



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, March 22, 2010

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

Others Present:

*Bryan Barnett, Mayor
Trip Brennan, Rochester Hills Government Youth Council Representative
Scott Cope, Director of Building/Ordinance Compliance
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Keith Sawdon, Director of Finance*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

*Alex Sherman, 1220 Oakwood Court, stated that the City's ordinance which
prohibits the possession of firearms in the City's parks is in violation of State law
and requested that it be amended.*

Robert Harris, 21934 Redmond Avenue, Eastpointe, requested that the City Administration review and amend the City's ordinance which prohibits the possession of firearms in the City's parks.

David Kibby, 558 Whitney, expressed concern that the anger felt toward State and Federal Government may affect how City Government is viewed. He stressed that residents should get involved in what is going on in the City now so they are informed when it is time to vote.

Martha Black, 2408 Jackson Drive, spoke in support of the Blessings in a Backpack Program. She thanked L. Brooks Patterson for the mini-grant given to the Rochester Schools to be used for this program but expressed concern that Avondale Schools will not receive the same benefit.

Don Torchia, 2813 Harrison, thanked the City's Administration, City Council and City Attorney Staran for the support and assistance given to his family when their pet was the victim of a vicious dog attack. He requested that the City review its current dog ordinance as it relates to vicious dogs.

Mike McGlynn, 3741 Everett Drive, shared his appreciation of having been a participant on the Noise Barrier Technical Review Committee and requested direction from City Council so that the Committee recommendations may move forward.

Lynnette Nitsche, 3753 Everett Drive, referred to the recommendations of the Noise Barrier Technical Review Committee and suggested that the barriers be split into groups within the Capital Improvement Plan (CIP) to locate funding for the construction of NB-10 and the other requested noise barriers.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper noted that the City is in the process of reviewing the ordinance regarding the prohibition of firearms in the City's parks. He stated that the City Administration had reviewed the City's dog ordinance and will give its report under Any Other Business. He stated that the Noise Barrier Technical Review Committee's report will be ranked, made part of the Capital Improvement Plan, and that City Council will discuss funding during the Special Budget Meetings that are scheduled for August 2010.

Mr. Brennan commented on a recent article published by the Oakland Press stating the new Rochester Hills Meijer store will provide 200 new jobs.

Mr. Rosen commented that if Council is going to do more than simply receive the Administration's report regarding the City's dog ordinance it should be scheduled as an agenda item so that sufficient public notice can be given.

Mr. Webber wished everyone a good Easter.

Trip Brennan, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC participated in the Mayor's State of the City Address. He stated that the RHGYC would be hosting its 5k Run/Walk in memory of Dillon

Cope, a sophomore at Adams High School who passed away from leukemia. The proceeds from this event will benefit C.S. Mott Children's Hospital.

Mayor Barnett made the following comments:

- *The Census forms have been distributed, residents are requested to complete and return the form to the Census Bureau to positively impact the City's future potential for federal funding monies.*
- *The City's Fire Department performs free blood pressure checks at City Hall on the first and third Tuesday of the month from 11:30 a.m. to 12:30 p.m., no appointment is necessary.*
- *The Easter Egg Hunt will be held on Wednesday, March 31, 2010 at the Rochester Hills Museum from 7:00 p.m. until 8:30 p.m.; the hunt will be conducted by flashlight which should make for an interesting event.*

ATTORNEY MATTERS

None.

PRESENTATIONS

- 2010-0129** Presentation on the efforts of an organization referred to as "Blessings in a Backpack" within our community; Tom Kaszubski, Cheryl Whitton and Kim Williams, presenters

Attachments: [Agenda Summary.pdf](#)

Cheryl Whitton and Kim Williams, Representatives of Blessings In a Backpack (BIAB), gave a presentation about the program founded by Stan Curtis, a former professional golfer and promoted by actress and spokesperson Hillary Duff, which provides six non-perishable meals for school-age students who are enrolled in the free or reduced lunch programs (meal programs) to take home for their consumption during the weekend period to ensure that the students have adequate nutrition in preparation for when school resumes at the beginning of the week.

Mrs. Whitton reported the following:

Children enrolled in Free or Reduced Lunch Programs:

- *61% of the nation's school children are participants.*
- *41% of the State of Michigan's school children are participants.*
- *Of the approximate 55,000 participants in Oakland County, approximately 2,070 are in Rochester Schools and approximately 1,086 are in Avondale Schools.*

She stated that in 2008, Avondale School District was the first district wide implementation of BIAB and in February 2010, Rochester Community Schools became a BIAB participant.

Benefits (national percentages):

- Increased Test Scores - 45%.
- Improved Attendance - 45%.
- Reduced Behavior Issues - 35%.
- Greater Attention Span - 40%.
- Quality Teacher Time For All Students - 55%.
- Further Enhance the Entire School District.
- Long Term Gain.

Mrs. Williams shared how she had read about the BIAB program in a magazine. Knowing that three of her neighbors were unemployed and enrolling their children in meal programs at their schools, she contacted Mrs. Whitton at BIAB and arranged meetings with members of the Rochester School District which resulted in the implementation of BIAB in the Rochester Schools in February 2010. She reported that the food is purchased at a reduced cost from Meijer, the bags are packed by volunteers at the First Congregational Church in Rochester and transported to the various schools which eliminates overhead costs so that all monetary donations are utilized for BIAB recipients. She noted that Brooklands, Hamlin, Hampton and MacGregor Schools were selected to receive the BIAB packages because they had the highest number of students enrolled in the meal programs. Monetary donations can be made through Community Foundation of Greater Rochester.

President Hooper thanked Mr. Yalamanchi for bringing this organization to City Council's attention.

Mr. Yalamanchi encouraged City residents and community leaders to participate in BIAB and raise funds in support of the community's children as a whole.

Mr. Pixley thanked Mrs. Whitton and Mrs. Williams for their hard work for the City's communities and inquired what the annual cost is per student.

Mrs. Whitton responded that due to Michigan BIAB providing more nutritional foods, the annual cost is \$100.00 per student.

Mayor Barnett commented that he had been moved by Mr. Curtis' passion for BIAB when he met both him and Hillary Duff upon their visit to Avondale Schools. He thanked Ms. Williams for taking the lead and getting this program started in our community. He exhibited the check for \$2,500.00 from the mini-grant from the Brooksie Way Program and announced that there are opportunities every week to volunteer.

Mrs. Williams extended an invitation to Council Members and the residents to assist BIAB with the packing which is done on Wednesdays at 4:00 p.m. and 6:00 p.m. at the First Congregational Church which serves as the food pantry for the community's Neighborhood House. She shared that packing the bags takes approximately an hour and a half.

Mr. Klomp expressed his appreciation of the presentation. He shared that his wife works as a school teacher and finds that many people in need do not speak of their economic circumstances. He asked Mrs. Whitton and Mrs. Williams to repeat the

telephone numbers and addresses for donations for the benefit of City residents viewing from home.

Presented.

NEW BUSINESS

2010-0128 Request for Adoption of the March 9, 2010 Restatement of the City's Group Pension Plan document

Attachments: [Agenda Summary.pdf](#)
[March 2010 DC Plan - Strikeout Copy.pdf](#)
[March 2010 DC Plan - Clean Copy.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, discussed that the Plan Trustees reviewed the Defined Contribution Pension Plan (DC) to ensure it is compliant with state and federal law along with the City's current labor agreements. He stated that the Plan Trustees and the Plan Administrator met with Cynthia Billings, Esq. of Sullivan Ward and determined that the number of revisions needed made it necessary to restate the DC in its entirety.

Mr. Yalamanchi asked if the Board of Trustees reviewed the DC and suggested an increase in the number of members of the Board of Trustees.

Mr. Sawdon responded that the Board of Trustees reviewed the Retiree Health Benefit Plan and Trust the prior year. The City Assessor/Treasurer and Director of Finance, as Plan Trustees, manage the DC according to City procedure and are safeguarded by the City's professional fiduciary liability insurance. He stated that adding additional members to the Plan Trustees is possible but that it would not be his recommendation at this time.

Mr. Pixley commented he would like clarification of the term 'employer pick up concept' as used in the DC and inquired if most of the revisions were related to clerical corrections and regulation compliance.

Mr. Sawdon explained that the business term refers to a pre-tax deduction from the employee's paycheck, which is accumulated and delivered to the investment provider. He stated that the revisions to the DC involved city contribution areas and mandatory contributions to comply with union contracts, conformance with the Hart Act which allows retired police and fire employees to utilize up to \$3,000.00 per year for health insurance and allows more distribution options for retirees.

Mr. Brennan asked Mr. Sawdon for confirmation that the DC revisions do not modify or amend the benefits provided to employees in the current employment contracts.

Mr. Sawdon confirmed that they have done nothing but bring the document in line with all agreements approved by City Council.

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

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

Enactment No: RES0075-2010

Resolved, that the City Council hereby adopts the March 9, 2010 Restatement of the City of Rochester Hills Group Pension Plan as presented, attached hereto and incorporated by reference, and as requested by the Internal Revenue Code and related Internal Revenue Service regulations so as to maintain the status of the Plan as a qualified plan and to update certain language, correct clerical errors, improve descriptions, and incorporate resolutions and references to approved provisions of labor agreements, state and federal law changes, and administrative policies.

2010-0123 Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for Tienken Road Bridge Replacement at Stony Creek; Road Commission for Oakland County, Beverly Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Path Drawing.pdf](#)
[Cost Participation Agreement.pdf](#)
[Tienken Br Estimate rev2-19-10.pdf](#)
[Resolution.pdf](#)

Roger Rouse, Director of DPS/Engineering presented a map of the replacement of the Tienken Road Bridge to City Council outlining the various areas that are responsible by the City, Michigan Department of Transportation (MDOT) and Road Commission for Oakland County (RCOC) of the bridge replacement project. He stated that **Legislative File Number 2010-0131** is connected to this project as well.

President Hooper stated that he had reviewed the engineer's breakdown estimates of the non-participating road cost as \$104,269.00 and the non-participating bridge cost as \$9,320.00 and asked how the calculations were determined to be equivalent to the \$131,000.00 amount that was provided in Council's packet.

Mr. Rouse responded that the addition of the construction engineering costs resulted in the amount listed in Council's packet.

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

Enactment No: RES0076-2010

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland for the non-participating cost for the items of work being constructed as part of the Tienken Road Bridge Replacement at Stony Creek and further authorizes the Mayor and Clerk to execute the agreement on behalf of the City.

Resolved, that the Rochester Hills City Council authorizes the payment of the City's share, identified in the Cost Participation Agreement in the amount of \$131,000.00 and any additional cost that accrues through the term of the agreement.

2010-0131 Request for Maintenance Agreement - DPS/ENG: Approval of the Traffic Sign and Span Wire Maintenance Participation Agreement at the Pedestrian Refuge Island Crossing along Tienken Road east of Clear Creek Drive

Attachments: [Agenda Summary.pdf](#)
[RCOC Letter and Agreement 011210.pdf](#)
[Resolution.pdf](#)

Mr. Rousse described the proposed overhead pedestrian crossing sign as being similar to the one located on Avon Road east of Livernois and the other sign located on Livernois south of Avon. He stated that overhead signage alerts motorists to the pedestrian crossing.

President Hooper inquired if the reason for the location of the refuge island is related to the school's close proximity.

Mr. Rousse responded the intention is to maintain connectivity to the pathway when crossing a major road. He noted that it also happens to provide a crossing to the school.

Mr. Pixley questioned what the anticipated maintenance cost is expected to be.

Mr. Rousse stated that the maintenance cost would be incidental. He explained that an agreement needs to be in place stating that should a vehicle damage the sign it will be repaired.

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

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

Enactment No: RES0077-2010

Whereas, there currently is a proposed overhead pedestrian crossing traffic sign and span wire to be located within the City of Rochester Hills at the Pedestrian Refuge Island Crossing along Tienken Road east of Clear Creek Drive within the City of Rochester Hills; and

Whereas, the Road Commission for Oakland County, being the road agency for the maintenance, operations and inspection of the overhead traffic sign and span wire at this location, and has the staff and other resources available to operate and maintain the overhead traffic sign and span wire;

Now Therefore Be It Resolved, that the City of Rochester Hills City Council is supportive of the Overhead Pedestrian Crossing Traffic Sign & Span Wire Maintenance Agreement for the location at the Pedestrian Refuge Island Crossing along Tienken Road east of Clear Creek Drive within the City of Rochester Hills.

Resolved, that the Rochester Hills City Council authorizes the Mayor to sign the Traffic Sign and Span Wire Maintenance Participation Agreement for Tienken Road Overhead Pedestrian Crossing Traffic Sign & Span Wire on behalf of the City.

Be It Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

COUNCIL COMMITTEE REPORTS

Sister City - Auburn Hills:

Mr. Rosen reported that the Committee met on March 16, 2010 and identified topics they would like to further discuss at the next joint meeting of the two Councils, which is scheduled to be hosted by Auburn Hills.

ANY OTHER BUSINESS

Administrative Report Regarding City's Dog Ordinance:

Mayor Barnett stated that the Administration was asked to respond to a resident's request to amend the City's current dog ordinance. That written response was distributed to City Council this evening. He then introduced Scott Cope, Director of Building/Ordinance Compliance, to answer any questions or concerns Council may have regarding this document.

President Hooper questioned if Mr. Cope felt the City's dog ordinance is adequate.

Mr. Cope responded that City Attorney Staran and Bob White, Supervisor of Ordinance Services, had researched whether or not the City should revise its current dog ordinance. He reported that the research confirmed that the City's ordinance which addresses prohibitive dog behavior rather than placing emphasis on breed specific regulation language is a more practical approach.

Mr. Rosen commented that since Council received the written response this evening, they should accept the report and then schedule it as a future agenda item to look into what else can be done.

Mr. Webber stated that he is comfortable accepting the report as presented.

Mr. Klomp concurred.

Mr. Cope stated they researched ordinances from seven (7) other communities and are having a difficult time finding language to create a better regulation than what the City currently has. He explained that they are dealing with behavior issues that cannot be regulated proactively.

Council Request Regarding Waste Removal and Recycling Program:

Mr. Pixley questioned if Mr. Cope could look into the possibility of offering a recycling program in apartment complexes and multi-family units.

Mr. Cope responded that he has received numerous requests from residents living in multi-family units wanting to participate in the recycling program. He stated that his department has done some research which he would like to put into report form and present to Council.

Report to Council Regarding the City's Solicitation Ordinance:

Mr. Cope stated he had received communications from Council Members Brennan and Rosen regarding resident complaints about door-to-door solicitors and reported that the City's ordinance restricts licensed solicitors from soliciting at homes that have 'no solicitation' signs posted.

NEXT MEETING DATE

Regular Meeting - Monday, April 12, 2010 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:23 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

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