



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, August 11, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:31 p.m. Michigan Time.

ROLL CALL

Present 6 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen and Michael Webber
Absent 1 - Ravi Yalamanchi

Others Present:

*Derek Delacourt, Deputy Director of Planning
Captain Mike Johnson, OCSD
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Leanne Scott, City Council Coordinator
John Staran, City Attorney
Christine Wissburn, Administrative Secretary*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Pixley, seconded by Rosen, that the Agenda be Approved as Presented. The motion CARRIED by the following vote:

Aye 6 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen and Webber
Absent 1 - Yalamanchi

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, commented on the consideration of a Single Trash Hauler and inquired:

- Whether the Proposed 2009 Budget would include employee costs to monitor a single hauler program.
- How the number and type of reports specified in the Request For Proposal would be reviewed and monitored.

Bill Bidwell, 2055 Avoncrest, requested information as to the reason that cable television coverage of his Public Comment presented at the July 21, 2008 City Council Meeting was terminated. He inquired if this termination violated the City's Telecommunications Ordinance.

(Mr. Yalamanchi entered at 7:37 p.m.)

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

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Ambrozaitis extended his congratulations to the Youth Representatives, incoming and outgoing, that were in attendance.

Mr. Brennan concurred in extending congratulations to the Youth Representatives.

President Hooper agreed, congratulating the Youth Representatives for a successful year. He also expressed birthday greetings to Sam Harris, long-time Rochester Hills business-owner of the Gold Star Restaurant, and supporter of the City. Regarding the T-Mobile cellular tower, proposed for the West Middle School property, he stated that Council members and the Mayor received a letter from Mr. David Pruneau, District Superintendent, stating that the School District has decided to not move forward with further consideration of a cellular tower at the school at this time. President Hooper stated that considerable behind-the-scenes effort was extended by the Mayor, Administration, and City Council and he would continue to provide new information on this issue as it is received.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2008-0410 2007/2008 Rochester Hills Government Youth Council (RHGYC) Final Report to City Council

Attachments: [Agenda Summary.pdf](#)

Ms. Kelley Kosuda, Chairperson of the Rochester Hills Government Youth Council (RHGYC) and **Ms. Kristina Hurst**, Vice Chairperson of the RHGYC reported to Council the events and accomplishments of the 2007-2008 RHGYC. The following is a brief synopsis of their report:

2007/2008 Rochester Hills Government Youth Council Projects:

- School supplies were collected and delivered to Walt Whitman Elementary School, Pontiac School District.
- Over 470 students were registered to vote in the local high schools.
- RHGYC members participated in the Mayor and Council's Swearing-In Ceremony in November.
- Members handed out programs and greeted attendees at the State of the City address in February.
- The RHGYC participated in the Michigan Municipal League's Youth Day in Lansing in April, organizing and leading a Mock Council session, attending the Business Convention and touring the Capitol.
- A Youth Summit, entitled Youth Leadership and Involvement in Local Government, was held in April. Considerable time and energy went into the planning, preparation and hosting of this event, attended by 75 middle and high school students from Rochester and surrounding districts.
- A Community Beautification Project planted flowers, a tree, and placed an RHGYC commemorative stone outside of City Hall.
- Members attended the Festival of the Hills, where they greeted attendees and surveyed the crowd.
- RHGYC representatives attended City Council meetings and Technical Review Committees throughout the year.

Ms. Kosuda and Ms. Hurst stated that the outgoing members of the RHGYC were thankful for the opportunities that being involved with the Youth Council provided. They extended their welcome to the incoming Youth Council members.

Mr. Pixley stated that as Council Member Liaison to the RHGYC, he has had an opportunity to meet and work with the outgoing members, and he could not be more impressed with this dynamic group. He asked those attending to join him in recognizing the RHGYC for a phenomenal year.

Graduating members of the 2007/2008 RHGYC were recognized:

- Molly Graham, Marian High School, will be attending Grand Valley State University
- Kristina Hurst, Adams High School, will be attending Michigan State University
- Dalina Ivezaj, Stoney Creek High School, will be attending Oakland University
- Angie Jackson, Rochester High School, will be attending Michigan State University

- Kelley Kosuda, Rochester High School, will be attending Central Michigan University
- Orfeh Vahabzadeh, Adams High School, will be attending University of Michigan
- Christina Winkler, Notre Dame Preparatory, will be attending University of Michigan.

Current Members not returning next year were recognized:

- Sarah Bachleda, Adams High School
- Daniel Offenbacher, Rochester High School

Current Members returning next year were recognized:

- Sara Etienne, Rochester High School
- Jonathan Han, Rochester High School
- Leo Oriet, Avondale High School
- Regina Wong, Cranbrook Kingswood
- Pratyusha Yalamanchi, International Academy
- Richard Yoon, Rochester High School

Mr. Pixley extended his thanks to Dalina Ivezaj and Kristina Hurst, who participated in the interview process for the incoming RHGYC members.

Presented.

2008-0408 Swearing In Ceremony - 2008/2009 Rochester Hills Government Youth Council (RHGYC)

Attachments: [Agenda Summary.pdf](#)

Mr. Vern Pixley, Council Member Liaison for the Rochester Hills Government Youth Council (RHGYC), congratulated members of the RHGYC and gave words of encouragement.

Ms. Jane Leslie, City Clerk, administered the Oath of Office to the incoming RHGYC members:

- Mr. Karan Ahluwalia, Grade 12, Stoney Creek High School
- Ms. Sara Etienne, Grade 11, Rochester High School
- Ms. Aly Difilippo, Grade 10, Rochester High School
- Ms. Kaitlyn Forbes, Grade 10, Notre Dame Preparatory
- Ms. Valdeta Gjini, Grade 11, ACE High School
- Mr. Jonathan Han, Grade 12, Rochester High School
- Ms. Susanna Jang, Grade 9, Adams High School
- Mr. Samuel Kilberg, Grade 12, Rochester High School
- Mr. Amith Nagesh, Grade 9, International Academy
- Mr. Leo Oriet, Grade 12, Avondale High School
- Mr. Ishan Patel, Grade 10, Avondale High School
- Ms. Rachel Schlagel, Grade 10, Rochester High School
- Ms. Regina Wong, Grade 12, Cranbrook Kingswood

Ms. Pratyusha Yalamanchi, Grade 12, International Academy

Appointed.

(Recess at 8:02 p.m. to 8:28 p.m.)

ORDINANCE FOR ADOPTION

2008-0362 Acceptance for Second Reading and Adoption - An Ordinance to add new Division 6, Outdoor Watering, to Article III of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the outdoor watering of landscaping; repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance - Opt 1.pdf](#)
[Ordinance - Opt 2.pdf](#)
[Ordinance - Opt 3.pdf](#)
[Ordinance - final version.pdf](#)
[Resolution.pdf](#)
[072108 Ordinance \(Revised\).pdf](#)
[072108 Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[071408 Resolution.pdf](#)

***John Staran**, City Attorney, presented three options for consideration. Changes to the initial Ordinance reading requested by Council at the July 14, 2008 meeting included incorporation of wording to exclude anyone not using the municipal water system to irrigate their landscape, and to allow residents to test, adjust and winterize their automatic sprinkler systems during the daytime hours.*

Public Comment:

***Deanna Hilbert**, 3234 Quail Ridge Circle, inquired whether adoption of this Ordinance would reduce rates for everyone. She stated that if a resident wanted to pay for the watering, it should be their option to do so without regulation.*

***Ed Baron**, 3310 Greenspring Lane, stated that he did not wish to see this Ordinance Amendment adopted, and he does not feel that there is enough documentation from surrounding communities on the savings that would be realized. He reported that he contacted several fertilizing companies and that mold difficulties could be encountered from overnight watering.*

Council Discussion:

***President Hooper** stated that the Water and Sewer Technical Review Committee looked at different options to promote conservation, reduce water consumption and lower the double-digit water rate increases the City has been experiencing. Water rates are based on three factors: 1) Elevation; 2) Peak Hour Rate; and 3) Volume*

of Water. This Ordinance would impact the Peak Hour Rate, thereby impacting the water rates for everyone. He stated that outdoor irrigation currently drives the peak hour rate higher during the 6 a.m. to 9 a.m. time period. The Detroit Water and Sewerage Department (DWSD) has stated that if the City reduces the peak hour and moves the water usage to a time when less water demand is experienced, from midnight to 5 a.m., the City's rates will be lowered. The purpose of the Ordinance Amendment is to promote conservation and reduce consumption thereby providing savings for everyone.

Mr. Yalamanchi stated that this Ordinance Amendment is an action to demonstrate to DWSD how the City will manage water demand. The City is currently experiencing 11 to 12 percent annual increases from DWSD in water rates. Should the City choose not to adopt this Ordinance Amendment, DWSD has stated that they would not be willing to lower rates. He also reported that effective July 1, sewerage rates increased approximately 19 percent. Without action, residents could see water rates double within five years. He commented that this Ordinance Amendment would not prohibit a resident from using a hose and hand-watering flowers or lawn areas, and provides a mechanism to request relief if seeding or sodding a lawn, or rebuilding an existing lawn.

Mr. Staran explained the three options presented:

- Option One incorporates comments and suggested changes that arose at the July 21, 2008 meeting. The principal change was to Paragraph C - Manual Irrigation. The last sentence provides that automatic or programmable systems may occasionally be used in unprogrammed manual mode for brief purposes, testing and repair.
- Option Two modifies Paragraph C further, adding winterizing, and allowing sprinklers to be used in manual mode only for repair and winterizing.
- Option Three adds under Subsection A that this section shall not apply to outdoor watering from well or pond, nor shall it apply to commercial agriculture, tree and farming, or commercial plant nursery operations, excluding businesses that depend on water usage during the day to stay in business.

Mr. Rosen questioned the exclusion of golf courses from the Ordinance and stated that any watering the courses did could be done during the night.

President Hooper reported that he had investigated the four golf courses in the City and all use pond water to irrigate fairways and greens. The only area maintenance meter use for watering at the golf courses was limited use for shrubs and flower beds near the clubhouses.

Mr. Ambrozaitis stated he wanted to see the golf course reference be left in.

After discussion between Mr. Rosen and Mr. Staran, on how Option One and Option Three could be incorporated together, **Mr. Rosen** agreed that Council should adopt Option Three, changing the fourth line of Paragraph C to read "manual mode for brief periods and as necessary for testing, repair and winterizing purposes".

Mr. Webber agreed that this change would allow more flexibility for the residents.

Mr. Pixley inquired whether adopting this Ordinance Amendment would be acceptable to DWSD in influencing water rates.

Mr. Staran stated that it is his understanding that Ms. Jenuwine, Finance Director, reviewed the document and it would be effective in negotiations with DWSD.

Mr. Rosen stated that if most residents comply with this Ordinance, the City would be at a better advantage to influence water rates. He stated that the ever-increasing water bills will spur conservation.

Mr. Yalamanchi responded to Mr. Baron's comment, stating that his research on overnight watering indicated that mildew and mold should not become a problem. He found information citing that watering closer to morning is actually a better time, given the morning sun. He stated that DWSD wants to see this Ordinance Amendment adopted and that the Water and Sewer Technical Review Committee will monitor data every year to review the success of this Ordinance. He estimates that within two years the City will see a great deal of progress on controlling water rate increases with this Ordinance.

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

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

Enactment No: RES0271-2008

Resolved, that an Ordinance add new Division 6, Outdoor Watering, to Article III of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the outdoor watering of landscaping; repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, August 18, 2008, the day following its publication in the Rochester Eccentric on Sunday, August 17, 2008.

NEW BUSINESS

2007-0435 Discussion regarding remediation/oversight of the NE Corner Hamlin Adams site, and potential investigation of abutting City owned property

Attachments: [Agenda Summary.pdf](#)
[DEQ Phase II Approval Letter-July 2008.pdf](#)
[ASTI Riverbend Investigation Proposal.pdf](#)
[Revised Field Observation Cost 62008.pdf](#)
[Greensley EPA TX Message.pdf](#)
[060908 CC Minutes Excerpt.pdf](#)
[040708 Agenda Summary.pdf](#)
[BRA Staff Report 031308.pdf](#)
[Memo STS Summary 032808.pdf](#)
[Memo STS Summary 021408.pdf](#)
[Hamlin Adams Act 381 Workplan rv4.PDF](#)
[Hamlin Adams Brownfield Plan Final.pdf](#)
[Consent Judgment.pdf](#)
[Reimbursement Agreement.pdf](#)
[Memo Assessing Cumulative Taxes 110906.pdf](#)
[Minutes BRA 031308.pdf](#)
[Minutes BRA 022108.pdf](#)
[Minutes CC 112906.pdf](#)
[Minutes CC 111506.pdf](#)
[Minutes BRA 092806.pdf](#)
[040708 Resolution.pdf](#)
[Staff Report Phase II 381 Work Plan.pdf](#)
[Hamlin Adams Act 381 WP Feb 12 2008.pdf](#)
[Brownfield Plan Final.pdf](#)
[021408 STS 381 review \(3\) finaldoc.pdf](#)
[092806 BRA Motion.pdf](#)
[091803 BRA Minutes.pdf](#)
[Hamlin Adams Act 381 Workplan 02-19-08 revised.pdf](#)
[Storm Water Detention Estimates.pdf](#)
[030608 STS Review Letter.pdf](#)
[Neil Silver Email Correspondence.pdf](#)

Mr. Derek Delacourt, Deputy Director of Planning, introduced Mr. Jim Anderson of STS Consultants, the City's environmental consultant on the project, and Mr. Peter Collins of Applied Science and Technology, also an environmental consultant for the City, to discuss the proposed investigation of the City property abutting the contaminated property.

Mr. Delacourt reported on the progress of the 381 Work Plan submitted to the Michigan Department of Environmental Quality (DEQ). He stated that the DEQ reviewed the Work Plan, requested some additional data, but did not request any modifications to be made to the document. A letter was received from the DEQ approving the Work Plan as submitted and allowing remediation work to begin. He also reported that the City received a voicemail from the Region V Environmental Protection Agency (EPA) office in Chicago, indicating that they will not be requesting any additional information, testing or monitoring. The City has requested, and is still awaiting a formal response in writing from the EPA supporting this voicemail. Tonight's discussion is to review the City's oversight of work on the site and to request Council's input to establish the level of oversight.

He explained that a worst-case scenario would be that the City receives only 72-hours' notice from the applicant to the commencement of remediation activities, as specified in the Consent Judgment. Prior to receipt of DEQ approval, the

applicant was unwilling to discuss their timeline or remediation plans with the Administration. STS derived a minimum level of oversight needed to confirm that the remediation has been completed, to comply with the Consent Judgment, and reduced the field time proposed from one hundred percent to sixty percent. This lowered the estimate for oversight services from a range of approximately \$64,000 to \$80,000 to a new estimate of \$48,000. He stated that since the DEQ approval letter was received, the applicant's environmental consultant has now indicated that the applicant will allow a review of the bid documents for construction, allowing the oversight estimates to be further refined. He requested Council input as to whether this new estimate for consultant oversight would be acceptable. If so, and a budget amendment is necessary, it will be brought to Council for the Third Quarter.

He also requested input from Council regarding the property adjacent to the development, owned by the City and abutting Riverbend Park, which adjoins the fenced areas where PCBs have been detected. Investigation of contaminants on this parcel was not included in the Brownfield Plan as it is not a part of the applicant's property, and would not be reimbursable. The Environmental Oversight Committee discussed options for investigation of this parcel, and proposes that the City do an initial investigation of that site to determine whether similar contaminants are present. Mr. Collins of Applied Science and Technology recommends two days of sampling along the property line up to the northeast corner of the site to determine if contamination is present. His proposal would be for approximately \$20,100 for testing. They propose to coordinate activity with the developer to take advantage of economies in testing and provide for the least possible disturbance. He stated that there is funding in the existing Planning Department's Environmental Services budget for this initial amount. If any additional funds are needed, a Third Quarter Budget Amendment would be required.

Public Comment:

Deanna Hilbert, 3234 Quail Ridge Circle, stated that this property was originally purchased by the developer as a residential-zoned parcel. She expressed concern that the cleanup for a commercial development would be to a lesser standard than if it had remained residential. She also stated she was concerned about PCB contamination on the adjoining parcel, and stated she would like to see the City conduct a proper investigation and cleanup activities on that site to avoid potential contamination of Riverbend Park.

Ed Baron, 3310 Greenspring, inquired whether the City-owned parcel in question had an Environmental Impact Statement (EIS) completed prior to its purchase.

Tom Zelinski, 1127 Kingsview, concurred with Ms. Hilbert on the health and safety dangers of the contaminants. He stated that investigation money on the City parcel would be well-spent.

Council discussion:

President Hooper asked if it was known what due diligence was completed prior to the City's purchase of the land.

Mr. Delacourt stated he was not aware of what was done at the time. With respect to an EIS, he did not know if that would have been necessary at the time.

Mr. Staran indicated that the property was purchased in approximately 1989-1990, and he had no recollection that any Phase I EIS was done, but would request that Mike Hartner, Director of Parks and Forestry, check his files to see if one exists.

Mr. Anderson, STS Consultants, gave a recap of the level of cleanup prescribed in the Consent Judgment, which provides for a blended use of the site. The applicant's plans are to go beyond what is required by the DEQ. Most of the tonnage being removed will be refuse. The area on the east side contaminated by the PCBs will be encapsulated by a clay wall, a geotech-style liner and a concrete surface, thereby locking it into a vault. This level of cleanup is appropriate to the zoning of the property. The applicant is only required to clean up to due-care responsibility, as approved by the State.

Mr. Ambrozaitis stated that the Green Space Advisory Board now requires that a Phase I EIS be completed prior to purchasing any property. He stated he supports spending the \$20,100 to inspect the questionable area. He also requested information on what due diligence was accomplished during this purchase. He requested Mr. Collins provide a rough estimate of any additional costs if the investigation continued farther east of the subject area.

Mr. Collins, Applied Science and Technology, indicated the investigation amount could double, more or less. He stated that the north/south extent of any plume of contamination discovered would dictate the extent of the investigation.

Mr. Ambrozaitis stated he was never in support of this project, but now agrees that the City needs to complete its investigation and determine the extent of any contamination of Riverbend Park.

Mr. Rosen stated he was in concurrence with the proposed reduced level of the oversight of remediation activities, as long as the activities proceed properly to provide security for the neighbors and protection of the area to the east. He also stated that he believes the City should complete testing to ascertain what is on the adjoining property. If the limited testing indicates no migrating contamination, he would be satisfied that no contamination exists.

Mr. Brennan expressed his thanks to Mr. Delacourt, the City's consultants and the residents in attendance. He stated he was in agreement with the reduced level of oversight, and was also in favor of the investigation of the City's property.

Mr. Webber concurred, stating he thought the proposed level of oversight was proper, and he would support a third quarter budget amendment.

Mr. Pixley also concurred, stating he too would support a budget amendment

for this proposed level of oversight. He also agreed with the investigation of the City-owned property.

Mr. Yalamanchi stated he wanted to recognize Mr. Anderson for his work on the project.

President Hooper stated he was pleased with the proposal from STS.

Mr. Delacourt indicated that recent communication with the developer estimates mobilizing in mid- to late-October. He stated that Administration would be returning to Council before that time.

Discussed.

2008-0400 Request for Contract Approval - DPS/ENG: Cost Participation Agreement for removal and replacement of concrete on Hamlin Road from Old Adams to 750 feet east between the City of Rochester Hills and the Oakland County Board of Commissioners.

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

Mr. Roger Rouse, Director of DPS/Engineering, stated that this project is the last phase of the Adams Road relocation.

Mr. Ambrozaitis inquired whether this work had any involvement with the widening of Hamlin Road.

Mr. Rouse responded that this was for reconstruction only.

Mr. Yalamanchi stated he was in favor of this work, and asked Mr. Rouse to provide a timeline for the project.

Mr. Rouse stated the work would begin within the next six weeks.

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

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

Enactment No: RES0272-2008

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement for removal and replacement of concrete on Hamlin Road from Old Adams to 750 feet east between the City of Rochester Hills and the Oakland County Board of Commissioners and authorizes the Mayor to execute the agreement on behalf of the City.

2008-0401 Request for Purchase Authorization - DPS/ENG: Increase contract for 2008 local street concrete slab replacement program in the amount of \$203,741.74 plus a 10% contingency of \$20,374.18; Six-S, Inc., Waterford, MI

Attachments: [Agenda Summary.pdf](#)
[Hamlin Rd Reconstruct Map.pdf](#)
[Six-S Price Sheet.pdf](#)
[Resolution.pdf](#)

President Hooper disclosed that he works in the construction industry and knows the parties involved, however, has no connection to this project, and therefore did not feel it was necessary that he recuse himself from this issue.

Mr. Rousse stated this item would allocate funds so this work could be completed this year.

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

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

Enactment No: RES0273-2008

Resolved, that the Rochester Hills City Council hereby authorizes the increase of the contract for the 2008 Local Street concrete Slab Replacement Program to Six-S, Inc., Waterford, Michigan in the amount of \$203,741.74 plus a 10% contingency of \$20,374.18 for a new not-to-exceed total of \$2,575,235.56 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

2008-0402 Request for Purchase Authorization - DPS/ENG: Contract for the Avon Road Pathway Rehabilitation Project from Livernois Road to Rochester Road in the amount of \$269,883.00; Asphalt Specialists, Inc., Pontiac, MI

Attachments: [Agenda Summary.pdf](#)
[DTE Energy Email Cost Share Agreement.pdf](#)
[Bid Tabulations.pdf](#)
[Resolution.pdf](#)

President Hooper disclosed that he works in the construction industry and knows the parties involved, however, has no connection to this project, and therefore did not feel it was necessary that he recuse himself from this issue.

Mr. Rousse stated that this proposal is the result of long-term negotiations with DTE on damage to the south-side pathway from Livernois to Rochester. DTE installed metal poles and used heavy equipment, damaging the pathway. Permits issued to DTE indicated that if pathway damage occurred, DTE had to make repairs. The repairs made did not bring the pathway up to City and ADA standards. DTE agreed to pay fifty percent of this contract cost.

Mr. Webber inquired what DTE's costs would have been if they had completed the repairs properly prior to this.

Mr. Rousse stated DTE's costs might have been less than \$50,000, but now they have agreed to pay half of the contract amount.

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

Enactment No: RES0274-2008

Resolved, that the Rochester Hills City Council hereby authorizes the contract for the Avon Road Pathway Rehabilitation Project from Livernois Road to Rochester Road to Asphalt Specialists, Inc., Pontiac, Michigan, as the lowest, responsive, responsible bidder in the amount of \$269,883.00 and authorizes the Mayor to execute the contract on behalf of the City.

2008-0234 TRAC Committee Update

Attachments: [Agenda Summary.pdf](#)
[Memo Mayor Barnett.pdf](#)
[Resolution.pdf](#)
[051208 Agenda Summary.pdf](#)
[911 Communication Final Report.pdf](#)
[Presentation.pdf](#)

President Hooper indicated that Mayor Barnett had submitted a TRAC Committee update memo.

Ron Crowell, Fire Chief, reported that the TRAC Committee had met and discussed the transfer of all calls. He introduced Christina Russell, Oakland County Communications Supervisor and Captain Michael Johnson, OCSD, to answer any questions Council may have. He stated the Committee was comfortable with the implementation of Option Four, should Council commit to moving forward tonight.

Mr. Webber stated he was pleased with the cooperation between the two departments, and stated it was a good idea to have the calls going to one entity. He inquired what the timeframe for a transfer would be.

Chief Crowell stated the timeframe would be about two to three weeks.

Ms. Russell indicated an estimate of between two to three and six weeks, stating that there was paperwork to be filed, and a letter sent to the 911 Oakland County Coordinator to register these papers with the County.

Chief Crowell stated that after the transfer, all 911 Calls that hit a Rochester Hills tower would go to the Oakland County Communications Center (OCCC). At that time, OCCC will determine if it is Police, Fire or EMS. If the call is for Fire or EMS, they will transfer it to Rochester Hills' Dispatch Center for dispatching. If it is for Police, the OCCC will dispatch the call.

Mr. Yalamanchi stated he had asked for information evaluating the three different cost structures, but has not yet received this information.

President Hooper stated he would follow up on the requested information.

Mr. Rosen inquired as to how internet calls (VOIP) would be handled.

Ms. Russell stated that it has been suggested that residents ask their VOIP provider what kind of 911 service they receive with their VOIP.

Mr. Ambrozaitis inquired whether information on VOIP phone service could be provided on the City's cable channel or on the water bills. He stated that this information would be helpful if provided to residents.

Ms. Russell stated that she had some information she could contribute that would be helpful.

A motion was made by Rosen, seconded by Pixley, that the implementation of Option 4, wherein the Oakland County Communications Center (OCCC) will provide Call Answering for all Emergency 911 calls, be Adopted by Resolution. The motion CARRIED by the following vote:

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

Enactment No: RES0275-2008

Resolved, that the Rochester Hills City Council hereby approves the implementation of Option 4, wherein the Oakland County Communications Center (OCCC) will provide Call Answering for all Emergency 911 calls.

2008-0342 Adoption of the Amended Ballot Language for the proposed City Charter Amendment to Require that a Councilmember or Council Candidate Shall Not Be in Default to the City to be placed on the November 4, 2008 General Election Ballot

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

Mr. Staran reported that the changes before Council for all the proposed Charter Amendments were regarding meeting the word count requirements for the description included in the ballot language, and other minor non-substantive changes required after review by the State Attorney General's office.

President Hooper indicated that this item adds the words "or obligation" to the proposed Charter Amendment.

Mr. Brennan stated that he is on record as opposing the proposed Charter Amendments which address Qualifications.

See also Legislative File Numbers 2008-0373, 2008-0375 and 2008-0343.

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0276-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 7.2, Qualifications, to provide that a Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.2, Qualifications.
2. Provisions of existing Section 7.2 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

Each Councilmember shall be a registered elector in the City and shall have been a resident of the City for one year immediately prior to the final date of filing of nominating petitions. A Council candidate shall be a resident of the District in order to represent a District and shall maintain residency in the District during the term of office.

3. As amended, Section 7.2 of the City of Rochester Hills Charter would read as follows:

Each Councilmember shall be a registered elector in the City and shall have been a resident of the City for one year immediately prior to the final date of filing of nominating petitions. A Council candidate shall be a resident of the District in order to represent a District and shall maintain residency in the District during the term of office. A Councilmember or Council candidate shall not be in default of payment of any tax, assessment or obligation owed to the City.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 7.2. If adopted, a Councilmember or Council candidate shall not be in default of payment of any tax, assessment or obligation owed to the City.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CITY CHARTER AMENDMENT TO
REQUIRE THAT A COUNCILMEMBER OR COUNCIL
CANDIDATE SHALL NOT BE IN DEFAULT TO THE CITY

A proposal to amend the City Charter by modifying Section 7.2. This section sets forth the qualifications for City Councilmembers to hold office. If adopted, the amendment will provide that a Councilmember or Council candidate shall not be in default of payment of any tax, assessment or obligation owed to the City.

Shall the City of Rochester Hills Charter be amended to modify Section 7.2 to provide that a Councilmember or Council candidate shall not be in default of payment of any tax, assessment or obligation owed to the City?

Yes ___

No ___

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

10. This resolution is intended to supersede prior resolution RES0243-2008 adopted by Council on July 21, 2008.

2008-0373 Adoption of the Amended Ballot Language for the proposed Charter Amendment to Provide a Procedure for the City Council to Judge the Qualifications of Members to be placed on the November 4, 2008 General

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[072108 Resolution \(Revised\).pdf](#)

Mr. Staran indicated that the ballot description was altered to reduce the word count to below 100.

See Also Legislative File No. 2008-0342, 2008-0375 and 2008-0343.

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

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

Nay 1 - Brennan

Enactment No: RES0277-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 7.5, Judge of qualifications of Members, to provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.5, Judge of qualifications of Members.

2. Provisions of existing Section 7.5 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts.

3. As amended, Section 7.5 of the City of Rochester Hills Charter would read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts. If the Council, after investigation and public hearing, determines by the affirmative vote of at least five (5) members of Council that a Councilmember is not eligible or qualified, under Section 7.2, above, to hold office, the Councilmember's office shall be deemed vacant.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 7.5. If adopted, the amendment will provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CHARTER AMENDMENT TO
PROVIDE A PROCEDURE FOR THE CITY COUNCIL
TO JUDGE THE QUALIFICATIONS OF MEMBERS**

A proposal to amend the City Charter by modifying Section 7.5. If adopted, the amendment will provide a procedure requiring the affirmative vote of five members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

Shall the City of Rochester Hills Charter be amended to modify Section 7.5 to provide a procedure requiring the affirmative vote of five members of Council, following investigation

and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2?

Yes ___

No ___

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

10. This resolution is intended to supersede prior resolution RES0239-2008 adopted by Council on July 21, 2008.

2008-0375 Adoption of the Amended Ballot Language for the Proposed City Charter Amendment to Require that the Mayor or Candidate for Mayor Shall Not be in Default to the City to be placed on the November 4, 2008 General Election

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[07/21/08 Resolution.pdf](#)

Mr. Rosen inquired whether including "obligation" would also mean a water bill, if it gets to the level of default.

Mr. Staran indicated yes, if it was at the level of default. It would not include a legitimate contesting of a water bill.

Mr. Brennan reiterated he was opposed to this proposed Amendment, and expressed concern that a mortgage company not paying taxes on time could trigger this default.

See also Legislative File No. 2008-0342, 2008-0373 and 2008-0343

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0278-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 8.2, Elections and term of office, to provide that the Mayor or candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority

granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.2, Qualifications.

2. Provisions of existing Section 8.2 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Mayor shall be elected to a four-year term. The Mayor shall be a registered elector and a resident of the City for at least one year immediately prior to the final date for filing nominating petitions. The term of office of the Mayor shall commence on the second Monday next following the date of the regular City election at which he or she was elected.

3. As amended, Section 8.2 of the City of Rochester Hills Charter would read as follows:

The Mayor shall be elected to a four-year term. The Mayor shall be a registered elector and a resident of the City for at least one year immediately prior to the final date for filing nominating petitions. The Mayor or a candidate for Mayor shall not be in default of payment of any tax, assessment or obligation owed to the City. The term of office of the Mayor shall commence on the second Monday next following the date of the regular City election at which he or she was elected.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 8.2. This section sets forth the qualifications for Mayor. If adopted, the amendment will provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax, assessment or obligation owed to the City.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CITY CHARTER AMENDMENT TO
REQUIRE THAT THE MAYOR OR CANDIDATE FOR
MAYOR SHALL NOT BE IN DEFAULT TO THE CITY**

A proposal to amend the City Charter by modifying Section 8.2. This section sets forth the qualifications for Mayor. If adopted, the amendment will provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax, assessment or obligation owed to the City.

Shall the City of Rochester Hills Charter be amended to modify Section 8.2 to provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax, assessment or obligation owed to the City?

Yes ___

No ___

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

10. This resolution is intended to supersede prior resolution RES0240-2008 adopted by Council on July 21, 2008.

2008-0343 Adoption of the Amended Ballot Language for the Proposed City Charter Amendment to Eliminate the Duty of the City Clerk to be the Chief Accountant of the City and to Add Maintenance of a System of Accounts to the Mayor's Duties to be placed on the November 4, 2008 General Election Ballot

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

Mr. Staran indicated this change to the proposed Charter Amendment was to alter the ballot language to conform with the 100 word limit.

Mr. Rosen reiterated his opposition to this proposed Charter Amendment. He inquired as to what order the proposed Charter Amendments would appear on the ballot.

Mr. Staran indicated that these items were presented to Council in the order that they appear in the Charter. He was not aware how they will appear on the ballot.

See also Legislative File No. 2008-0342, 2008-0373 and 2008-0375.

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

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

Nay 2 - Ambrozaitis and Rosen

Enactment No: RES0279-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk, to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts and add to the duties of the Mayor to maintain a system of accounts.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk.
2. Provisions of existing Section 8.3 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

- .1 Maintain an office during normal business hours at a place provided by the Council;
- .2 Enforce all laws, and City ordinances and regulations;
- .3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.
- .4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- .5 Authenticate by signature such instruments and proceedings as required by law or by the Council;
- .6 Prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City;
- .7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during the prior fiscal year;
- .8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;
- .9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;
- .10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;
- .11 Be the sole spokesperson for the administration of the City, except for the Clerk, Treasurer, and Assessor, insofar as their duties provided by law;
- .12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;
- .13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;
- .14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;
- .15 Exercise a veto of any ordinance or resolution of the Council, except those Council

resolutions covered under Sections 7.8, 8.4 and 9.4.

.16 Recommend to the Council personnel policies and procedures for the City.

.17 Appoint Boards and Commissions of the City as provided by State law.

3. Provisions of existing Section 8.11 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:

.1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.

.2 Keep a record of all ordinances, resolutions and actions of the Council.

.3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.

.4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.

.5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.

.6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.

.7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.

.8 Certify by signature all ordinances and resolutions enacted or passed by the Council.

.9 Countersign all warrants issued upon the Treasurer.

.10 Be the chief accountant of the City and maintain a system of accounts which conform to such uniform system as may be required by State law.

.11 Conduct elections in accordance with this Charter and State election law.

.12 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.

.13 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

4. As amended, Section 8.3 of the City of Rochester Hills Charter would read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

.1 Maintain an office during normal business hours at a place provided by the Council;

.2 Enforce all laws, and City ordinances and regulations;

.3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.

.4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

.5 Authenticate by signature such instruments and proceedings as required by law or by the Council;

.6 Prepare and administer the annual budget, maintain a system of accounts which conform to such uniform system as may be required by state law, and keep the Council fully advised at all times as to the financial condition and needs of the City;

.7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during

the prior fiscal year;

.8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;

.9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;

.10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;

.11 Be the sole spokesperson for the administration of the City, except for the Clerk, Treasurer, and Assessor, insofar as their duties provided by law;

.12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;

.13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;

.14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;

.15 Exercise a veto of any ordinance or resolution of the Council, except those Council resolutions covered under Sections 7.8, 8.4 and 9.4.

.16 Recommend to the Council personnel policies and procedures for the City.

.17 Appoint Boards and Commissions of the City as provided by State law.

5. As amended, subsection .10 would be deleted and subsequent subsections would be renumbered so that Section 8.11 of the City of Rochester Hills Charter would read as follows:

The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:

.1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.

.2 Keep a record of all ordinances, resolutions and actions of the Council.

.3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.

.4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.

.5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.

.6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.

.7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.

.8 Certify by signature all ordinances and resolutions enacted or passed by the Council.

.9 Countersign all warrants issued upon the Treasurer.

.10 Conduct elections in accordance with this Charter and State election law.

.11 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.

.12 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

6. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the

duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts will be added to the Mayor's duties.

7. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

8. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

9. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CHARTER AMENDMENT TO
ELIMINATE THE DUTY OF THE CITY CLERK TO
BE THE CHIEF ACCOUNTANT OF THE CITY AND TO ADD
MAINTENANCE OF A SYSTEM OF ACCOUNTS TO THE MAYOR'S DUTIES

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts will be added to the Mayor's duties.

Shall the City of Rochester Hills Charter be amended to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts, and to add maintenance of a system of accounts to the Mayor's duties?

Yes ___

No ___

10. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

11. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

12. This resolution is intended to supersede prior resolution RES0244-2008 adopted by Council on July 21, 2008.

COUNCIL COMMITTEE REPORTS

Zoning/Sign Board of Appeals:

Mr. Brennan reported that a meeting scheduled for Wednesday, August 13, 2008 would address the Chase Bank signage for the development at the corner of South Boulevard and Crooks Road; and he was confident that an agreement will be reached. The gateway sign planned for this corner which will be installed

by Chase Bank will provide a nice entry to the City.

ANY OTHER BUSINESS

Mr. Ambrozaitis requested information as to when DTE would address Council regarding electrical outages. He also requested information and copies of Ethics Ordinances from Troy, Auburn Hills and Rochester. He also thanked Ms. Leslie for her election workers' efforts during the August 4 primary. He stated election workers were very helpful in reminding people that the ballot was two-sided. He further stated he wanted to go on record publicly that he respectfully asks the Mayor of the City of Detroit to resign.

President Hooper indicated that the next two budget meetings will be work sessions, beginning at 5:30 p.m., and will have full-time television coverage.

NEXT MEETING DATE

City Council Special Work Session - Budget Meeting - August 18, 2008 - 5:30 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:01 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.