



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, September 21, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:00 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
Tracey Balint, Project Engineer
Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Mike Hartner, Director of Parks and Forestry
Captain Mike Johnson, Oakland County Sheriff's Office
Pamela M. Lee, Director of Human Resources
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Joe Snyder, Senior Financial Analyst
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, cited an article in the Detroit Free Press stating that Michigan communities are fighting to save recreation programs and their leaders are turning to taxpayers for their help. He stated as Michigan economics tighten city and county budgets, Michigan recreation centers are being cut from City budgets. He reported that on September 28, 2009, Troy City Council plans to discuss privatization of its city parks, recreation department and other non-essential city services. He read the statement made by the Executive Director of the Michigan Parks Association that Michigan Parks and Recreation are essential to communities but police and fire services are considered first.

Doug Siehda, 3277 Quail Ridge Circle, representing the Quail Ridge Homeowners Association, stated their roads are over 30 years old and in need of replacement. He stated that he was respectfully requesting a transfer of monies from the proposed 2010 maintenance budget to slab repair replacement programs to include the replacement of those areas that were surveyed and deemed to be in need of replacement.

Melinda Hill, 1481 Mill Race Road, had the following announcements:

- She thanked the Mayor for the placement of a link on the City's webpage for the Friends of the Clinton River website and stated the Fifth Annual Clinton River Trail Fall Classic Ride is scheduled for Saturday, September 26, 2009 at 8:30 a.m.
- She commented on the poor voter turnout for the September 15th primary and stated that the City needs to encourage residents to vote November 3. She suggested that this could be accomplished if the City's cable channel could televise the October 7, 2009 League of Women Voters program several times.
- She stated she misspoke during the City Council Budget Discussions during discussion of the Weed Ordinance. She explained that the revenues do cover expenses; there is a delay period from when the revenues are collected and as items appear on the delinquent tax roll. She inquired how the \$135,000.00 for this year compares to the amount from previous years.
- She mentioned the Tienken Road-Livernois-Sheldon resolution that was passed in July and inquired if City Council and the Administration are working with the Oakland County Road Commission for promotion of the three-lane option.
- She referenced the \$420,000.00 in professional services under the SMART Zone, and questioned what the money was for and where it is coming from.

Jim Kubicina, 2423 Chalet Drive, Chairman of the Deer Management Advisory Committee (DMAC), announced that the DMAC would be presenting its report and recommendations at the City Council Regular Meeting on Monday, September 28, 2009, at 7:00 p.m. He reported that the DMAC had met thirteen (13) times since March of 2009, were successful in its accomplishments and thanked everyone involved.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Brennan announced that County Commissioner Sue Ann Douglas stated that the Tri-Party Road Funding has been partially restored and will aide the City in the maintenance of its roads.

Mayor Barnett made the following comments and announcements:

- A Senior Flu Shot Clinic is scheduled for Friday, October 2, 2009 from 9:00 a.m. - 3:00 p.m. at City Hall.

- Regarding the traffic and construction situations on Hamlin, M-59, the Livernois Bridge, and soon on the Auburn Bridge and the ongoing road work in some of the residential neighborhoods, he reported that work is being conducted diligently to complete as many of the road projects as possible before the inclement weather delays the road work. He stated he would have an update for City Council of projects that may have to be delayed.

- 'Coffee With the County Commissioners' - Commissioners Douglas, Greimel, Gosselin and Gingell will be held on Wednesday, September 23, 2009 at City Hall at 8:00 a.m. in the City Hall Auditorium and hosted by the Rochester Chamber of Commerce.

Mayor Barnett reported that information would be forthcoming for inclusion with the residents' water bills and introduced Tracey Balint, Project Engineer, to report that the City would be conducting water testing in November 2009 and January 2010 to monitor the City's water system.

Ms. Balint commented that the water test samples conducted in November 2007 and January 2008 would have to be performed again and explained that the sample containers had broken from the November 2007 testing. She stressed that the homeowner had shut the water off at the January 2008 testing site and testing could not be performed at that time. She stated that the City of Rochester Hills will continue delivering quality water to all of its customers.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2009-0366 First Quarter Report for the Single Hauler Solid Waste Program and the Recycle Bank Program

Attachments: [Agenda Summary.pdf](#)
[Rochester Hills August Presentation.pdf](#)
[Solid Waste Presentation 1st Q.pdf](#)

Ed Anzek, Director of Planning and Development, introduced Atul Nanda, Vice President, Mid-West Region and President of Canadian Division of RecycleBank; Alyson Paltelky, Regional Account and Rewards Manager of RecycleBank; Brian Holland, General Operations Manager of Allied Waste; Scott Cope, Director of Building/Ordinance, and Bob White, Ordinance Supervisor.

Mr. Nanda presented the RecycleBank report as follows:

The RecycleBank program began in earnest in April 2009.

Rochester Hills - Recycling Per Househousehold (in lbs.):

April 2009: 52.98 lbs.

May 2009: 64.32 lbs.

June 2009: 53.04 lbs.

July 2009: 53.02 lbs.

August 2009: 64.01 lbs.

Rochester Hills' Monthly Participation:

Saturday, August 1, 2009 to Monday, August 31, 2009: 17,678 Participants at a 93.61% participation rate and 1,207 Non-Participants at a 6.39% non-participation rate, totalling 18,885 participants/non-participants.

* Participation is calculated by dividing the total number of households that set out a container at least once during a given month, by the total number of households with containers.

Total Users: Active Registered and Pending Registration:

Active - 12,197 at a 64.6% rate and 6,688 at a 35.4% rate.

* Active registered users have a RecycleBank account and have agreed to the terms-of-service for the RecycleBank program.

**Rochester Hills - Activated Households:
Percent Activated By Route:**

Mr. Nanda reported increases in City residents participation and while 'pounds per household' rates reflected a small reduction during the summer; September 2009 will reflect the monthly trend increase by an approximate fourteen (14) pounds per household per month.

August 2009 - Rochester Hills, Michigan Rewards - Top 10 Reward Partner Redemptions:

- Coca - Cola - 17%
- Hollywood Markets - 16%
- Whole Foods Market - 4%
- Simply Juice - 4%
- POWERADE - 3%
- Rochester Hills Beer Co. - 3%
- Kashi - 3%
- Bed Bath & Beyond - 2%
- Bordine Nursery- 2%
- Mind Body & Spirits - 2%

- Others - 46%

Breakdown of Local and National Reward Redemption:

National - 66.23%

Local - 44.77%

Top Ten Reward Category Redemptions:

- Grocery and Food - 38%
- Non-Alcoholic Beverage - 28%
- Restaurants - 13%
- Home - 4%
- Apparel - 3%
- Pharmacies - 3%
- Flowers, Gifts and Jewelry - 3%
- Casual Dining - 2%
- Beauty and Health - 2%
- Eco-Friendly - 2%
- Others - 7%

Mr. Atul reported the growth trend in redemptions ordered is mostly grocery-related due to economic need.

Tools For Activation:

Activation is a key metric for a successful RecycleBank program. Each month the rates are analyzed. Some tools for increasing activation include:

- Activation Postcard
- Phone Outreach (IVR)
- Messaging on City Website
- Envelope insert in City Billing (water, etc.)

Ongoing RecycleBank User Outreach:

RecycleBank reaches out to registered households in the program to keep them engaged and encourage redemption in a number of ways:

- E-mails when Points for pick-ups are added to account
- The Village Green, a monthly e-newsletter
- E-mails with hot deals and special reward offers are sent periodically
- Regular addition of new rewards, seasonal categories and green content to website
- New web features such as the ability to comment on articles and creation of sub-accounts are developed

Public Relations Successes:

Objectives included:

- Create buzz and excitement about the RecycleBank program
- Increase and sustain awareness
- Encourage participation
- Position the City of Rochester Hills and Mayor Bryan Barnett as environmental leaders

Result:

- Eleven (11) Media Impressions with an Estimated Publicity Value of \$294,628.06
- Three (3) Detroit Free Press articles
- Two (2) WXYZ ABC 7 News Clips
- One (1) WJBK Fox 2 News Clip
- One (1) article in The Detroit News and The Chicago Tribune
- One (1) WDIV-TV Channel 4 mention
- One (1) state and local release sent over the Associated Press Wire

SINGLE WASTE HAULER AND RECYCLING PROGRAM

1st Quarter Report - March 30, 2009 to June 30, 2009

Implementation:

- Council awards Contract November 8, 2008
- Mayor immediately moved to implementation
- Establishes two (2) Committees: Technical and Communications (Mayor serves on both)

Technical Committee:

- Hotline for Residents, Data, Routing, Collection Days, Logistics, Timing, Identify all S.F. Homes, Staging, Complaints, Address Ranges, Complaint Resolution, Counts, Follow-Up, Mapping, Coordination, Details, Geographic Information System, Holidays, Cul-De-Sacs, Dead-End, Private and Narrow Streets.

April Complaints - Missed Service:

19,500 Homes
 x 3 3 stops per week

58,500

x 4 Weeks in April

234,000 Total Service Stops

68 Complaints/Missed Service

99.971% Success Rate

May - 52 Complaints; June - 49 Complaints; July - 54 (vacation confusion); August - 15

Communications Committee:

- Tasked with informing and educating residents about new trash service: mailers, letters, start-up kits, feature stories, articles, hotline, instructions, answers and contact info, and national promotion

Results: 1,656 tons have been recycled (equivalent of 3 1/2 fully loaded 747 airplanes)

Economies of the Program:

A typical household:

- Pre-Program: trash and waste service; \$75 per quarter, \$300 annually (with Allied Waste)
- New Program: trash, recycle and yard waste service; \$46.14 per quarter, \$184.56 annually, with 5% pre-pay discount (-\$9.29) and 3% auto pay discount (-\$5.54) equals \$169.73 per year.
- Earn Redemption Coupons up to \$240 per year.
- One Year Waste Hauling Cost - \$170.00 (cash out)
- RecycleBank Rewards Program - \$240.00 (cash in)

For a net gain of \$70.00 multiplied by 19,500 families to equal \$1,365,000

- Environmental Value - 1,656 tons recycled is the equivalent of 16,560 trees; 1,106,208 gallons of oil or 26,338 barrels; 6,955,300 gallons of water

Public Opinion Rating:

51% Very Satisfied, 31% Satisfied, 14% Uncertain, 2% Dissatisfied and 2% Very Dissatisfied

Public Opinion - Program Improvements - Written Comments:

Residents were asked for suggestions to improve the program and the results were 17 related to bins; 16 stated the Program is great; ten were related to redemption of points; eight asked 'what' can be recycled; six inquired about expansion of the program; five were regarding Bulk and Hazardous Materials, Trucks and Drivers; four were regarding bin placement; three were related to contacting someone, opt-out, inquiry of pick-up time; and two were regarding discounts/keep rates low and opposition to the program.

Special Thanks to Allied Waste Team - Brian Holland, Lisa Perry and Branden DeWitte.

Next Steps:

- Enhance assistance to sign-up; target mailing
- Provide information, resolve concerns/questions, hotline, Channel 55/10, webpage, e-blasts, City Facebook Page
- Evaluation of comments and identification of concerns

Mr. Anzek thanked Brian Holland, Lisa Perry and Branden DeWitte at Allied Waste as well as Bob White, Ordinance Supervisor at the City.

Mayor Barnett discussed the success of the Program and the feedback from area businesses regarding the redemption of the coupons from RecycleBank. He announced that six residents have donated their RecycleBank Points to the City's Greenspace efforts. He thanked Bob White for returning telephone calls from residents while on vacation.

President Hooper commented on the smoothness of the Program and encouraged follow-up with residents that have yet to participate as well as the possibility of additional restaurant businesses participating in the points redemption portion of the Program.

Miss Paltelky responded that because of the simplicity of the Reward Partnership Program, vendors are initially hesitant to participate until they learn more about the Program.

Mr. Pixley urged business people in the community to discuss the RecycleBank Program with merchants and residents.

Mr. Webber expressed his support and suggested that City Council review the Program annually for review of the progress of the Program, recycling reports and complaint/resolution reports.

Mr. Rosen congratulated Bob White for his commitment during the initial start-up of the Program. He suggested he would like to see the larger bin used for recycling and the smaller bin used for trash removal.

Mr. Yalamanchi thanked Mr. White and stated he was in agreement with the surveyed residents about having the option available to choose different size trash and recycle bins.

Mr. Anzek responded that the size of the bins had been discussed during the initial planning of the Program.

Mr. Pixley inquired about any other Michigan cities adopting the Recycle Bank Program.

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.

2009-0355 Approval of Minutes - City Council Regular Meeting - August 3, 2009

Attachments: [CC Min 080903.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0247-2009

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 3, 2009 be approved as presented.

2009-0362 Request for Approval to Add Delinquent Charges to 2009 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0248-2009

Resolved, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2009 Winter Tax Roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2009 Winter Tax Roll

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$763,216.40	Ch. 102-92.(b)
Delinquent W/S Charges General Fund	\$23,455.26	Ch. 106-125.(e)
Delinquent SAD Local Road Fund	\$15,658.49	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$140.32	Ch. 90-30.(d)
Delinquent False Alarms Special Police Fund	\$24,516.25	Ch. 42-65.(f)(2)
Delinquent Street Lighting Local Road Fund	\$5,321.80	Agreement
Delinquent Sidewalk Replacement Local Road Fund	\$2,308.32	Ch. 94-143.(b)(2)

Passed the Consent Agenda

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

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

ORDINANCE FOR INTRODUCTION

2009-0363 Acceptance for First Reading - An Ordinance to amend Section 138-1066 of Article VIII of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require landscaping of front yard areas, repeal conflicting Ordinances and prescribe a penalty for violations

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

Scott Cope, Director of Building/Ordinance Compliance, noted the following:

- This is a difficult area of enforcement.
- He commended City Attorney Staran for the careful crafting of the language regarding landscaping requirements and addressing the concerns of City Council.
- Factually, residential construction can exceed six months.
- Frequently the homeowner will completely redo the landscaping and that there is a section in the Ordinance allowing for a longer time period by the Building Department which would allow time for performance guaranty.
- The Building Department is considering the receipt of a letter from the homeowner outlining the date of the planned completion on the landscaping as sufficient communication between the Building Department and the homeowner.
- The Building Department has approximately four to five landscaping concerns per year but has always worked with the homeowner in those particular situations.

President Hooper inquired if there is usually a resolution on the four to five occurrences per year.

Mr. Cope responded that although resolutions can take time, the Building Department has always had successful resolutions.

City Attorney Staran advised that because the motion is for a zoning ordinance text amendment, it should be referred to the Planning Commission for a public hearing and their recommendation, then returned to City Council for adoption.

Mr. Rosen expressed his concern about the imposition of an unreasonable time period restriction due to the seasonal weather at the time of move-in and allowing for flexibility so as not to penalize homeowners.

Mr. Cope stated that many of the ordinances do have reasonable applications to allow for a case-by-case basis.

Mr. Yalamanchi inquired if the landscape installation is the responsibility of the developers and what the specific timeframe is for construction of the home in relation to the date the Certificate of Occupancy is issued.

Mr. Cope responded that the homeowners are responsible for landscaping installation and the ordinance allows for a six to nine month extension allowance to work with the homeowners.

Mr. Pixley asked the number of occurrences that the Ordinance Enforcement has to pursue compliance and if there is any other part of the ordinance that requires the installation of landscaping. He stated concern about creating undue hardship on residents with this text amendment but agreed with the referral to the Planning Commission for its review.

Mr. Cope responded that all issues have been resolved with homeowners. He referenced the areas in the Ordinance that relate to the prevention of soil erosion and stated that there currently is not any other chapter in the Ordinance that contain landscaping requirements.

Mr. Brennan commented that this would be a good argument for over legislation and that the Ordinance provides guidance for the City's Administration and the City's Residents.

Mr. Hooper concurred stating that due to the low numbers of ordinance violations, he did not see the need for this text amendment.

A motion was made by Ambrozaitis, seconded by Rosen, that this be matter be Adopted by Resolution to refer this item to Planning Commission for review. The motion carried by the following vote:

Aye 4 - Ambrozaitis, Rosen, Webber and Yalamanchi

Nay 3 - Brennan, Hooper and Pixley

Enactment No: RES0251-2009

Resolved, that an Ordinance to amend Section 138-1066 of Article VIII of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require landscaping of front yard areas, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

(Mr. Yalamanchi exited at 8:13 p.m. and re-entered at 8:15 p.m.)

2009-0364 Acceptance for First Reading - An Ordinance to add Section 94-144 to Article III, Division 3 of Chapter 94, Streets, Sidewalks and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations of Article III as municipal civil infractions, and to repeal conflicting Ordinances

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[092109 Agenda Summary.pdf](#)
[092109 Resolution.pdf](#)
[Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that this revision changes the penalty from a misdemeanor violation to a municipal civil infraction.

A motion was made by Ambrozaitis, seconded by Yalamanchi, 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: RES0262-2009

Resolved, that an Ordinance to add Section 94-144 to Article III, Division 3 of Chapter 94, Streets, Sidewalks and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations of Article III as municipal civil infractions, and to repeal conflicting Ordinances is hereby accepted for First Reading.

2009-0365 Acceptance for First Reading - An Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code, and to repeal Article III, Weed Control, of Chapter 106, Vegetation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to consolidate weed control regulation in Section 84-17, specify land owner responsibility for weed control to the street, repeal conflicting Ordinances and prescribe a penalty for violations

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

Scott Cope, Director of Building/Ordinance Compliance, stated this revision addresses the duplication created by the design of Chapter 84, Property Maintenance when Article III, Chapter 106 was not repealed, and requires property owners to maintain the adjacent right-of-way between their property and the roadways. He explained that this aides the Ordinance Department in eliminating the overgrowth of bushes from blocking entrances to vacant homes.

Mr. Rosen asked if this maintenance is performed primarily for residential homeowners whose lawns are between the sidewalk and the roads or for the larger footage of grassways on the other side of the pathways by major roads.

Mr. Cope stated that most of the challenges have been the interior portions of the subdivisions where residents are choosing not to cut the grass in the ditch

area and between the paths and the roadway. He noted that the City's weed cutting contractor maintains these areas as well.

A motion was made by Ambrozaitis, 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: RES0263-2009

Resolved, that an Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code, and to repeal Article III, Weed Control, of Chapter 106, Vegetation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to consolidate weed control regulation in Section 84-17, specify land owner responsibility for weed control to the street, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

NEW BUSINESS

2009-0374 Request for Approval of Agreement between the City of Rochester Hills and AFSCME Local 2491

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

Mr. Yalamanchi stated he could not support this contract due to current economic conditions and does not think it is beneficial to the staff or the City in the long term.

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, Rosen and Webber

Nay 2 - Ambrozaitis and Yalamanchi

Enactment No: RES0249-2009

Whereas, negotiations between the City of Rochester Hills and the American Federation of State, County and Municipal Employees (AFSCME) Local 2491 have resulted in a tentative four (4) year agreement for the period from January 1, 2009 through December 31, 2012, with a two-year re-opener in 2011 for economics and other designated articles.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the agreement between the City of Rochester Hills and the American Federation of State, County and Municipal Employees (AFSCME) Local 2491 as presented on September 21, 2009.

2009-0376 Request to Transfer Ownership of 2009 Class C licensed business, located at 870 S. Rochester Road, Rochester Hills, MI from Los Cuatro Amigos, Inc. to Cantina Enterprises II, Inc.

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

Ms. Kelly Allen, Attorney for Adkison, Need & Allen, PLLC, 39533 Woodward

Avenue, Suite 210, Bloomfield Hills, MI 48304, gave a presentation regarding the liquor license transfer request noting the following:

- Mr. and Mrs. Mark Fields, the current owners of Los Cuatro Amigos, Inc. and five (5) other restaurants, filed for Chapter 11 Bankruptcy due to illness.
- Los Cuatro Amigos, Inc. was in arrears in its Lease Agreement and voluntarily surrendered the liquor license to the Landlord resulting in the Landlord taking possession of the license along with the structure and filing a request for hardship transfer from the Liquor Control Commission (LCC) to Cantina Enterprises II, Inc.
- The LCC prohibits the transfer of a new liquor license within a three-year period of its issuance to prevent the trafficking of liquor licenses. To comply, the Landlord is assigning the transfer of the liquor license to Cantina Enterprises II, Inc., for One Dollar (\$1.00) as part of the Lease Agreement for 870 S. Rochester Road.

Ms. Allen introduced Mr. Reynaldo Paez, a resident of Rochester Hills and Mr. Michael Versaci, the owners of Cantina Enterprises II, Inc., the proposed applicant planning to open and operate Miguel's Cantina at 870 S. Rochester Road and discussed both Mr. Paez's and Mr. Versaci's experience in the restaurant business as well as in finance and marketing. Ms. Kelly reported that applications for demolition permits have been applied for, and presented Council with the samples of the interior floor and wall covering treatments and described the plans for redecorating the interior.

President Hooper stated that this request is for City Council to approve the transfer of ownership of the liquor license and asked if City Council denies the transfer, does the license revert back to the City and become available for other businesses.

Ms. Allen stated the liquor license is in escrow with the LCC and could remain in escrow for five years at the LCC's discretion.

City Attorney Staran summated that the liquor license would not be immediately available to the City for transfer to another business.

Mr. Pixley inquired about the ownership status of the liquor license and the qualification of a 'hardship' technicality through the LCC.

Ms. Allen stated that Los Cuatro Amigos, Inc. is the owner but cannot conduct business with the liquor license. She explained that the LCC does not have a definition of 'hardship' but due to past practices, she was confident that the LCC would approve the transfer because of the illness and financial hardship of the owners of Los Cuatro Amigos, Inc.

Council commended the gentlemen for their interest in the City and the plans to redesign and brighten the restaurants' exterior and interior.

Mr. Rosen asked City Attorney Staran and Ms. Allen if the specific term 'hardship status' needs to be included in the motion language.

Ms. Allen and City Attorney Staran responded that the LCC requirements have preferred approved Liquor Control Commission transfer language but added that a letter from the Clerk stating City Council's support of the proposal by Cantina Enterprises II, Inc. or inclusion of a copy of the City Council Minutes stating this type of discussion would be helpful.

President Hooper stated that the bottom line in the restaurant business is food quality and this shopping center needs an anchor tenant.

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: RES0250-2009

Resolved, that the request to transfer ownership of 2009 Class C licensed business, located at 870 S. Rochester Road, Rochester Hills, MI 48307, Oakland County, from Los Cuatro Amigos, Inc. (A Kentucky Corporation) to Cantina Enterprises II, Inc. be considered for approval.

2009-0375 Discussion and Creation of a Fire and EMS Dispatching and Communication Services Technical Review Committee

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

Removed from the Agenda at the request of City Council.

2009-0369 Request to Reconsider the Resolution to form a City Council subcommittee to assemble, review and analyze an RFP seeking competitive bids for Fire Dispatch Services

Attachments: [Yalamanchi Dispatch Presentation.pdf](#)

President Hooper stated after subsequent review and consultation with City Attorney Staran regarding the resolution passed by City Council at the previous Council meeting on September 14, 2009, City Council had been advised that having City Council Members on this Committee may not allow the preservation of the integrity of the bidding process, maintenance of the confidentiality of proposed bidders and the negotiation process.

Mr. Yalamanchi expressed his confidence in the Procurement Staff and the focus that would be required to address all of the conditions required for this Request For Proposal process. He inquired if participation by one City Council Member on the Committee could expose the Committee to the Open Meetings Act requirements.

City Attorney Staran responded that participation by one City Council Member would indeed trigger the Open Meetings Act requirements. He suggested that if City Council were to direct the City Administration to proceed with the RFP process and after a selection had been made, if Council so desired, they could establish a committee to proceed further.

Mr. Yalamanchi stated that he was in agreement to reconsider the motion.

President Hooper concurred and suggested that City Council reconsider the motion and resolution for this Committee from City Council's prior meeting and then direct the Administration to seek competitive bids.

City Attorney Staran suggested that as the motion and resolution had been unanimous from the week before, any Member of City Council could make a motion to reconsider the resolution, then it must be seconded and if voted upon favorably, would put the motion back on the table. Then it would be appropriate for the mover and seconder to remove the motion from the table or to amend the motion, whichever their preference would be.

A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution to reconsider the motion to form a City Council subcommittee to assemble, review and analyze an RFP seeking competitive bids for Fire Dispatch Services. The motion CARRIED by the following vote:

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

Enactment No: RES0252-2009

Resolved, that the Rochester Hills City Council reconsiders the resolution to form a City Council subcommittee to assemble, review and analyze an RFP seeking competitive bids for Fire Dispatch Services.

2009-0369 Request to Direct the Administration to seek competitive bids for effective Rochester Hills Fire and EMS Dispatching and Communication Services

Attachments: [Yalamanchi Dispatch Presentation.pdf](#)

City Attorney Staran reported that the motion from the previous week is before City Council for discussion.

City Council revised the motion to direct the Administration to proceed with the Request For Proposal procedure and to report to City Council by April 30, 2010.

A motion was made by Yalamanchi, seconded by Ambrozaitis, 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: RES0253-2009

Resolved, that the Rochester Hills City Council directs the Administration to seek competitive bids, eliminate any duplication of services and identify cost efficiencies in the delivery of effective Fire Dispatch services by creating the following:

- 1) The Administration to assemble a Request for Proposal (RFP) seeking competitive bids for Fire Dispatch Services.
- 2) The Administration shall return to City Council with a report of the results of the RFP by April 30, 2010.
- 3) The successful bidder, if awarded a contract, will give consideration for any open full-time positions to the City's existing Fire Dispatch personnel.

- 4) The RFP will require that the City of Rochester Hills will be provided with 24/7 dispatching services for all Rochester Hills Fire, EMS and Communication Services.
- 5) The issuing and receiving of an RFP for Dispatch Services does not obligate or require the City Council to award a contract, nor does it disallow continued negotiations with the bidder(s) who respond with responsive, responsible bid(s).
- 6) \$20,000 be added to the Third Quarter 2009 Budget Amendment for a consultant fee for the assembling, further review and analysis of an RFP.

2009-0373 Nominations/Appointments of two (2) City Council Members to the Fire and EMS Dispatching and Communication Services Technical Review Committee each for a term expiring November 2009

Attachments: [Appointment Form.pdf](#)
[Resolution.pdf](#)

Removed from the Agenda at the request of City Council.

(RECESS: 8:53 p.m. - 9:07 p.m.)

BUDGET DISCUSSIONS

2009-0341 Council discussion relative to the City of Rochester Hills Fiscal Year 2010 Budget

Attachments: [Agenda Summary.pdf](#)
[Yalamanchi 2010 Budget Proposed Motions.pdf](#)
[Administration Response - NET Forfeiture Options.pdf](#)
[Administration Response - Facilities Fund.pdf](#)
[Administration Response - CIF Fund.pdf](#)
[092109 Agenda Summary.pdf](#)
[091409 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[Ambrozaitis Budget Ideas 2010.pdf](#)
[Rosen Budget Comments 2010.pdf](#)
[Webber Budget Questions 2010.pdf](#)
[Yalamanchi Budget Questions 2010.pdf](#)
[Yalamanchi Budget Addl Questions 2010.pdf](#)
[Yalamanchi Proposed Motions.pdf](#)
[Yalamanchi Questions 091409.pdf](#)
[Yalamanchi Dispatch Presentation.pdf](#)
[Yalamanchi Questions 092109.pdf](#)
[Proposed Budget Straw Poll.pdf](#)
[Straw Survey Results.pdf](#)
[Straw Survey Results \(Revised\).pdf](#)

President Hooper stated that City Council will be discussing the Straw Poll items.

Mayor Barnett stated there would be no presentations made for each item but the City Administration is present to answer questions.

Public Comment:

Lee Zendel, 1575 Dutton, stated:

The City is facing a serious fiscal crisis over the next few years and suggested that difficult changes must be made due to the impending, long-term deficits at the national, state and city levels.

He cited an article in the National Review, The Making of a Mayor regarding the Mayor of San Ramone, California, which has a population of approximately 60,000 residents, reporting the high cost of its law enforcement services. He stated that many cities in the State of Michigan will be laying off law enforcement officers and suggested a study be done to determine if it might be more economical to combine law enforcement services with surrounding communities. He asked if the combination of law enforcement costs with surrounding communities had been a Council Objective and suggested beginning with a consultant study.

Lynnette Nitsche, 3753 Everett, shared her impressions of the recent City Council Budget Meeting and encouraged City Council to work together. She stated that the City needs to learn to live within its means and noted that the Mayor should take the lead in implementing cost reductions.

Discussed.

Tree Fund to General Fund Transfer**COUNCIL DISCUSSION:**

President Hooper reported that four City Council Members were in favor of changing the transfer from the Tree Fund to General Fund to interest generated vs. the 5% annual contribution as proposed. He noted that the formulation of a Tree Fund Policy is in process and stated he does not want to use any Fund Balance for operations and is not in support of removal of the principal.

Mr. Yalamanchi requested to review the Tree Fund Policy. He concurred with President Hooper regarding not using Fund Balance but stated that there are specific times the principal could be used for certain items. He inquired about revising the plan to plant a certain number of trees and if City Council would address the 'need' versus 'concern' aspect of the Tree Fund Policy. He explained that endowment funds are in place to fulfill tree replacement needs and that he would like to see a decision on the specifics of the Tree Fund Policy.

President Hooper stated that the Tree Fund Policy is in the drafting and review process and not ready to be brought to City Council for review and discussion.

Mr. Pixley stated his agreement that more utilization of principal means less interest available for use when the interest rates increase.

Mayor Barnett stated that if City Council is not in agreement, the repercussion will be that the City Administration will have a \$40,000.00 reduction in revenues

from the Tree Fund and that the revenue from the Tree Fund would have to offset Forestry operations.

Mr. Yalamanchi stated that he would like to see an amortization schedule to determine the life of the Tree Fund and commented that he does not want the monies to revert back to the General Fund.

President Hooper asked if this is a consensus of City Council to support this reduction plan and asked Joe Snyder, Senior Financial Analyst, to take this action.

Mike Hartner, Director of Parks and Forestry, expressed his concern, noting the following:

- The Fiscal Year 2010 Forestry Budget had been reduced over \$100,000.00 in the Budget presented to City Council.
- The Forestry Department's staffing has been reduced by one third and if there is a further reduction in the Forestry Budget by an additional \$40,000.00, that would result in only one remaining forestry ranger to perform the duties of forestry ranger.
- The Forestry Budget was presented to City Council with the plan to use partial monies from the Tree Fund to offset the General Fund with the understanding that tree maintenance and operations have been supported over the years thereby allowing the Tree Fund to grow, without withdrawing any funds from the Tree Fund.

President Hooper asked if the Tree Fund Balance had been drawn upon for Forestry operation expenditures in the past.

Mr. Hartner stated that the Tree Fund had been drawn upon for the Gypsy Moth and the Emerald Ash Borer issues but had not been used for operations until the present budget.

President Hooper restated his preference of transferring interest only from the Tree Fund and noted that principal had never been used in the past.

Mr. Hartner expressed his concern about the offsetting reduction in operations and stated his hope that the General Fund will still bear 60% of the cost of Forestry explaining that the other 40% is supported by Major Roads, Local Road Funds and Bike Path Funds.

Mr. Rosen expressed his discomfort at the Forestry Department alone taking a reduction in the Budget and stated that the Administration should make other cost reduction area suggestions to City Council. He stated his agreement with the transfer of interest only.

Mr. Webber expressed the importance of maintaining Forestry services and noted that Council should identify other potential expenditure reductions.

President Hooper summarized that it was the consensus of City Council to have the interest generated by the Tree Fund transferred to the General Fund in

lieu of the 5% annual contribution.

- 2009-0394** Request to Maintain the \$25,000.00 in City Council's 2010 Budget for implementation of the Deer Management Advisory Committee's recommendations contingent upon a fifty-fifty (50-50) match from private sources to be used first before implementing any Deer Management Advisory Committee recommendations and proposed solutions as approved by City Council

***President Hooper** reported that four Council Members were in favor of maintaining the \$25,000.00 set aside in the 2010 Budget and that Council Members were split fifty-fifty on the second part of the straw poll question regarding moving the \$25,000.00 from City Council's 2010 Budget to the Park's Budget within the General Fund.*

***Mr. Yalamanchi** stated his conditional 'yes' vote is contingent upon having a fifty-fifty match from private funding sources.*

***Mr. Pixley** commented he is in support of Mr. Yalamanchi's condition for matching funds, however, he is not in favor of this motion because City Council had not received and reviewed the recommendations from the Deer Management Advisory Committee (DMAC).*

***Mr. Webber** stated that as a participating member of the DMAC, he has reviewed their recommendation and supports having the funding available to implement those recommendations. He further stated that although he supports implementing the fifty-fifty matching funds from the private funding source, he does not believe the \$25,000.00 should be placed under the Parks Budget nor was he convinced that City Council's Budget was the appropriate place for it.*

***Mr. Rosen** stated that although he supports having a contingency of a fifty-fifty match, he feels that there is a need to review the time frame, determine the source of funding for implementation of the DMAC's recommendations and the subsequent payment thereof from public and private funding. He concurred with Mr. Webber that the \$25,000.00 set aside does not belong in Parks in the General Fund and suggested that it should be in the Mayor's Budget or in the City Council's Budget as a place holder.*

***Mr. Brennan** stated that the DMAC needs the \$25,000.00 to be set aside and available because of the initial divisive issues regarding traffic signals, fencing, and cutting the roadways. He suggested that City Council might want to defer its decision until the DMAC makes its presentation of recommendations.*

***President Hooper** noted his agreement with Mr. Pixley about hesitating to commit to expenditures until City Council is informed what the exact expenditures are. He is in support of public safety but would like to review the DMAC recommendations and how those relate to the pressing needs in the community.*

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

Aye 3 - Ambrozaitis, Webber and Yalamanchi

Nay 4 - Brennan, Hooper, Pixley and Rosen

Enactment No: RES0255-2009

Resolved, that the Rochester Hills City Council Requests to move the \$25,000.00 in City Council's 2010 Budget for implementation of Deer Management Advisory Committee's recommendations to the 2010 Park's Budget within the General Fund contingent upon a fifty-fifty (50-50) match from private sources before implementing any Deer Management Advisory Committee recommendations and proposed solutions as approved by City Council.

2009-0394 Request to Maintain the \$25,000.00 in City Council's 2010 Budget for implementation of the Deer Management Advisory Committee's recommendations

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

Aye 4 - Ambrozaitis, Brennan, Rosen and Webber

Nay 3 - Hooper, Pixley and Yalamanchi

Enactment No: RES0255-2009

Resolved, that City Council maintain the \$25,000.00 in City Council's 2010 Budget for implementation of the Deer Management Advisory Committee's recommendations.

2009-0395 Request to Defer Capital Improvement Plan Projects MR-31C and MR-31D and transfer the dollars to the Local Roads Construction Fund for 2010

President Hooper reported that six Council Members were in favor of keeping MR-31C in the FY 2010 Budget. He reported that City Council was unanimous about not keeping MR-31D in the FY 2010 Budget.

Roger Rousse, Director of DPS/Engineering, explained that this project began as a complaint regarding the drainage at the intersection on all four corners of John R and Hamlin Roads. He stated that the pathway is located below the flood plain and when there are heavy rains, flooding is imminent. He noted that in order to be in compliance with the Americans with Disabilities Act (ADA), when work is performed on existing pathways near intersections, the City is also required to make upgrades to the crossing signals. The signal upgrade is actually a third project, to be considered in Council's discussions. Mr. Rousse noted that combining the three projects is a matter of economics.

Discussion ensued relative to the fact that the Pathway Project has dedicated funding, and that moving forward with this project alone will help to alleviate the drainage issues on the northeast and northwest corners. As such, it was the consensus of Council to not move forward with CIP Projects MR-31C and MR-31D, and to transfer the funds allocated to these two projects to the Local Roads Construction Fund to be used in 2010.

A motion was made by Brennan, seconded by Pixley, 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: RES0256-2009

Resolved, that City Council defer Capital Improvement Plan Projects MR-31C and MR-31D and transfer the dollars to the Local Roads Construction Fund for 2010.

2009-0396 Request to Approve the designation of funds in the amount of \$132,000.00 for Capital Improvement Plan Project PW-31C along with the signal upgrade in the 2010 Budget, to be further reviewed and prioritized along with other pathway projects in Fiscal Year 2010

Referring to the discussion under Legislative File #2009-0395, Mr. Webber stated that although he understands the importance of this project on its own, he feels all three projects should be done in conjunction with each other in order for the City to experience the greatest cost savings.

President Hooper stated that he would like to see how this pathway project ranks with other pathway priorities in Fiscal Year 2010.

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

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

Nay 1 - Webber

Enactment No: RES0257-2009

Resolved, that City Council approve the designation of funds in the amount of \$132,000.00 for Capital Improvement Plan Project PW-31C along with the signal upgrade in the 2010 Budget, to be further reviewed and prioritized along with other pathway projects in Fiscal Year 2010.

Rochester Area Youth Assistance (RAYA)

COUNCIL DISCUSSION:

President Hooper reported that the City Councils' results were 4-3 against restoration of the program.

Mr. Ambrozaitis spoke of the benefit RAYA provides to the children in our community and requested that Council reconsider restoring the RAYA funding to the previous amount.

Mr. Pixley stated his support of the quality programs that RAYA provides to assist in the prevention of neglect and abuse in the City.

It was City Council consensus to direct the City Administration to restore the funding.

Reduce Legal Budget by 10%**COUNCIL DISCUSSION:**

President Hooper reported that the City Councils' results were 4-3 to reduce the legal budget by \$30,000.00.

City Council discussed the fact that the amount of legal fees the City incurs depends on what happens in the City or to the City. If the amount incurred exceeds the budgeted amount, a budget amendment will be necessary. It was the consensus of City Council to reduce the Legal Budget by 10%, or \$30,000.00.

2009-0397 Request that the Traffic Calming Program for Fiscal Year 2010 for Major Roads be suspended and the Traffic Calming Program for Fiscal Year 2010 for Local Roads be reduced to the amount of \$25,000.00

President Hooper reported that four Members of City Council were in favor of deferring the Traffic Calming Program to save \$50,000.00.

Mayor Barnett suggested a reduction in the budgeted amount for the Traffic Calming Program rather than defer it. He suggested the use of the Program as a cost participation program would alert the homeowners' associations to the program's availability. He estimated the cost at \$2,000.00 per speed bump stating that a typical subdivision installs four or five speed bumps with a 50-50 cost participation match.

President Hooper asked if this program is not applicable to major roads.

Mayor Barnett responded the program could be but is usually not requested and that a major road component through a subdivision is important.

Mr. Ambrozaitis asked if the Traffic Calming Program projects that are planned would be grandfathered.

Mr. Webber commented his desire to retain the Traffic Calming Program as it currently exists but in seeing that the majority of City Council wished to defer the Program, proposed a reduction to retain part of the Program. He stated his opinion that this has been successful Program for the City and his concern that there will not be funding available for this Program in the future.

Mr. Yalamanchi stated he initially misunderstood of purpose of the program, but now understands that this program aides the neighborhoods when law enforcement is not present and prevents injuries from speeding automobile traffic.

Roger Rousse, Director of DPS/Engineering, explained that this is a pilot program this year and the City has no interest in the major road portion but have seen a high level of interest in the local road portion. He recommended suspending the Traffic Calming Program in the Major Road Fund and retaining the Traffic Calming Program in the Local Road Fund.

Mr. Ambrozaitis revised his motion to reduce the \$25,000.00 for the Local Road Fund with a 50-50 match and suspend the Traffic Calming Program for

Major Road Fund and Mr. Webber concurred.

Mr. Pixley stated his agreement with the motion amendment and his appreciation for the Program clarification.

A motion was made by Ambrozaitis, 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: RES0258-2009

Resolved, request that Traffic Calming Program for Fiscal Year 2010 for Major Roads be suspended and the Traffic Calming Program for Fiscal Year 2010 for Local Roads be reduced to the amount of \$25,000.00.

2009-0398 Request to Designate \$35,000.00 in the 2010 Budget for the Website upgrade

President Hooper reported that four City Council Members were in favor of deferring the City's website update to a later date to save \$60,000.00.

Mayor Barnett explained that there have been difficulties with the City's website such as functionality and down time. He suggested a compromise of attempting to patch some of the content management issues, rather than performing a complete web overhaul. He noted that he does not want to see the funding for this reduced to zero because of the numerous functionality issues encountered this year.

Mr. Webber stated he does not support deferring the website update to \$35,000.00.

Mayor Barnett explained that the City's website update will come before City Council next year with a proposal from the MIS Department. The proposal will identify what specific work has to be done, however, he does not know the cost estimate and the list of items that are problematic are constantly changing from this date in time through to April 2010, when the City begins solicitation of Request For Proposals to update the City's website.

Mr. Pixley commented on the importance of the City's potential development from the publics' accessibility to the City's website and the need for continued focus in this area. He suggested his motion for \$35,000.00 would be for a place mark for an upgrade of the City's website for Fiscal Year 2010.

President Hooper noted that this would be appropriate and the specifics revisited by Council.

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: RES0259-2009

Resolved, that the Rochester Hills City Council requests to designate \$35,000.00 in the

2010 Budget for the Website upgrade.

Joining the NET Forfeiture Program

COUNCIL DISCUSSION:

President Hooper reported that four City Council Members were not in favor of joining the NET Forfeiture Program.

Mr. Webber stated his support of this program and his understanding that for any proposed budget increase there must be an offset with corresponding cuts. He commented that the Administration has reduced travel, seminar and membership dues expenditures but explained that those items are related to certification and educational development. He stated that the City has underfunded police expenditures in comparison to other comparably populated communities. He explained that the purchase of a \$120,000.00 Sheriffs' position for \$60,000.00 would maintain the level of officers in spite of cutting the School Liaison Program and would be a wise investment.

Mr. Pixley expressed his support of the City joining this program but did not advise the reduction of travel and seminar cost expenditures because of the importance of maintaining certifications. He suggested he would not be opposed to having the Police and Road Funding Committee investigate further funding solutions.

Mr. Yalamanchi expressed his concern about the funding of this Program for 2011 and into the future.

Captain Johnson responded that through the NET Forfeiture Program, the revenue returns to the community have been in excess of \$60,000.00 but he cannot ensure specific consistent cash seizure amounts; this is dependent on how much is seized within that year. He mentioned that he has spoken with both the City of Rochester and the City of Auburn Hills who have expressed an interest in joining the NET Forfeiture Program which could be additional supportive forces to the City joining the NET Forfeiture Program.

Mr. Yalamanchi asked if the drug activities in the City warrant participating in the NET Forfeiture Program.

Captain Johnson stated there have been several heroin-related deaths in the past couple of years and that he had requested joining the NET Forfeiture Program back in 2001. He stated that due to an increase in gang activity and competitive drug activity, he has suggested joining this Program for several years.

Mr. Webber stated that if this Program gets deferred to Fiscal Year 2011, he would like to see it added to the list of recommendations for review by the Police and Road Funding Technical Review Committee.

Mr. Brennan stated he had not been in favor of this Program but upon further research, he is in agreement with Councilman Webber and supports the Program. He asked about the reduction of the Administration membership

dues and travel seminar budgets by \$60,000.00.

Mayor Barnett responded that those two areas have had significant reductions and that further reductions of the training budget is not possible without a significant impact on performance.

President Hooper stated his support of the City joining the Program in order to provide greater public safety to the City's residents.

Mr. Pixley expressed his agreement but requested that the Administration be given another week for review the Program and research the necessary offset of this expenditure. He suggested that City Council postpone its decision until next week.

President Hooper requested Finance to compile all of the changes to the budget to be voted on next week.

Mr. Ambrozaitis suggested a delay on voting on the budget in two weeks instead of one week would allow more time for Council to research the Program and allow the City's Administration to locate some reductions in expenditures to offset the cost of this Program.

Mr. Yalamanchi asked for a clarification from Captain Johnson regarding Mr. Webber's statement that \$60,000.00 could be realized by the City's participation in the Program.

Captain Johnson stated that cash seizures have consistently been \$60,000.00 per year for the last five years. For October 2009, the Oakland County Sheriffs' Office has seized over \$2,000,000.00 but the City cannot benefit from the seized funds without participating in the Program.

Mr. Yalamanchi stated that if the City enters into budgetary commitment of \$120,000.00 per year for the services of a narcotics enforcement officer, that it should be done without the expectation of any return on that investment.

Mr. Webber stated that a reduction in the number of officers could result in overtime for officers and this would trigger a budget amendment as well.

President Hooper inquired if it is the consensus of City Council that the Administration be directed to return to the next City Council meeting with a series of expenditure reductions equivalent to \$60,000.00. He stated then City Council could choose the reduction and go with the Program, or proceed with it as it is.

Mayor Barnett stated that the City Administration will research this further.

2009-0341 Council discussion relative to the City of Rochester Hills Fiscal Year 2010 Budget

Attachments: [Agenda Summary.pdf](#)
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Mr. Yalamanchi proposed the transfer of 60% of the Facilities Fund Balance in lieu of the scheduled 100% stating that approximately \$400,000.00 would be retained for 2010 and approximately \$400,000.00 would be retained for 2011 and be transferred into the 2011 Local Road Fund or the 2011 Local Road Fund Balance to prepare for 2011 Local Roads. He discussed the expiration of the Debt Bond Millage in 2010 and the possibility of a bond millage appearing on the ballot for 2011. He analyzed that the transfer of \$800,000.00 from Facilities Fund Balance to the Local Road Fund or Local Road Fund Balance would be a 'fall back plan' in the event that a renewal of the millage does not pass for 2011.

President Hooper requested an explanation as to the rationale of the Facilities Fund Balance projecting the future costs of maintenance and replacement of specific facilities.

Mr. Snyder responded that the Facilities Fund Balance had been established and allowed to build up though not contributed to, so that when Facility projects such as roof maintenance, parking lot repair and maintenance, service or replacement of HVAC systems arise, the Facilities Fund Balance could fund the expenditures.

President Hooper inquired whether a five-year projection of the use of Fund Balance for Facilities and the City's needs could be projected into a graph form for City Council's review. He stated that upon review of the information, he would then be in a position to support decisions regarding the use of the Facilities Fund Balance.

Mr. Snyder stated he could prepare this information but would need some time to assemble the information for review by Mr. Keith Sawdon, the City's Finance Director.

Mr. Yalamanchi stated his wish to go into Fiscal Year 2010 with a plan for 2011 and that City Council could vote now or next week.

President Hooper stated that City Council could vote on the Fiscal Year 2010 Budget and discuss the Fiscal Year 2011 Budget in January 2010.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Mr. Ambrozaitis requested City Attorney Staran review an ordinance in West Bloomfield that specifically prohibits the sale of beer and wine by gas stations.

NEXT MEETING DATE - Regular Meeting - Monday, September 28, 2009 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:40 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.