations met to find a way to permanently protect parks.
- Determined a City Charter Amendment was the only way to permanently address issue.
- After objective and intent was defined, a search was conducted for similar charter language that worked for other communities.
- Discovered the West Linn, Oregon City Charter that was created in 2001 due to similar circumstances.
- Contacted West Linn Parks and Rec. Director
- West Linn Experience:
 - * Initial reaction in city was mixed, not a matter of course
 - * Since 2001 four (4) nonauthorized park uses have been put before the voters - all passed
 - * Weakness in this charter is that if City Council designates the use of a property, it can change its designation later

Green Space Advisory Board (GSAB) reviewed Amendment on May 24, 2011:

- Liked intent.
- Millage language to "permanently preserve" green space is stronger than proposed Amendment.
- Revise Amendment to exclude land purchased with millage.
- Concern regarding parks designated to other uses prior to Amendment taking effect.

Communication with Council:

- May 11, 2011 - First draft sent to Mayor and Councilmen.
- June 2, 2011 - Revised Amendment sent to Mayor and Councilmen with

changes addressing GSAB and West Linn concerns.

- June 6, 2011 - Council advised that this presentation would be made today and asked for approval on June 20, 2011 for inclusion on November ballot.
- June 15, 2011 - City Attorney, John Staran provided legal opinion and revised Charter Amendment language.

Dr. Bowyer continued:

Proposed Charter Amendment:

- Taken almost verbatim from West Linn City Charter but with Mr. Staran's revisions:

1. City shall not lease, sell, transfer, exchange or use for nonauthorized use City-owned parks or open space without a vote of the people at a primary, general or special election.
2. Each proposal is separate; multiple proposals can be placed on the same election ballot.
3. Defines nonauthorized uses as:
 - * Not directly related or incidental to the park's use or maintenance
 - * Water reservoirs, water tanks, telecom towers, residential housing, municipal offices, commercial buildings, wind turbines, parking lots and roads not needed by park
 - * Exempts temporary construction authorized by Parks and Rec. for picnics, fairs, sports events, parades and celebrations
 - * Exempts temporary constructions authorized by the Mayor for emergencies or disasters
 - * Exempts uses that exist in parks on the effective date
4. Defines "open space".
5. Excludes green spaces purchased by 2005 millage and reaffirms millage language "of permanently preserving" this property.
6. Applies to all past and future acquisitions.
7. Designates properties per the Parks and Recreation Master Plan 2011-2014.
8. Requires Council to determine property designation within 60 days of purchase.
9. Requires City to keep an inventory of parks and open spaces.
10. Once a property is designated as a park or open space, that designation cannot be changed without a vote of the people.

Intent of this Charter Amendment is to:

- Preserve City-owned park and open space for recreational use and environmental preservation and enhancement.
- Prevent parks and open space from being used for other purposes or leased, sold, transferred or exchanged without voter approval.

Dr. Bowyer commented that Mr. Staran's changes are acceptable with one exception, adding back the words "not limited to" to the paragraph that specifies nonauthorized uses. She noted that adding these words back into the proposed Amendment would cover future uses driven by advancing technologies.

Mr. McGarry continued:

Benefits of Charter Amendment to Rochester Hills:

- Protection of park land for its intended use.
- Transparency for any proposed park and open space use other than originally intended.
- Flexibility for possible future alternative uses.
- Resident engagement for any proposed nonauthorized use.
- Improved communication and cooperation between residents and City leaders.
- Elimination of voter outrage, antagonism and resentment.

Next Steps to Protect our Parks:

- Two Courses of Action for Proposed Amendment:
 1. Council approves Amendment to be placed on November ballot
or
 2. Citizens obtain signatures on petitions requesting Amendment be put on ballot
 - * Deadline for petitions is August 2nd
 - * Petition language is largely ready
 - * Team comprised of many Homeowner associations is ready to go door-to-door

Collaborate with Council:

- Preferred path is to work with City leaders to place amendment on the ballot.
 - * Ballot language will have City legal review
 - * Harmonious with City Charter
 - * Avoid conflicts
 - * Provide City leaders opportunity to work with residents "to do the right thing"

We Request That You:

- Approve this Charter Amendment tonight for inclusion on the November ballot with the change of adding the words "not limited to" or similar language suitable to Mr. Staran with the same intent regarding the list of nonauthorized park uses.

Public Comment:

Alice Benbow, 1582 Northumberland, expressed her support, stating that the proposal is representation for the people.

Erik Ambrozaitis, 590 Thornridge Drive, expressed his support for the residents' proposal, acknowledging that there is still some language to be cleaned up.

Tom Ryan, 3626 Hollenshade, stated that the proposed amendment defines and restricts how parks should be used. He requested Council's support, noting that it is not the intent to tie the hands of Council, but that nonconforming uses should be approved by a vote of the people. He commented that Ordinances and Council Resolutions can be reversed, and the Amendment is the right thing to do.

Peggy Fisher, 3508 Wedgewood Drive, expressed her support for the proposed City Charter Amendment, noting that should Council not vote to

approve this tonight, a door-to-door campaign will begin to collect signatures to ensure the proposal is on the ballot in November.

Lee Zendel, 1575 Dutton Road, commented that supporters of the Amendment have a viable alternative to obtain signatures on a petition.

Ryan True, 440 Shellbourne Drive, stated that he moved to Rochester Hills because of its parks and green spaces and has concern that the City can make changes to its parks with very little input of its residents.

Gordon Duda, 340 Silvervale, stated that his subdivision, Brookdale West, strongly supports the proposed Charter Amendment.

Scot Beaton, 655 Bolinger, stated that when the City improves its parks, it improves residential property values. He stated that current park properties should be completed, noting that there is a lack of developed parkland on the west side of Rochester Hills.

Paul Miller, 1021 Harding, stated that residents were upset about the proposed water reservoirs. He stated Council should show that it is serious about protecting quality of life for its residents.

Pamela Bratton Wallace, 168 Cloverport, stated that she was one of the writers of the ballot language for the Green Space proposal, and commented that hundreds of hours of research was undertaken to draft a proposal to guarantee that these properties would be permanently protected. She noted that the proposal captures the needs of the community going forward and would allay resident concerns when asking for additional park funding.

Dee Hilbert, 3234 Quail Ridge Circle, questioned how the proposed Amendment would affect the Consent Judgment that places a three-acre retention basin in Riverbend Park.

Charles Slattery, 3130 Palm Aire Drive, expressed support for the proposed Amendment, noting that it would ensure quality of life and ask for a vote of the people prior to use of land.

Council Discussion:

Mike Hartner, Director of Parks and Forestry, expressed his appreciation for the residents' efforts to protect parks. He noted that the proposed amendment was discussed at the Green Space Advisory Board (GSAB) meeting, and GSAB members raised several questions regarding implementation and what type of activity would trigger a vote. Concerns were raised that the proposed Charter Amendment could affect potential partnerships with other communities and multi-jurisdictional entities such as regional museums or trail agencies. He pointed out that according to the proposed language, the Avon Creek Project currently underway on City property would have required a vote of the people, and stated that this raises implications for the timing of grant applications. He highlighted the push to privatize many resources, noting that Pine Trace Golf Course is a commercial operation which meets a recreational need without a burden to taxpayers for construction or operation. He stated that the language must be drafted carefully to consider these circumstances.

President Hooper questioned what would trigger a vote.

John Staran, City Attorney, responded that a vote would be triggered for any type of sale, lease, or transfer of property, along with any proposal for a nonauthorized use, such as reservoirs, cell towers or other functions not directly related or incidental to park use. He noted that the proposal does not address at what point in the process that a vote would be required. Using the example of the proposed Water Reservoir Project, he commented that Council might not have done anything differently in considering the project, and noted that a vote could have come after the January 31st meeting should Council have opted to proceed.

President Hooper questioned how Pine Trace would be affected by the proposed Amendment, noting that commercial buildings are considered a nonauthorized use of park property. He mentioned that a possible expansion of the clubhouse and construction of additional buildings was discussed when the Pine Trace lease was recently modified and questioned whether the proposed Amendment might put the City in conflict with the lease agreement.

Mr. Staran responded that while certain uses are clearly defined in the proposed Amendment, a question could be raised whether a concession stand or a ski rental facility could be considered a commercial building. He noted that the proposed Amendment grandfathers existing uses; however, it is unclear how changes or additions to these uses would be affected. He commented that modifications to Pine Trace facilities, such as the construction of a larger clubhouse could require voter approval. He noted that the proposed Amendment does not adequately address public/private partnerships. He stated that he suggested several changes to eliminate as many questions regarding interpretation as possible.

President Hooper questioned how the proposed Amendment defines park properties.

Mr. Staran responded that if the Charter Amendment is approved by voters, Council must develop an inventory and designation of properties currently shown in the City's Parks and Recreation Master Plan, in addition to any other properties the City would put in this category.

Mr. Hartner questioned whether the entire 113-acre City Hall site would be considered a park.

President Hooper questioned whether the proposed Amendment would prohibit or enhance partnering with other communities, how grants could be affected, or whether creative ways to raise revenue utilizing park space such as lining ballfields with advertising or placing billboards on park lands would be prohibited.

Mr. Staran responded that if there are concerns about how much time a vote would take or whether there would be political controversy or additional expense involved, it might become a deterrent to a project. He stated that placing signs inside a ball diamond would not necessarily invoke the Amendment; however, a billboard could arguably be an implementation of an additional use.

President Hooper questioned whether placing a retention pond on Riverbend Park would be prohibited without a vote.

Mr. Staran replied that at the time that the retention pond was proposed, both Mr. Hartner and a representative of the Clinton River Watershed Council mentioned that the proposal could be considered an enhancement rather than something inconsistent with the property. He stated that to his knowledge, the City cannot affect court orders by simply passing Ordinances or Charter Amendments.

President Hooper questioned whether a conservation easement donated to the City would fall under the auspices of the proposed Charter Amendment.

Mr. Staran stated that consideration would vary from property to property and case to case. He stated that it would also depend on how the acquisition was financed and whether Federal or State funding was involved. He noted that a number of properties given to cities have rights to revert to prevent any non-park use and would go back to the donor. He noted that those kinds of restrictions would always trump an ordinance or charter amendment.

Mr. Klomp stated that he is in favor of doing everything to support protecting parks; however, he wants to avoid the unintended consequences an amendment could cause. He suggested intensive wordsmithing be undertaken before presenting the Amendment to the voters.

Mayor Barnett suggested that the proposed Charter Amendment should be refined further to consider ancillary uses, noting that the Museum property will soon host the William S. Broomfield Center for Leadership. He stated that the proposed Charter Amendment as presented could open the City to possible litigation and may hamper grant funding, pointing out that a grant cycle can open and close in as few as sixty days.

Mr. Pixley questioned how ballot proposals were developed previously. He suggested that a committee be formed to research and draft wording.

Mr. Rosen stated that he originally thought that an Ordinance would be warranted to address park usage. He commented that a Charter Amendment would render a much higher level of restriction. He stated that one of the challenges of a City Charter is to not carve out too much detail, and suggested that a simpler Charter Amendment could be drafted. He questioned what the City's option would be if the residents' proposed Amendment was placed on the ballot; and, if approved, whether the City would be obligated to draft ordinances to define the intent of the Amendment.

Mr. Staran stated that a residents' initiative must be submitted to the Governor's Office for review of legal consistency and approval. Once the Governor's Office approves the proposal, it is placed on the ballot for a vote. If approved by a vote, it becomes the constitution for the City and would have to be interpreted and defended by the City. He stated that the City could draft ordinances to be consistent with, but not to limit or expand the Amendment.

Mr. Rosen suggested that Council could approve the proposed Amendment, adding back the wording "such as but not limited to", subject to Mr. Staran working with the residents' proposed language to simplify the proposal and correct typographical errors or misstatements.

Mr. Yalamanchi stated that the proposed Amendment does not prohibit improvements to parks and should not hamper grants or partnering with other communities. He questioned the timeline for a ballot proposal and whether the County must approve the ballot language.

Mr. Staran explained that the Clerk has 45 days to authenticate signatures on the petition, and a 90-day period for review by the Governor's Office begins after that. He mentioned that typically, the Governor's review takes approximately 30 days. He added that once the Clerk has verified the petitions, the certification must be made at least 90 days before the General Election. He stated that if done by petition, Council would not be a part of the approval process. He commented that he did not believe County approval of the petition form is required.

Mr. Yalamanchi stated that his preference would be to collaborate with the residents to ensure that the language is best reflective of the intent.

President Hooper concurred, noting that adding a comma or a word could significantly change the Amendment. He stated that while he agrees with the intent of the proposed Amendment, he has concerns that including a reference to commercial buildings could seriously hamper Pine Trace's operations. He commented that in the past, Council took the time to review proposed Charter Amendments over a three or four meeting period.

Mr. Klomp stated that while he supports the Amendment, he wants to ensure that it will work. He pointed out that the Velodrome would have had to go for a vote of the people. He urged the residents to allow the opportunity for Council and the Administration to work on the language.

Mr. Rosen questioned whether Council could approve the proposed Charter Amendment for the November ballot tonight, subject to review during the next Council meeting. He stated that he did not wish to spend a couple of months working on language only to determine that it is too late to submit a proposal for the November ballot.

Mr. Pixley stated that a simpler proposal would be better, pointing out that the length of the proposal as submitted would be frustrating for the voters. He commented that an expeditious review should be undertaken to arrive at something that everyone wants.

Mr. Staran pointed out that if language is approved tonight, Council could come back at a later date to revise, reconsider, rescind or replace the language. He noted that the opportunity exists to revisit the language up until September, when the Clerk must submit the certified ballot question to the County and the ballots are printed.

Jane Leslie, City Clerk, noted that the deadline falls within the first week of September.

Mr. Rosen questioned when the language would be submitted to the State if approved tonight.

Clerk Leslie responded that if approved by Council resolution tonight, the ballot language would be submitted to the Governor and the Attorney General. Once a response is received, the language would be certified and submitted to the County Clerk for printing to the ballot on August 30th.

Mr. Staran mentioned that the Governor can take as much time as he wishes for review. He stated that a proposed ballot question can be submitted within the 90-day period; however, that timeframe leaves no margin for error.

Mr. Rosen stated that if Council agrees in principle with the residents, it should act tonight.

Mr. Yalamanchi commented that he wants to make sure that Council is collaborating with the residents.

Mr. Pixley mentioned that Council is placing undue time constraints in trying to rush approval. He stated that while this is an important step to take, he believes that Council should take the time to collaborate together to get the wording right.

President Hooper questioned whether a supermajority vote of Council is needed to approve a ballot question.

Mr. Staran responded that under the Home Rule Cities Act, a three-fifths vote is required, or five votes.

President Hooper stated that while he cannot support the proposed Amendment as presented, if not approved tonight, he has some suggestions for moving forward.

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

Aye 2 - Rosen and Yalamanchi

Nay 4 - Brennan, Hooper, Klomp and Pixley

Absent 1 - Webber

Enactment No: RES0128-2011

Resolved, that the revised Charter Amendment included in the City Council Meeting Packet, with the addition of the words "such as but not limited to", be submitted for the November 2011 General Election, subject to the City Attorney working with the City Clerk to make any typographical corrections.

2011-0297 Discussion regarding a Proposal to Amend the City Charter relative to the use and disposition of City-owned real estate

Attachments: [Agenda Summary.pdf](#)
[Proposed Charter Amendment.pdf](#)
[Presentation.pdf](#)
[Suppl Presentation \(Revised\).pdf](#)
[GSAB Minutes 032211 \(Excerpt\).pdf](#)
[Staran Letter 061511.pdf](#)
[Proposed Charter Amendment \(with Changes\).pdf](#)

President Hooper stated that while he supports the intent of the proposed Charter Amendment, he is concerned that it will inhibit Pine Trace or the Velodrome, and will hamper additional improvements to existing parks. He suggested that a Public Hearing be held at the July 18th Regular Council meeting to review revised language prepared by Mr. Staran based on input and recommended changes. He commented that a vote could be taken at that meeting.

Mr. Yalamanchi questioned whether approving language on July 18th will allow enough time for a proposal to be submitted for the November ballot. He commented that he wants the residents to be involved and work collaboratively with Council.

President Hooper stated that it is incumbent on Council to transmit suggestions to Mr. Staran individually, so he can assemble them and return to Council with a revised Amendment that could be placed in the meeting packet for review by Council and residents prior to the meeting on July 18th.

Mr. Pixley questioned whether a committee should be assembled to collaborate together on the language.

Mr. Yalamanchi suggested that Mr. Uhl, Dr. Bowyer and Mr. McGarry, and Tom Ryan be considered for the committee. He stated that Mayor Barnett and Mr. Hartner should also be included, along with any Council members that wish to participate. He questioned how the Velodrome or Pine Trace could be affected.

Mr. Staran responded that the proposed Amendment does not affect the Velodrome or Pine Trace in their current form; however, it would raise a question whether these facilities would require a vote if proposed as new today, or future changes are proposed. He stated that the language could be clarified to clearly state what should be included or excluded.

President Hooper suggested an informal committee be assembled, noting that there is no time for a formal City Council Committee, including a nomination process.

Mr. Yalamanchi stated that the Mayor's office should initiate a meeting with the residents as quickly as possible.

Mr. Uhl commented that while he is open to anything that would improve the proposed Charter Amendment language, he is concerned that the residents might forego the opportunity to place a proposal on the ballot should Council change its stance or rescind approval up to a September date. He commented that the residents have no choice but to start a petition drive.

Mr. Yalamanchi stated that the intent is to collaborate and make it happen.

Mr. Uhl stated that the resident's intent was to urge Council to direct Mr. Staran to work in a timely manner to develop language which would make ballot deadlines. He noted that Mr. Staran's suggestions were wonderfully worded with one exception, and noted that the West Linn, Oregon, Charter Amendment has led to a vote required in only four instances in ten years.

Mayor Barnett suggested that three resident volunteers, three staff members, three Council members and Mr. Staran be included on an Administrative committee.

Mr. Klomp, Mr. Rosen and Mr. Yalamanchi indicated that they are willing to participate in the committee discussions.

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

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

Absent 1 - Webber

Enactment No: RES0128-2011

Resolved, that the Rochester Hills City Council will hold a Public Hearing on July 18, 2011, to discuss the revised Charter Amendment Language compiled by a committee comprised of three (3) Administrative members, three (3) residents, three (3) City Council members and the City Attorney.

(Mr. Pixley exited at 12:19 a.m.)

Present 5 - J. Martin Brennan, Greg Hooper, Nathan Klomp, James Rosen and Ravi Yalamanchi

Absent 2 - Vern Pixley and Michael Webber

2011-0026 Request for Approval of an amendment to the City Pension Plan Document allowing for the incorporation of Older Persons' Commission (OPC) full-time employees into the plan document

Attachments: [Agenda Summary.pdf](#)
[Updated OPC Amendment.pdf](#)
[012411 Agenda Summary.pdf](#)
[OPC Amendment.pdf](#)
[012411 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, explained that the Older Persons Commission (OPC) Board met on June 2nd and adopted a resolution approving the incorporation of OPC full-time employees into the City's Pension Plan Document.

Mr. Yalamanchi questioned whether the City would incur any liability if the OPC found itself unable to fund its liability.

Mr. Sawdon responded that it would not.

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

Aye 5 - Brennan, Hooper, Klomp, Rosen and Yalamanchi

Absent 2 - Pixley and Webber

Enactment No: RES0126-2011

Resolved, that the Rochester Hills City Council hereby adopts the January 1, 2011 amendment to the City of Rochester Hills Group Pension Plan allowing for the incorporation of Older Persons' Commission (OPC) full-time employees into the plan document, as presented.

(Mr. Pixley re-entered at 12:21 a.m.)

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

Absent 1 - Michael Webber

2011-0086

Request for Approval to combine the Investment Provider for the City Sponsored Pension, 457 and Retirement Health Reimbursement Account Plans

Attachments: [Agenda Summary.pdf](#)
[501c9 Trust.pdf](#)
[VEBA Plan Document.pdf](#)
[Adoption Agreement.pdf](#)
[Admin Service Agreement.pdf](#)
[022811 Agenda Summary.pdf](#)
[022811 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, explained that Council approved the consolidation toward one Investment Provider for the City Sponsored Pension, 457 and Retirement Health Reimbursement Account Plans at its meeting on February 28, 2011; and tonight's request is to approve the documents finalizing this change. He commented that the documents were prepared through the efforts of the Trustees, the Pension Committee members, Cynthia Billings, the City's Retirement Attorney, and a third-party processor, and noted that the Voluntary Employees Beneficiary Association (VEBA) document will be submitted to the Internal Revenue Service for approval. He stated that the process has included ongoing communication with all participants, noting that two mailings have been sent to date to participants that explain the move; and all of the City's union groups signed a letter of acknowledgement that the City is moving to a VEBA document. He pointed out that these are living documents which will not obligate the City to one certain provider.

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

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

Absent 1 - Webber

Enactment No: RES0125-2011

Whereas, the City Council, at its February 28th meeting agreed with the recommendation of the Plan Trustees and Committee Members that a single investment provider for the City's retirement plans was a good concept, and

Whereas, the City Council further approved the Plan Trustees and Committee Member recommendation that Diversified Investment Advisors be selected as that investment provider, and

Whereas, at the February 28th meeting, Council further directed Plan Trustees to gather and structure the documents necessary to complete the transition to Diversified Investment Advisors, and

Whereas, participants in the City's various retirement plans have shown support for the transition to Diversified as its single provider, and

Now, Therefore, the Plan Trustees, with the help of others, including the City's retirement attorney, have completed the documents necessary to conclude the transition to Diversified, and

Be It Resolved, that having received and reviewed said documents City Council hereby approves those documents as presented by Plan Trustees, as the Plan Trustees move to transiting to Diversified Investment Advisors on August 1, 2011.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, July 18, 2011 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 12:27 a.m., Tuesday, June 21, 2011.

*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.