



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

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

*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, November 9, 2009

7:00 PM

1000 Rochester Hills Drive

---

## CALL TO ORDER

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

## ROLL CALL

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

## Others Present:

*Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant  
Trip Brennan, Representative, Rochester Hills Government Youth Council  
Mike Hartner, Director of Parks and Forestry  
Bob Grace, Director of MIS  
Susan Galeczka, Deputy Clerk  
David Levett, Financial Analyst  
Roger Rousse, Director of DPS/Engineering  
Keith Sawdon, Finance Director  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

A motion was made by Ambrozaitis, seconded by Yalamanchi, that the Agenda be Approved as Amended to add Legislative File 2009-0505 Adoption of Resolution to meet in Closed Session on Monday, November 23, 2009 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices for the purpose of consulting with the City Attorney regarding the possible purchase or lease of real property under Attorney Matters. The motion CARRIED by the following vote:

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

## **PUBLIC COMMENT**

**Greg Domka**, 891 River Bend, commented that all of the City Council candidates conducted themselves with the highest integrity during the election season.

**Lee Zendel**, 1575 Dutton Road, offered congratulations to the winning candidates. He gave the following suggestions on how to be a better City Council candidate:

- Review the City Charter and the current budget plan book;
- Attend all budget discussion meetings;
- Every Wednesday prior to the City Council meeting, download and study the week's agenda, read the back up material, attend the City Council meeting and participate with opinions or questions;
- Apply for open positions on Boards, Commissions and Committees, attend some of the Boards, Commissions and Committee meetings as an interested resident;
- Attend Planning Commission meetings.

He suggested that a City Council candidate should be able to answer local issue questions, provide realistic improvement ideas for the City and its operation, conduct hard campaigning and many fundraisers. He reported that there are no guaranteed wins and there is always another election every two years.

The following residents expressed their gratitude and best wishes to Mr. Ambrozaitis for his service to the City and collective re-election congratulation wishes to Mr. Rosen and Mr. Yalamanchi:

**Greg Domka**, 891 River Bend; **Kim Barno**, 891 River Bend; **Lyn Toussaint**, 1005 Bloomer Road; **David Tripp**, 960 E. Tienken Road; **Lynnette Nitsche**, 3753 Everett Drive; **Alice Benbow**, 1482 Northumberland; **Melinda Hill**, 1481 Mill Race Road; **William and Martha Black**, 2408 Jackson Drive; **Joe Podvin**, 825 Dunedin Drive; **David Kibby**, 558 Whitney; **Deanna Hilbert**, 3234 Quail Ridge Circle; and **Carol Donovan**, 1394 Springwood Lane.

**Melinda Hill**, 1481 Mill Race Road, noted that service to the City as a City Council Member is a thankless job.

## **LEGISLATIVE & ADMINISTRATIVE COMMENTS**

**Mayor Barnett** made the following announcements:

- He thanked the Clerk's Department and the Election Workers for a job well done in posting the results by 10:15 p.m. He congratulated the election winners and commended everyone who runs for public office.
- An electronic version of the Hills Herald is now available online, but upon request, the Mayor's Office will have a limited number of print versions

available.

- The lighting of the Holiday Tree at the Village of Rochester Hills will be on Friday, November 28, 2009 at 7:00 p.m.
- The 23rd year of the Oakland County Sheriffs' Office Coats for the Cold Project is underway; the collection box is located in City Hall's Lobby.
- Veterans Day is on Wednesday, November 11, 2009 at 11:00 a.m. and the memorial service will be led by Ed Leafdale at Veterans Memorial Pointe.

**President Hooper** asked Mayor Barnett for an update on Tienken Road.

**Mayor Barnett** stated that he had just received an e-mail from Brent Bair of the Road Commission for Oakland County (RCOC) and had forwarded it to the City Council Members. He summarized that the RCOC's consultant expects to have the draft Environmental Assessment completed by the end of November 2009, at which time they will notify the City Administration and City Council.

**Trip Brennan**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the Youth Council is planning their projects for 2010. He reported that the RHGYC will be attending the City Council Oath of Office Ceremony on Thursday, November 12, 2009, participating at the City Employee Holiday Family Fun Night on Friday, December 4, 2009, and walking in the Greater Rochester Hometown Parade on Sunday, December 7, 2009. He stated that the RHGYC's primary project focus for 2010 is the 5k Run/Walk but that the charity has yet to be determined. He noted that the previous year's proceeds went to Veterans With Traumatic Brain Injury.

**Mr. Yalamanchi**, asked President Hooper for an additional five additional minutes to speak. He spoke of the benefits and opportunities of being elected to City Council and working with many people he would not have met otherwise. He thanked Mr. Ambrozaitis for his intense passion for the City and described Mr. Ambrozaitis' dedication to City Council as being pure and with a kindness not seen, having a magnanimous heart that loves the City, and for being a person very much misunderstood. He expressed his disappointment in the negative campaign literature supported by certain individuals in leadership that was distributed by mail during the campaign. Mr. Yalamanchi expressed his concern regarding how the resolution for the City's Budget was all inclusive, rather than voting on each fund separately as has been past practice. He questioned the integrity of the individuals that supported the distribution of such negative campaign material while stating that the City is marketed as the pre-eminent place to live, work and raise a family. He commented that the City should work together with the residents to preserve the wonderful character of the City. He stated that he will miss working with Mr. Ambrozaitis on City Council and that he has gained a wonderful friend in his life. He thanked Mr. Ambrozaitis for his service to the City and conveyed his best wishes to the Ambrozaitis Family.

**Mr. Webber** echoed the comments made by Mayor Barnett regarding observance of Veterans Day and thanked Mr. Ambrozaitis for his service to the City.

**Mr. Rosen** referenced Mayor Barnett's comments regarding the e-mail from

*Mr. Bair at the RCOC and inquired about the absence of any reference of City Council's resolution for the City to advocate the three lane alternative as the City's choice. He expressed his concern that the RCOC would complete the Environmental Assessment without input from the City or the residents.*

**Mayor Barnett** responded by referring to the last paragraph of Mr. Bair's e-mail stating that the RCOC expects the Environmental Assessment would be completed by the end of November and that the City Administration would be notified and a presentation would be made to the public.

**Mr. Pixley** expressed appreciation to the City's Administrative Staff for their work on the election. He reminded residents about participating in the Veterans Day Ceremony stating that this would be an opportunity to thank Veterans for their contribution. He commended Adams High School and its newspaper for encouraging its students and the community to abstain from texting while driving. He extended best wishes to Mr. Ambrozaitis.

**Mr. Ambrozaitis** stated that it was his request that no Recognition Ceremony take place this evening. He thanked Veterans for their service to the United States and congratulated Megan Goethals, Senior at Rochester High School, for winning the Girls' Division I Cross Country Championship.

**Mr. Brennan** thanked the City Clerk and election workers for a smooth election and the quick posting of the election results. He then highlighted the Auburn Hills/Rochester Coalition headed by Mr. Paul Funk which promotes a safe community from all forms of substance abuse, bullying, obesity and teenage sexuality. He announced the following events:

- The next General Coalition Meeting would be on Tuesday, November 10, 2009 at 52nd District Court in Rochester and stated that the speaker will be Kathy Parrish from Beaumont Hospital, educating parents regarding spring break and protecting children from illegal substances.
- The Coalition is conducting a parenting survey at [www.rahc.org](http://www.rahc.org); select 2009 Parenting Survey, to obtain the pulse of the community regarding parenting topics.
- Saturday, November 14, 2009, 8:00 a.m. to 2:00 p.m. is the Parenting and Wellness Fair, Lahser High School, hosted by The Building Better Families Through Action and the keynote speaker will be Dr. Michelle Borba whose topic is 'How to Raise Responsible Kids in a Raunchy, Racy World'. More information is available at [www.bbfaprevention.org](http://www.bbfaprevention.org).

He thanked Mr. Ambrozaitis for his contributions to the City, wished him well and asked him to stay involved. He expressed the honor of having his son, J. Martin Brennan, III participating in this evenings' City Council meeting.

**President Hooper** echoed previous Council Members' comments regarding the smooth election by the Clerk's Department, for the ultimate sacrifice given by Military Veterans and for the opportunity to participate in government. He congratulated Mr. Ambrozaitis for his involvement in the City and wished him well. He stated that preparations for a Recognition Night for Mr. Ambrozaitis had been underway but Mr. Ambrozaitis had requested that no such recognition

*be implemented. As such, Mr. Ambrozaitis' wishes were respected.*

## ATTORNEY MATTERS

**2009-0505** Adoption of Resolution to meet in Closed Session on Monday, November 23, 2009 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices for the purpose of consulting with the City Attorney regarding the possible purchase or lease of real property

**Attachments:** [Resolution.pdf](#)

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

Enactment No: RES0289-2009

**Resolved**, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.258, on Monday, November 23, 2009 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan. The purpose of the Closed Session is to consult with the City Attorney regarding the possible purchase or lease of real property.

## RECOGNITIONS

**2009-0488** Proclamation in Recognition of November as National Caregivers Month

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

**Mayor Barnett** read the proclamation in recognition of November as National Caregivers Month.

**Presented.**

**Whereas**, during this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a city, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are critically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among the city's most important natural resources.

**Whereas**, the need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver.

**Whereas**, family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills, do hereby recognize November 2009 as National Family Caregivers Month in the City of Rochester Hills, Michigan.

**2009-0494** Proclamation in Recognition of November as Pancreatic Cancer Awareness Month

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

**Mayor Barnett** read the proclamation in recognition of November as Pancreatic Cancer Awareness Month.

**Presented.**

**Whereas**, over 37,000 people will be diagnosed with pancreatic cancer this year in the United States and over 34,000 will die from the disease; and

**Whereas**, pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the United States; and

**Whereas**, seventy-five percent of pancreatic cancer patients die within the first year of their diagnosis and ninety-five percent of pancreatic cancer patients die within the first five years; and

**Whereas**, there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 30 years; and

**Whereas**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of those diagnosed with metastasis disease is only three to six months; and

**Whereas**, the good health and well-being of the residents of Rochester Hills are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

**Whereas**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Michigan and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

**Whereas**, the Pancreatic Cancer Action Network and its affiliates in Michigan support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council designate the month of

November 2009 as "Pancreatic Cancer Awareness Month" in the City of Rochester Hills.

**2009-0489** Presentation of 2009 Community Heart Awards; Suzanne White, presenter

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

**Suzanne White**, 1598 Parke, Executive Director, representing Holiday Helpers of Rochester Hills, thanked City Council, Mayor Barnett, the Executive Board of Directors of Holiday Helpers and the City's residents for the 11th year of the Holiday Helper Christmas Program. She thanked the following businesses for their community participation as well: Meijer, Providence Avon, YMCA NOW Swim Team, A Raymond/Ray Connect Corporation, Parisian, Hamlin Boy Scouts, Gold Star Restaurant and the newest addition of Premier Storage. She thanked the heroes from the Oakland County Sheriffs Office and City of Rochester Hills Fire Department.

With the assistance of **Theresa Mungoli**, she presented the Community Heart Award to two corporations in Rochester Hills:

- The Village of Rochester Hills, represented by Michelle Shafir and Jessica Presner
- Cornerstone Community Financial Credit Union, represented by Stephanie Leahy and Julianna Blankenship

In addition, **Ms. White** announced the Meijer Simply Give a Gift Card Program where an individual's \$10 donation goes directly to the Rochester Hills community and to-date, approximately \$2,000.00 had been raised.

**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.

**2009-0500** Request to Transfer classification of 2009 Class C licensed business to a Tavern license for CEC Entertainment, Inc. (Chuck E. Cheese)

**Attachments:** [Agenda Summary.pdf](#)  
[Local Approval Notice.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0290-2009

**Resolved**, that the request from CEC Entertainment, Inc. (a Kansas Corporation) to transfer classification of 2009 Class C licensed business to a tavern license, located at 201 Auburn, Rochester Hills, Michigan 48307, Oakland County be considered for approval.

## Passed the Consent Agenda

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

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

## The following Consent Agenda items were discussed and adopted by separate Motions:

**2009-0453** Request for Approval - DPS/ENG: 2009-2010 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Livernois Road

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

### **Public Comment:**

*Alice Benbow, 1482 Northumberland, requested that if any Council member has a conflict of interest, they disclose it.*

*Roger Rouse, Director of DPS/Engineering, stated that the Road Commission for Oakland County (RCOC) engages the City to maintain snow clearance on Livernois and has been doing so for the past ten years. He explained that because Livernois is a primary road, this engagement enables the City to maintain a higher level of service for road clearance.*

**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: RES0292-2009

**Resolved**, that the Rochester Hills City Council hereby authorizes the 2009-2010 Winter Maintenance Agreement for Livernois Road between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) and further authorizes the Mayor and Clerk to execute the agreement on behalf of the City.

**2009-0486** Request for Purchase Authorization - MIS: Contract/Purchase Order for Oracle Enterprise One Support Services through December 31, 2010 in the amount of \$40,000.00; Rimini Street, Inc., Las Vegas, NV

**Attachments:** [Agenda Summary.pdf](#)  
[Proposals Evaluation.pdf](#)  
[Services Support Table.pdf](#)  
[Resolution.pdf](#)

### **Public Comment:**

*Alice Benbow, 1482 Northumberland Drive, questioned why the City is conducting business with an out-of-state vendor.*



**Bob Grace**, Director of MIS, responded that Oracle, the software vendor, is located in California, and that the only Michigan vendor that responded was going to assign a person to support this contract who happened to be located in Atlanta, Georgia.

**Mr. Grace** explained that Rimini Street is replacing Oracle as software support service for the City's Oracle software systems. He stated that the City's power users are very satisfied with the current software and the decision was made to forego any upgrades from Oracle down the road. He continued that Rimini Street has been very successful with its Oracle software support services because the vendor understands the Oracle software and has found a niche by being financially competitive and can provide the software support service that the City needs, including the necessary tax and regulatory updates. He further stated that the Road Commission for Oakland County, the City of Flint, and Kent County also utilize Rimini Street and have provided positive references.

**A motion was made by Brennan, seconded by Pixley, 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: RES0293-2009

**Resolved** that the Rochester Hills City Council hereby authorizes a Contract/Purchase Order for Oracle Enterprise One Support Services through December 31, 2010 to Rimini Street, Inc., Las Vegas, Nevada in the amount of \$40,000.00.

## PUBLIC HEARINGS

**2009-0497** 2010 Plan Year / Annual Community Development Block Grant (CDBG) Program Application

**Attachments:** [Agenda Summary.pdf](#)  
[Minor Home Repair Program Guidelines.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution.pdf](#)

**Keith Sawdon**, Director of Finance, introduced David Levett, Financial Analyst, to give a brief overview of the Community Development Block Grant (CDBG) Program.

**Mr. Levett** stated that the City of Rochester Hills participates in Oakland County's CDBG Program wherein Oakland County receives and distributes Federal Housing and Urban Development (HUD) monies to local communities. As part of the application process, the City is required to hold a public hearing and adopt allocations for the upcoming year. The County has provided a planning allocation of approximately \$151,000.00 in order to complete the application process. No changes to the program are being proposed and the City plans to provide the maximum of 30% to Public Service activities, such as Yard Services and Youth Services, and the remaining 70% is allocated to the Minor Home Repair Program which provides health and safety-related repairs for low-income residents.

***President Hooper Opened the Public Hearing at 8:16 p.m.***

***President Hooper*** asked if there were any members of the Public that wished to speak.

**Public Comment:**

***Pam Strzalkowski***, Rochester Area Youth Assistance (RAYA), spoke in support of their partnership with Rochester Avon Recreation Authority (RARA) to provide Camp Safari which served 81 children in low-income areas this past summer. She thanked City Council for their continued support of these programs. She thanked Mr. Levett and Mr. Ambrozaitis for their help explaining the CDBG funding process.

***John L. Dalton***, Avondale Youth Assistance (AYA), thanked the City of Rochester Hills for its ongoing support. He stated that 35 at-risk young adults were assisted by this program last year and stressed the importance of continuing their outreach during these tough, economic times.

***Stephanie Longley***, HAVEN, thanked the City of Rochester Hills for its past help and support. She explained that HAVEN is Oakland County's Domestic Violence and Sexual Assault Center and has numerous offices in the Oakland County area. She reported that 207 individuals from Rochester Hills had been assisted last year and requested \$10,000.00 to continue HAVEN's services.

***Kim Spampinato***, Executive Director of the Rochester Area Neighborhood House (RANH), reported that RANH has been in operation in the City of Rochester for 42 years, servicing the communities of Rochester, Rochester Hills, Auburn Hills and Oakland Township with food, clothing, shelter, counseling and transportation services. She reported that 35% of clients are new each month, food orders have increased by 10%, and approximately 50% of their clients reside in Rochester Hills.

***President Hooper closed the Public Hearing at 8:23 p.m.*** He inquired if the allocation of the split monies set forth are typical from year to year.

***Mr. Levett*** responded that the allocation is consistent with last year; there was a reduction in the City's public service cap from 45% to 30% which was implemented last year.

***Mr. Yalamanchi*** indicated that he would abstain from voting as he sits on the Board for the Neighborhood House.

**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, Brennan, Hooper, Pixley, Rosen and Webber

**Abstain** 1 - Yalamanchi

Enactment No: RES0294-2009

**Whereas**, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other

Community Planning and Development (CPD) programs; and

**Whereas**, Oakland County has requested CDBG-eligible projects from participating communities for the Action Plan; and

**Whereas**, the City of Rochester Hills has duly advertised and conducted a public hearing on November 9, 2009 for the purpose of receiving public comments regarding the proposed use of Program Year 2010 Community Development Block Grant funds (CDBG) in the approximate amount of \$151,479; and

**Whereas**, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account Number	Project Name	Amount
731227	Minor Home Repair	\$106,036
732170	Yard Services	\$23,925
732185	Youth Services	\$11,939
730571	Battered & Abused Spouses	\$7,079
730571	Emergency Services	\$2,500

**Now, Therefore, Be It Resolved**, that the City of Rochester Hills CDBG application as outlined is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

## ORDINANCE FOR INTRODUCTION

**2009-0484** Acceptance for First Reading - An Ordinance to amend Article VI, Retiree Health Benefit Plan and Trust, of Chapter 82 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[110909 Agenda Summary.pdf](#)  
[110909 Resolution.pdf](#)  
[Resolution.pdf](#)

**Mr. Keith Sawdon**, Director of Finance, reminded City Council that back in June 2009, the Administration had presented a Trust document to set up and recognize the City's obligations for Other Post Employment Benefits (OPEB). At that time, the document was split into two trusts: one trust was for supplemental benefit and the other trust was for implicit rate subsidy. The Supplemental Benefit Trust was approved and has been reviewed by the

*Internal Revenue Service (IRS) twice. He stated that this Trust was created under Section 115 with the intent of the earnings from the Trust becoming tax-exempt as the City is a tax-exempt entity and Section 115 addresses tax-exemption. He further stated that the IRS has recommended a couple of minor changes and these are the amendments requested by the IRS for first reading.*

**Mr. Sawdon** explained that the Trust document called for the creation of a Board of Trustees for the Retirement Health Care Benefit Trust. The Board first met on October 27, 2009 for an organizational meeting. The Board adopted Bylaws, elected officers, appointed an Administrator for paperwork preparation and appointed an external auditor. In addition, the Board also granted authorization to move forward with the City's actuarial report for 2010. The Board held a second meeting on November 2, 2009 to review the City's investment policy statement which is a very complicated document. He noted dialogue and discussion that resulted in some minor amendments to the proposed investment policy statement. The Board has adopted that policy statement and has reviewed the current investment providers that work with the City for both the Retiree Health Care Savings Program and the City's Retirement Plan. The Board has reviewed different investment options and selected one of those providers to initially manage the funds for the Trust. He reported that the next step is to gain IRS approval on Section 115.

**President Hooper** commented that both Mr. Wissbrun and Mr. Cline have proven to be valuable members of this Board, noting they identified some of the corrections that are contained in this amendment.

**Mr. Yalamanchi** questioned if future revisions to the Trust document recommended by the Board of Trustees will be brought before City Council for their approval.

**Mr. Sawdon** stated that the IRS wants City Council to review revisions to the Trust document in conjunction within a bargaining agreement, but not have a bargaining agreement drive Trust document revisions.

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

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

Enactment No: RES0302-2009

**Resolved**, that an Ordinance to amend Article VI, Retiree Health Benefit Plan and Trust, of Chapter 82 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

**2009-0485** Acceptance for First Reading - An Ordinance to add Article VII, Retiree Health Care Implicit Rate Subsidy Trust, to Chapter 82 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[110909 Agenda Summary.pdf](#)  
[110909 Resolution.pdf](#)  
[Resolution.pdf](#)

**Mr. Sawdon** referenced the Supplemental Trust document and explained that this is the Implicit Rate Trust document which has been structured around the Supplemental Trust document and includes the recommended IRS changes that were implemented in the Supplemental Trust document.

**Mr. Yalamanchi** inquired if the same Board of Trustees is involved with the Implicit Rate Trust document as well.

**Mr. Sawdon** assured Councilman Yalamanchi that the Board of Trustees is administrating both Trusts.

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

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

Enactment No: RES0303-2009

**Resolved**, that an Ordinance to add Article VII, Retiree Health Care Implicit Rate Subsidy Trust, to Chapter 82 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

## ORDINANCE FOR ADOPTION

**2009-0471** Acceptance for Second Reading - An Ordinance to amend various sections of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and add definitions; modify tenant responsibility provisions; add remedies for violations; delete high-strength surcharge exemption for restaurants; require owner approval for water service connections by tenants; authorize disconnection of prohibited connections; authorize cost recovery for violations; adopt grease interceptor requirements; repeal conflicting ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[102609 Agenda Summary.pdf](#)  
[102609 Resolution.pdf](#)  
[Resolution.pdf](#)

**A motion was made by Ambrozaitis, seconded by Brennan, 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: RES0291-2009

**Resolved**, that an Ordinance to amend various sections of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and add definitions; modify tenant responsibility provisions; add remedies for violations; delete high-strength surcharge exemption for restaurants; require owner approval for water service connections by tenants; authorize disconnection of prohibited connections; authorize cost recovery for violations; adopt grease interceptor requirements; repeal conflicting ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption and shall become effective on Friday, November 20, 2009, the day following its publication in the Rochester Post on Thursday, November 19, 2009.

## NEW BUSINESS

**2009-0333** Request for Approval of Clinton River Valley Parcel #15-15-404-002 for Acquisition as recommended by the Green Space Advisory Board

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

**Mr. Dahlvin Peterson and Mr. Tim Gauthier**, representatives of Green Space Advisory Board (GSAB) to provide the following recommendation report:

GSAB Charter and Assignment - GSAB Charter - 2005 - City Council Resolution

*"Be it Resolved that upon passage of the Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills, the Rochester Hills City Council will establish an Open Space Advisory Board for the purpose of planning and developing strategies, recommending acquisitions and maintaining the green space funded through this millage."*

2009 Citizen Representatives:

*Linda Raschke, Tim Gauthier, Lorraine McGoldrick, Bill Windscheif, Laura Douglas, Dahlvin Peterson, Paul Funk, Jerry Carvey and Lynn Loeb.*

Youth Representatives:

*Michelle Thorpe, Aly Difilippo and Sresht Rengesh*

Staff Members:

*Mike Hartner, Kurt Dawson, Roger Moore and Ravi Yalamanchi (Council Representative).*

GSAB Property Evaluation Criteria - Greenspace/Natural Features Criteria:

- Water Resources - rivers, streams, ponds and lakes; wetlands, floodplains
- Habitat Protection - wildlife habitat, woodlands
- Recreational/Historical Resources - Clinton River greenway corridor, other

*streams and trail corridors, adjacency/connectivity, scenic views, passive recreation, historical/cultural, community planning*

- *Other factors - other unique factors, market value considerations, development risk, steep slopes, size of property*
- *Adverse factors - environmental hazards, higher than "market value" costs, any unique detractors*

*Since the last GSAB Property Recommendation in June 2009:*

- *Monthly GSAB committee meetings*
- *Open meetings with regular citizen input*
- *Work Plan and Sub-Committees in place*
- *Youth Members integrated into the GSAB process*
- *Developed and submitted a Kodak Foundation grant application to fund green space stewardship*
- *Supported the city's grant application from the MNRTF for acquisition of the previously nominated Clear Creek parcel*
- *Received a new nomination for two parcels; Clinton River valley parcels 1 and 2*
- *Reviewed Natural Features Inventory data, conducted site visits, evaluated and scored these parcels*
- *GSAB is now recommending the City pursue acquisition of Clinton River Valley Parcel 2*

*Clinton River Valley Parcel 2:*

*A narrow strip of 6 wooded acres in between the Clinton River and the Clinton River Trail, also between the Harding Road and Childress green spaces.*

- *GSAB conducted an on-site tour in September and observed:*
  - \* *Access to the river and the trail*
  - \* *'Wildlife Habitat Priority 1' in the Natural Features Inventory*
  - \* *Wetlands (100%)*
  - \* *Woodlands (84%)*
  - \* *Passive recreation opportunities*
  - \* *Good fit with Oakland County Green Infrastructure vision*
  - \* *Parcel is in an area of the City with relatively few public green spaces*
  - \* *Natural scenic area along the trail*
  - \* *Wetlands in between the trail and the river*
  - \* *Parcel allows for views of high bluffs that are on the south side of the Clinton River*

*Strengths of this site:*

- *Contributes to the 'feel' of a natural setting on this part of the trail*
- *Provides connectivity between the trail and the river*
- *Builds on a green space corridor through the middle of the City*
- *Close proximity to Harding road and Childress green space parcels*

*Discussion Point - Why should this parcel be acquired when it is unlikely that it will ever be developed?*

Benefits of public ownership include:

- Legal access to the property and to the river
- Ability to protect the property from inappropriate uses
- Ability to protect the property from environmental threats
- The opportunity to promote Rochester Hills to visitors as a community that values green space through signage on trail
- And this parcel is likely to be less expensive than other sites with river and trail access that might be developable

Recommendation:

GSAB has reached a consensus decision to recommend Clinton River Valley Parcel 2 for acquisition under the Green Space Millage.

- This property meets the intent of the Green Space Millage approved by voters:
  - \* Protection of water resources, habitat protection, woodlands, recreational value and natural features
  - \* A Clinton River Greenway Corridor
  - \* Connectivity with other resources

Discussion:

**Mr. Gauthier** stated that GSAB's recommendation is to form an acquisition team to open negotiations with the owners. He further stated that any recommendations to acquire the property will be brought back before Council for their approval.

**Mr. Yalamanchi** stated his appreciation for the extensive research, time and due diligence the members of this Board put in to each of these recommendations.

**A motion was made by Ambrozaitis, seconded by Webber, that the Request for Approval to pursue the Clinton River Valley Parcel for acquisition be Adopted by Resolution. The motion CARRIED by the following vote:**

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

Enactment No: RES0295-2009

**Whereas**, the Rochester Hills City Council established the Green Space Advisory Board (GSAB) for the purpose of developing strategies and recommendations to City Council regarding the expenditure of Open Space Millage funds for permanently preserving natural green spaces, wildlife habitats and scenic views; protecting woodlands, wetlands, rivers and streams; and expanding the Clinton River Greenway and other trail corridors;

**Whereas**, the GSAB has established a Property Interest Acquisition Process which includes parcel identification, determination of availability, assemblage of a candidate list, determination of target properties and recommendation to City Council;

**Whereas**, the GSAB has established a Property Evaluation Criteria which includes water resources, habitat protection, recreational/historical resources, other factors and adverse factors;



**Whereas**, the GSAB has evaluated the nominated properties based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Green Infrastructure Network;

**Whereas**, the GSAB has also considered how the nominated parcel supports the Master Recreation Plan;

**Whereas**, the GSAB, based on its findings, recommends the City pursue the acquisition of Parcel No. 15-15-404-002, referred to as Clinton River valley parcel 2, consisting of approximately 6.0 acres, located on the north side of the Clinton River, west of Rochester Road;

**Now Therefore Be It Resolved**, that the Rochester Hills City Council adopts the GSAB's recommendation to pursue the acquisition of Parcel No. 15-15-404-002, referred to as Clinton River valley parcel 2, consisting of approximately 6.0 acres, located on the north side of the Clinton River, west of Rochester Road;

**Be It Further Resolved**, that the City Council authorizes the Administration to create an acquisition team and begin the acquisition process with the property owners.

**2007-0324** Request for Approval of an Extension of the Tentative Preliminary Plat until May 17, 2010 - Rochester Meadows, a 47-lot subdivision development on approximately 22 acres, located east of Rochester Road and south of Avon, zoned R-3, One Family Residential, Rochester Meadows LLC, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Letter Rathka 031909.pdf](#)  
[Letter Rathka 090209.pdf](#)  
[Map.pdf](#)  
[Site Plans.pdf](#)  
[071408 Agenda Summary.pdf](#)  
[Memo Delacourt 061608.pdf](#)  
[Letter Rathka 042408.pdf](#)  
[PC Minutes 061708.pdf](#)  
[071408 Resolution.pdf](#)  
[062707 Agenda Summary.pdf](#)  
[Memo Delacourt 051507 Mtg.pdf](#)  
[062707 Resolution.pdf](#)  
[Letter Rathka 042307.pdf](#)  
[PC Minutes 051507.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning, introduced Mr. Joseph Check, representing Rochester Meadows, LLC. Mr. Anzek reminded City Council that an extension had been requested in May 2009. He explained that there had been several other extensions requested at that time which resulted in the adoption of the Policy on extension procedures in July 2009. He further stated that Mr. Check and his team had been working on the engineering drawings and have submitted a letter to the City that brings them into compliance along with taxes and back escrows with the extension policy. He stated that it is the recommendation of the Planning Commission to grant the extension.

Responding to President Hooper and Mr. Yalamanchi's inquiries, Mr. Check stated the final engineering plans have been submitted and should be in the preliminary plat process. Therefore, no further extensions will be necessary

*beyond May 2010. He stated they are committed to this project and plan to move forward.*

**A motion was made by Ambrozaitis, 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: RES0296-2009

**Resolved**, that the Rochester Hills City Council hereby approves an Extension of the Preliminary Plat for Rochester Meadows Subdivision, a 47-lot single-family development located south of Avon, east of Rochester Road, Rochester Meadows LLC, applicant.

**2009-0438** Request for Purchase Authorization - DPS/ENG: Three (3) year contract for wetlands and environmental consulting services in the amount not-to-exceed \$232,500.00 through December 31, 2012; ASTI Environmental, Brighton, MI

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

**Public Comment:**

**Alice Benbow**, 1482 Northumberland, stated that in reviewing the math, she found the \$77,500.00 figure per year for a consulting business to be exorbitant and asked for clarification on this expenditure.

**President Hooper** responded that consulting fees are paid only when needed and paid primarily by a developer.

**Mr. Anzek** concurred, stating that most costs are passed through by developers. However, the City does incur some costs due to road work, drains, water lines and through the GSAB property acquisition process. He reiterated that this is not an obligated amount.

**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: RES0297-2009

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract to ASTI Environmental, Brighton, Michigan for wetlands and environmental consulting services in the amount not-to-exceed \$232,500.00 through December 31, 2012 and further authorizes the Mayor to execute a contract on behalf of the City.

**2008-0439** Request for Purchase Authorization - DPS/ENG: Increase for Final Tri-Party Cost Participation Invoice for base repair and overlay on Adams Road, north of Hamlin Road to Walton Boulevard in the amount of \$2,152.00; Road Commission for Oakland County, Beverly Hills, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Tri-Party Final Invoice.pdf](#)  
[Tri-Party Agreement Signed.pdf](#)  
[090808 Agenda Summary.pdf](#)  
[Tri-Party Agreement.pdf](#)  
[090808 Resolution.pdf](#)  
[Resolution.pdf](#)

**Roger Rouse**, Director of DPS/Engineering, stated that the purchase request comes to City Council as part of the Tri-Party Cost Agreement for the Adams Road repairs. When the project was completed, the costs went slightly over the estimated amount.

**President Hooper** asked for an update on the Tri-Party Program.

**Mr. Rouse** responded that Oakland County adopted a reduced Tri-Party Program. He explained that as each project goes forward, it has to have the support of the County Commissioner who then submits it to the Road Commission for Oakland County (RCOC) for funding.

**President Hooper** questioned what the City's allocated amount was.

**Mr. Rouse** stated that is \$1,000,000.00 for all Oakland County communities, not just Rochester Hills.

**Mayor Barnett** reported that there is approximately \$640,000.00 in Tri-Party Funding that has not yet been allocated yet but will verify that amount.

**Mr. Pixley** inquired if the \$645,000.00 is part of the aforementioned \$1,000,000.00. He further questioned if the project submission procedure is different than it had been in the past.

**Mr. Rouse** stated that previously there was no formal County approval of projects required.

**Mr. Yalamanchi** asked for clarification in relation to Mr. Pixley's question regarding the \$645,000.00, if that is the City's share from previous years and if there is a residual balance.

**Mayor Barnett** responded that the monies had been accumulated and used for various projects but that the most recent monies set aside for 2009 was for the City's portion of the Walton Boulevard project; but because Walton Boulevard is on hold, the monies remain available to the City for future projects but have not been reallocated.

**Mr. Yalamanchi** questioned if that is in addition to the share of \$1,000,000.00.

**Mayor Barnett** responded that it is in addition to the City's opportunity to compete for the \$1,000,000.00 that Oakland County has been funded.

**Mr. Yalamanchi** requested an update as to the status of Crooks Road, near Hamlin.

*Mr. Rousse* responded that it was submitted as part of a grant application for funding and his hope that it will be granted, but if not, then the City will have to review other options. He stated that the RCOC has indicated that they are not in a position to fund that project; therefore, the City will have to determine if it wants to take on that project possibly using Tri-Party Funds.

*Mr. Yalamanchi* asked if the State has approved its portion of the project.

*Mr. Rousse* stated the State has granted its approval and the project will begin from the boulevard section to the south end and continue to Starr Batt. The City is reviewing that section of Star Batt to Hamlin Road to include some intersection improvements.

*Mr. Brennan* asked Mr. Rousse if it is normal practice to allow for a 'project cost overage amount' such as ten percent, which seems to be a very small, insignificant percentage.

*Mr. Rousse* responded that the City's projects do allow for a ten percent contingency, but because this is a RCOC project funded by Tri-Party Funding, an estimate was provided for the City's approval but any additional costs incurred would require approval by City Council. He explained that City projects have a design contingency, generally ten percent, which would have covered this but RCOC does not.

**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: RES0298-2009

**Resolved**, that the Rochester Hills City Council approves the increase for the Final Tri-Party Cost Participation Invoice for base repair and overlay on Adams Road, north of Hamlin Road to Walton Boulevard to Road Commission for Oakland County, Beverly Hills, Michigan in the amount of \$2,152.00.

## **COUNCIL COMMITTEE REPORTS**

### **MR-42E Noise Barrier/Sound Wall:**

*President Hooper* reported that the Committee held its first meeting and has been moving along in its discussions.

### **Board of Trustees to the Retiree Health Care Trust:**

*President Hooper* reported that the Committee has met twice as reported earlier.

### **Older Persons Commission:**

*Mr. Yalamanchi* gave a brief update of the three-year budget plan covering 2010, 2011 and 2012 and that budget trimming discussions are ongoing but no final decisions have been made at this time. He stated that the Finance

*Committee had been meeting frequently.*

## **ANY OTHER BUSINESS**

*Mr. Ambrozaitis thanked his wife Beth for her sacrifice while he has held office. He stated that it has been a unique journey over the last four years. He thanked Mr. Yalamanchi for his courage to make the public statements that he made during Legislative Comments. He expressed his affection for the City and stated that he is looking forward to serving in the private business sector.*

*Mayor Barnett commented that he had had some pretty good debates with Mr. Ambrozaitis, appreciates his passion for the City and expressed best wishes to both Mr. and Mrs. Ambrozaitis.*

## **NEXT MEETING DATE**

NEXT MEETING DATE - Regular Meeting - Monday, November 16, 2009 –  
Cancelled; - Regular Meeting - Monday, November 23, 2009 - 7:00 PM

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 9:14 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.*