



Rochester Hills Minutes

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

City Council Regular Meeting

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, April 26, 2010

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Tara Beatty, Chief Assistant to the Mayor
Cassie Booth, Dispatcher
Nancy Bowman, Senior Human Resources Analyst
James Bradford, Deputy Fire Chief
Dan Casey, Manager of Economic Development
Carole Chaban, Dispatcher
Rogers Claussen, Fire Fighter
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Ken DeLeeuw, Paid-On-Call Fire Fighter
Aly Difilippo, Rochester Hills Government Youth Council Representative
Jean Farris, Supervisor of Procurement
Vince Foisy, Supervisor of Communication Systems
Karl Holder, Captain/Training Officer
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Keith Sawdon, Director of Finance
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Brennan, that the Agenda be Approved as Amended removing Legislative File 2009-0393 Acceptance for Second Reading - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone two parcels of land totaling approximately 4.256 acres, known as parcels 15-22-351-001 and -002, located on the northeast corner of Hamlin and Livernois Roads, from R-3 One Family Residential, to O-1 Office Business, and to prescribe penalties for the violation thereof. The motion CARRIED by the following vote:

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

PUBLIC COMMENT

Deanna Hilbert, 3234 Quail Ridge Circle, stated that she had attended the Planning Commission Meeting regarding the PUD-Gilbert Property and the historical home located on Rochester Road. She commented that a lot of residents were there and she believes they made a difference.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Pixley commented that over thirty young adults in the City's community were recognized for their achievements at the Rochester Area Youth Assistance 43rd Annual Youth Recognition Awards Ceremony held on April 15, 2010.

Mr. Webber congratulated the organizers on the success of the first Earth Day Festival Weekend which resulted in a large number of visitors in spite of inclement weather.

Aly Difilippo, Rochester Hills Government Youth Council (RHGYC), announced that the RHGYC will host its 5K Run/Walk at Bloomer Park on Saturday, June 19, 2010, in memory of Dillon Cope, a student of Adams High School who passed away May 2009. She stated that the funds raised will benefit C.S. Mott Children's Hospital and that registration forms are available on the City's website.

Mayor Barnett announced the following:

- The City of Rochester Hills was named Tree City USA and will conduct its Annual Tree Planting in honor of Arbor Day on Friday, April 30, 2010 at Spencer Park.
- He gave an update on the Hamlin Roundabout Project stating that Hamlin Road east has been closed and Hamlin Road west will be closed May 3, 2010. The project is anticipated to finish early to mid-July 2010.
- An information session regarding 'Coyotes in Rochester Hills and What You Need To Know' is scheduled for Wednesday, April 28, 2010, 7:00 - 9:00 p.m. in the City Hall Auditorium. Lance DeVoe, Park Ranger II, experts from the Department of Natural Resources (DNR), DNR law division and the Southeast Management Unit will be available to answer questions from residents. He noted that his office had

been in receipt of telephone calls from concerned residents regarding coyotes in the Adams and Hamlin area.

- He reported that the City's resident participation in the U.S. Census is tied for fifth place in the nation overall and that Census Workers would commence the Door-To-Door Campaign on May 1, 2010 to follow-up with residents that have not returned the Census Forms.

- He announced that Council Member Pixley was honored with the Lifetime Achievement Award presented to him by the Rochester Area Youth Assistance.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2010-0176 Proclamation in Recognition of Matthew Merian

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

Mayor Barnett read a Proclamation in Recognition for outstanding acts of heroism by Matthew Merian.

Presented.

On March 1, 2010, after a workout at Lifetime Fitness in Rochester Hills, a club member experienced severe chest pains which caused him to fall backwards and injure his head on the tile locker room floor. The emergency was broadcast over the Club's PA system. Thankfully, Matt Merian, who is a Lifetime Fitness employee, arrived early for work that day. Matt was able to employ his lifesaving skills to use the defibrillator device and begin Cardiac Pulmonary Resuscitation (CPR) to keep the gentleman alive until the emergency team arrived.

Whereas, Matthew Merian demonstrated professionalism and clear thinking in helping a victim in a life-threatening situation; and

Whereas, by quickly assessing the situation and performing CPR, Matthew Merian's immediate intervention contributed to the victim's survival and potential for a full recovery.

Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Matthew Merian for his outstanding act of heroism in an emergency situation.

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.

2010-0177 Request for Acceptance of the Pedestrian-Bicycle Pathway Easement granted by Helen M. Yeyna, Trustee, 6472 Crabapple, Troy, MI 48098, for 3308 W.

South Blvd. Pathway Project and authorization of payment in the amount of \$8,004.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0098-2010

Resolved, the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a pedestrian-bicycle pathway easement granted by Helen M. Yeyna, Trustee, 6472 Crabapple, Troy, MI 48098, for 3308 W. South Blvd., Rochester Hills, MI 48309, for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway easement over, on, under, through and across land more particularly described as Parcel No. #15-31-400-016, and authorizes the payment of \$8,004.00.

2010-0178 Request for Acceptance of the Pedestrian-Bicycle Pathway Easement granted by Mark Steven Ott and Barbara Ott, 3300 W. South Blvd., Rochester Hills, MI 48309, for 3300 W. South Blvd. Pathway Project and authorization of payment in the amount of \$10,773.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0099-2010

Resolved, the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a pedestrian-bicycle pathway easement granted by Mark Steven Ott and Barbara Ott, 3300 W. South Blvd., Rochester Hills, MI 48309, for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway easement over, on, under, through and across land more particularly described as Parcel No. #15-31-400-017, and authorizes the payment of \$10,773.00.

2010-0183 Request for Purchase Authorization - FIRE/COMMUNICATIONS: Purchase of Motorola mobile radios and rack chargers in the amount of \$23,802.00; ComSource, Rochester Hills, MI; and the Purchase of Motorola portable radios in the amount of \$6,580.00; Utility Communications, Hamden, CT

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0107-2010

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of Motorola mobile radios and rack charges to ComSource, Rochester Hills, Michigan in the amount of \$23,802.00 and further authorizes the purchase of Motorola portable radios to Utility Communications, Hamden, Connecticut in the amount of \$6,580.00.

Passed the Consent Agenda

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

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

The following consent agenda item was discussed and adopted by separate motion.

2010-0184 Request for Approval of Interlocal Services Agreements - DPS/GARAGE: Three (3) Interlocal Service Agreements between the Cities of Rochester Hills and Rochester, Older Persons Commission and Rochester Hills Public Library for Fleet Services

Attachments: [Agenda Summary.pdf](#)
[Rochester Agreement.pdf](#)
[OPC Agreement.pdf](#)
[Library Agreement.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi asked City Attorney Staran if it was necessary for him to abstain from a vote on this matter because of his membership on the Older Persons Commission (OPC) and his involvement with this Agreement.

City Attorney Staran responded that abstention would not be necessary because **Mr. Yalamanchi** is serving on behalf of City Council.

Mr. Rosen asked the following questions:

- How many vehicles are expected to be serviced?
- Would additional staff need to be hired?
- Would additional supplies and equipment need to be purchased?
- Are the parts for snowplows and larger vehicles similar?
- Will the agreements require a budget amendment to cover costs?

Roger Rouse, Director of DPS/Engineering reported that the City has serviced seven of the City of Rochester Fire Department vehicles and the Rochester Hills Public Library Bookmobile (RHPLB). He stated his expectation that the services performed will be for ongoing maintenance. He noted that additional personnel would not be required, however, changes to some of the certifications required of the technicians might be necessary. He explained that the Administrative Staff may return in the third quarter of the City's Budget Period and request additional funding for the purchase of supplies to accommodate the increase of service work. He stated that while DPS is not competitively priced for small services such as oil changes or small repairs, the Fleet Service has fully trained employees and is structured to function as a full-service entity for the performance of thorough inspections and repairs of larger vehicles.

Mr. Rosen inquired if performing this service would prevent layoffs of DPS employees.

Mayor Barnett stated that the new facilities have given the City a competitive advantage to be able to bid in a private sector market and be competitive, which in turn will keep our employees working.

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

Enactment No: RES0100-2010

Resolved, that the Rochester Hills City Council hereby authorizes three (3) Interlocal Service Agreements between the Cities of Rochester Hills and Rochester, Older Persons Commission and Rochester Hills Public Library for Fleet Services and authorizes the Mayor to execute the agreements on behalf of the City.

PUBLIC HEARINGS

2010-0154 Request to Establish an Industrial Development District at 3000 Research Drive, Rochester Hills, Michigan

Attachments: [Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[041210 Agenda Summary.pdf](#)
[041210 Resolution.pdf](#)
[Resolution.pdf](#)

Dan Casey, Manager of Economic Development, stated that Lear Corporation has made the request to establish an Industrial Development District and has applied for a tax abatement for personal property for a period of twelve years. He introduced Kirk Fisher, Tax Manager, Lear Corporation, and Monica Acker, Plant Controller, Lear Corporation.

Kirk Fisher, Tax Manager, Lear Corporation, recounted the events that lead to the shut down of the Company's Rochester Hills' facility. He explained that Lear recently underwent a restructuring of its business operations and made the determination to relocate its business operations and employees from the Fenton location to the Rochester Hills location. He announced that two new General Motors projects are scheduled to launch in 2011 and will be given to the Rochester Hills' facility.

Mr. Casey stated that the applicant is requesting twelve years in their abatement for an investment of \$2.2 million dollars in personal property and summarized the Company's employment plan at the Rochester Hills facility:

- 10 retained jobs at the Rochester Hills facility
- 157 transferred jobs from the Fenton facility
- Creation of 104 new jobs due to the two new projects.

He stated the City has completed its analysis of the request for tax abatement and explained that although the applicant is requesting twelve years, under City Council's existing tax abatement policy personal property tax abatements are capped at eight years. He further stated that if City Council were to approve the tax abatement request, the result would be approximately \$25,500.00 in tax revenue to the City, approximately \$62,000.00 in total to all taxing jurisdictions over an eight-year period.

President Hooper Opened the Public Hearing at 7:40 p.m.

Seeing no public input, President Hooper Closed the Public Hearing at 7:41 p.m.

Council Discussion:

Mr. Pixley expressed his appreciation for the investment Lear Corporation is willing to make in Rochester Hills.

Mr. Yalamanchi inquired about the application process for the new employment positions and requested that the information be readily available to interested job applicants.

Monica Acker, Plant Controller of Lear Corporation, responded that the employment positions would be hourly, union jobs and that the Company's Human Resources Department is required to draw applicants from a specific jobs bank in conjunction with the union.

See Also Legislative File 2010-0155.

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

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

Enactment No: RES0101-2010

Whereas, Lear Corporation has requested that an Industrial Development District be established at 3000 Research Dr., also known as Tax Parcel No. 15-29-352-006, and further described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND PART OF THE SOUTHEAST 1/4 OF SECTION 30, T.3N, R.11E, LOT NO. 30 & 31 OF ROCHESTER HILLS EXECUTIVE PARK, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN LIBER 199, PAGE 27 & 28, CONTAINING 9.32 ACRES; and

Whereas, the Rochester Hills City Council held a Public Hearing regarding this request at the Regular Meeting of April 26, 2010 at 7:00 p.m. in the Council Chambers, at 1000 Rochester Hills Dr., Rochester Hills, Michigan, during which the owner of the property, taxing authorities, and all interested parties were given the opportunity to be heard; and

Whereas, the establishment of an Industrial Development District is consistent with the City's objectives to encourage industrial development and create new employment opportunities.

Resolved, that the Rochester Hills City Council hereby determines that the levies of ad valorem taxes are at a rate, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Rochester Hills, equals or exceeds \$30.00 for each \$1,000.00 of taxable value, and therefore is eligible for designation as an Industrial Development District pursuant to said Act; and

Be It Further Resolved, that the above listed legal description is hereby designated as an Industrial Development District.

2010-0155 Request to Approve an Industrial Facilities Exemption Certificate for Personal Property for Lear Corporation

Attachments: [Agenda Summary.pdf](#)
[Development Agreement.pdf](#)
[Exhibit A Smart Investment Chart.pdf](#)
[Lear TB Analysis.pdf](#)
[Application.pdf](#)
[Public Hearing Notice.pdf](#)
[041210 Agenda Summary.pdf](#)
[041210 Resolution.pdf](#)
[Resolution.pdf](#)

Mr. Rosen questioned if the Company's decision to restructure was based upon the assumption of the City's approval of the Company's tax abatement request.

Mr. Fisher responded that there had been no assumption that the Company would be granted the tax abatement but had surmised from his communications with Mr. Casey that the City has been supportive of property tax incentives. He added that the Company did not receive any incentive benefits from its Fenton facility.

Mr. Brennan asked what could happen if the employment plan does not become fully implemented.

Mr. Casey responded that the City's procedure involves the applicant and the City entering into a development agreement which provides for a 'clawback' provision. He explained that there are two circumstances under which City Council can exercise the 'clawback' provision; 'clawback' the abated taxes. He explained the first circumstance is performance; if the applicant does not create the jobs they indicated they would. The second circumstance is if the applicant were to close its facility prior to the tax abatement period ending. He reported that City Council has established a precedent for the exercise of this condition in the past. He stated that the Company had been provided with a draft version of the Development Agreement and aware of the 'clawback' provision.

President Hooper Opened the Public Hearing at 7:50 p.m.

Seeing no public input, President Hooper Closed the Public Hearing at 7:51 p.m.

See Legislative File 2010-0154.

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

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

Enactment No: RES0102-2010

Whereas, Lear Corporation, as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, is located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended; and

Whereas, the Industrial Development District is that property located at 3000 Research Dr., also known as Tax Parcel No. 15-29-352-006, and further described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND PART OF THE SOUTHEAST 1/4 OF SECTION 30, T.3N, R.11E, LOT NO. 30 & 31 OF ROCHESTER HILLS EXECUTIVE PARK, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN LIBER 199, PAGE 27 & 28, CONTAINING 9.32 ACRES; AND

Whereas, Lear Corporation has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation; and

Whereas, A Public Hearing regarding this request was held at City Council's Regular Meeting of April 26, 2010 in which the taxing authorities, applicant and public were given an opportunity to be heard; and

Whereas, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Lear Corporation for an Industrial Facilities Exemption Certificate for a period of eight (8) years after project completion for personal property only; and

Be It Further Resolved, that the accompanying agreement between Lear Corporation and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution no later than June 25, 2010; and

Be It Finally Resolved, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

ORDINANCE FOR INTRODUCTION

- 2010-0185** Acceptance for First Reading - an Ordinance to repeal Article VI, Fences, of Chapter 18 and to amend Section 84-6 of Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and amend allowable fence materials, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[042610 Agenda Summary.pdf](#)
[042610 Resolution.pdf](#)
[Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that this Amendment is based on a recent court case in which the Court ruled in the City's favor and suggested that the City make a revision to the Ordinance to have appropriate fencing material properly identified in the Ordinance. The minor change clarifies that fabric material is not a permitted fence material.

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

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

Enactment No: RES0111-2010

Resolved, that an Ordinance to repeal Article VI, Fences, of Chapter 18 and to amend Section 84-6 of Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and amend allowable fence materials, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

- 2010-0186** Acceptance for First Reading - an Ordinance to amend Section 54-501 of Chapter 54 Fees, and to add Section 78-171 to Chapter 78, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require annual inspection and licensing of ice cream vending vehicles, repeal inconsistent or conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Revised Ordinance.pdf](#)
[042610 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[042610 Resolution.pdf](#)
[Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that this is a new section being added to the Ordinance requiring a safety inspection for ice cream vehicles. This is a result of an accident that occurred last year in the City.

In response to questions from Council Members, **Mr. Cope** reported that the City licenses approximately two to three vendors annually. The purpose of the vehicle inspection is to ensure that vehicle lights, brakes, turn signals and all appropriate

safety items are in good and functional working order. He reported that the \$75 fee represents:

- \$25 for the cost of the license and the operation of a business in the City; and
- \$50 for the inspection costs to be performed by a City ordinance inspector and Oakland County Sheriff Deputy at the DPS garage.

Mr. Yalamanchi expressed concern that a \$75 fee would be a financial hardship for small businesses that are only in operation for four months. He suggested that the fee should be \$25 for the license fee and \$25 for the vehicle safety inspection fee for a total fee of \$50.00.

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

Enactment No: RES0112-2010

Resolved, that an Ordinance to amend Section 54-501 of Chapter 54 Fees, and to add Section 78-171 to Chapter 78, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require annual inspection and licensing of ice cream vending vehicles, repeal inconsistent or conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2010-0166 Acceptance for Second Reading - an Ordinance to amend Chapter 10, Article IV, Mechanical and Electronic Amusement Devices, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify application requirements and regulations applicable to establishments required to obtain a mechanical and electronic amusement device license, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Staran Memo 041510.pdf](#)
[Revised Ordinance.pdf](#)
[041210 Agenda Summary.pdf](#)
[Staran Letter 031910.pdf](#)
[Ordinance.pdf](#)
[041210 Resolution.pdf](#)
[Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that at the First Reading, Council Members had discussed some concerns and requested that City Attorney Staran review the language to ensure those concerns were appropriately included in the Ordinance revision. He mentioned that City Attorney Staran confirmed they were and that no changes needed to be made to the Ordinance prior to Second Reading.

Public Comment:

The following residents expressed their support for Game Over Lounge (the "applicant"):

Approved as presented at the July 12, 2010 Regular City Council Meeting

Neil Oliver, 1707 Melville;
Mackenzie Truscott, 711 Dartmouth Drive;
Adam Lallan, 2986 Walbridge Road;
Michael Moore, 3402 Tremonte Circle N.;
Tanya Tokar, 3081 Culbertson;
Billy Trombley, 221 Bourbon Court;
Jody Campbell, 2575 Gerald Avenue;
Drew Witherspoon, 2834 Longview;
Cathy Witherspoon, 2834 Longview;
Tyler Goschnick, 2059 Baron;
Jason Gabbard, 108 S. Wilcox, Apt. 203, Rochester;
Danielle Greenblatt, 2428 Andover Boulevard, Oakland;
Brian Ross, 757 Legault Court;
Wyatt Bowman, 2575 Gerald Avenue,
Constance Rose-Monai, 2596 Melvin;
Tina Kniseley, 510 Marquette;
Jake Rogers, 2596 Melvin;
Richard Hoch, Jr., 510 Marquette;
Nicholas Ash, 1170 Truwood;
Mitchel Ash, 1170 Truwood;
Cameron Lloyd, 3075 Hessel;
Dale Lloyd, 3075 Hessel;
Lorraine McGoldrick, 709 Essex Drive;
Nikola Tzantzarov, 3200 Melvin;
Ricky Leverence, 26278 Woodland, Chesterfield; and
Deanna Hilbert, 3234 Quail Ridge Circle.

Council Discussion:

President Hooper requested that City Attorney Staran provide a brief history and explain the modifications to the City's current existing Ordinance.

City Attorney Staran stated that the existing Ordinance has been in place for over twenty-five years. He reported that the applicant was informed in December 2009 that due to the restrictions within the current Ordinance, his business would be prohibited from operation. He explained that because City Council had determined that the applicant's business was an innovative business for children and adult users, his directive had been to review and update the Ordinance in preparation for the possibility of an increased trend in this type of business within the City. City Council then directed the City Attorney as a stop-gap measure to prepare an ordinance amendment, including provisions for a variance or waiver for their review. He reported that Ordinance was adopted for First Reading on December 14, 2009. On January 25, 2010, City Council issued a 90-day extension to the applicant while the Administrative Staff continued with their research. He stated that the modifications to the proposed ordinance include:

- The elimination of the requirement for the business to be located within a completely enclosed shopping mall. The business is now required to be located

in one of the City's commercial zoning districts.

- An adult attendant is still required to be on duty, however, a uniformed security guard is no longer required.*
- Eliminates the prohibition of such a business to be located within 2,000 feet of a school.*
- Places a restriction on the businesses' hours of operation for patrons under the age of 17.*
- Requires the application to include the businesses' proposed policy concerning whether and how the applicant will observe and enforce the Entertainment Software Rating Board's (ESRB) video game ratings.*

Mr. Rosen stated that security guards had been required to maintain the businesses were being run in a safe and orderly manner. He stressed that he wants to ensure that procedures and controls are in place so that if other businesses of this nature and design were to make applications with the City, the precedent is set for well-run and safe businesses to operate within the City.

Mr. Pixley stated that one of the speakers under Public Comment referred to an 'overnight' and questioned if that was prohibited.

City Attorney Staran responded that both the current and the proposed Ordinance do not allow for these licensed businesses to operate on a 24-hour basis. The proposed Ordinance states the closing times are no later than midnight Sundays through Thursdays and 1:00 a.m. Fridays and Saturdays.

Mr. Klomp commended the participants for speaking during the Public Comment portion of this matter and encouraged their continued participation in City issues.

Mr. Brennan expressed his concern regarding the applicant's business' close proximity to the schools. He questioned how the applicant's policy will enforce compliance with the ratings of the games that are being played. He raised concern as to whether other businesses will be as diligent and cognizant in the supervision of its clientele as the applicant's business appears to be.

Mr. Rosen questioned if the City can require that the applicant has a policy and that the policy is shared with the parents.

City Attorney Staran responded that the City can require the applicant to have a policy that states whether or not they will be enforcing the ESRB ratings.

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

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

Nay 1 - Brennan

Enactment No: RES0103-2010

Resolved, that an Ordinance to amend Chapter 10, Article IV, Mechanical and Electronic Amusement Devices, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify application requirements and regulations

applicable to establishments required to obtain a mechanical and electronic amusement device license, repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, May 7, 2010, the day following its publication in the Rochester Post on Thursday, May 6, 2010.

(Recess - 9:21 PM - 9:32 PM)

- 2009-0393** Acceptance for Second Reading - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone two parcels of land totaling approximately 4.256 acres, known as parcels 15-22-351-001 and -002, located on the northeast corner of Hamlin and Livernois Roads, from R-3 One Family Residential, to O-1 Office Business, and to prescribe penalties for the violation thereof

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[041210 Agenda Summary.pdf](#)
[Map.pdf](#)
[Staff Report 020210.pdf](#)
[Letter Chappell 012910.pdf](#)
[Conditional Rezoning Application.pdf](#)
[Minutes PC 030210 \(Draft\).pdf](#)
[Minutes PC 020210.pdf](#)
[Minutes PC 121509.pdf](#)
[Minutes PC 102009.pdf](#)
[PC Memo 121109.pdf](#)
[Letter Mulenga 110609.pdf](#)
[041210 Resolution.pdf](#)
[042610 Resolution.pdf](#)
[Resolution.pdf](#)

This matter was Removed from the Agenda at the request of the Applicant.

NEW BUSINESS

- 2010-0180** Request for Purchase Authorization - FIRE: Blanket Purchase Order for Local, POTS, Centrex and Circuits Telecommunications Services in the amount not-to-exceed \$170,000.00; AT&T, Lansing, MI

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

Vince Foisy, Supervisor of Communication Systems, stated that the request is for a three-year contract through the State of Michigan MiDeal Program and covers the City's telephone lines, the circuits, the network equipment operated through AT&T.

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

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

Enactment No: RES0104-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to AT&T, Lansing, Michigan for Local, POTS, Centrex and Circuits Telecommunications Services in the amount not-to-exceed \$170,000.00 through June 1, 2013.

2010-0181 Request for Purchase Authorization - DPS/FACILITIES: Blanket Purchase Order for janitorial services in the amount not-to-exceed \$190,800.00; Thundermop Maintenance Co., Waterford, MI

Attachments: [Agenda Summary.pdf](#)
[Extension Letter.pdf](#)
[Proposals Tabulation.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0105-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Thundermop Maintenance Co., Waterford, Michigan in the amount not-to-exceed \$190,800.00 through June 1, 2012.

2010-0182 Request for Direction on Purchase Authorization - FIRE: Blanket Purchase Order for emergency dispatch services in the amount not-to-exceed \$363,000.00 for three (3) years, authorization for the Mayor to execute a contract on behalf of the City and authorization for a transition plan project budget in the amount not-to-exceed \$250,000.00; Oakland County, Pontiac, MI

Attachments: [Agenda Summary.pdf](#)
[Timeline.pdf](#)
[Proposals Tabulation.pdf](#)
[Contract.pdf](#)
[Ltr Understanding.pdf](#)

Ron Crowell, Fire Chief/Emergency Management Director, introduced Captain Tim Atkins, Oakland County Sheriffs Office, Mel Maier, Supervisor of Oakland County Communications, and Vince Foisy, Supervisor of Communication Systems. He stated that in September 2009, City Council directed the Administration to seek competitive bids for fire dispatch services. The City retained Intertech Associates to assist in the process. He reported that three Requests For Proposals (RFP) were received from the City of Auburn Hills, City of Rochester and Oakland County Sheriffs Office (OCSO). The OCSO was selected as the lowest responsive bidder. He pointed out that both the City and OCSO visited each other's operations to observe their processes and the technology used. Chief Crowell concluded that although it was one of the most difficult decisions he has ever had to make, the OCSO represents a viable option to the City's dispatching operations. He noted that OCSO has the training, equipment and technology, as well as a proven ability to deliver the high level of service that both the residents and first responders expect.

Captain Atkins, OCSO, stated that OCSO does not dispute the services provided by the Rochester Hills Dispatchers and indicated that they are well trained and the best in their field. He commented that the OCSO can provide this service and plans to employ three of the City of Rochester Hills' Dispatchers and the remaining dispatchers would be considered for the OCSO 'future hires' list.

Public Comment:

Linda Raschke, 1599 Dutton Road, stated in these economic times she understands it is hard for the City to turn down an offer like the one made from OCSO. However, she noted that it is not all about the money, people get what they pay for; what is forgotten in all of this is the human factor. She emphasized that the City has a tailor-made system and that one-size does not fit all. She requested this item be tabled until budget time.

Lee Zendel, 1575 Dutton Road, questioned the language in the Non-Binding Letter of Understanding from OCSO and asked for clarification as to when the City will actually begin to pay OCSO for dispatching services. He questioned if inquiries had been made as to the turnover rate at OCSO's Dispatching Center, how the proposed contract costs could include the employment of three City Dispatchers and inquired as to the disposition of services beyond police and dispatching. He urged Council to table this item until budget time.

Jim Donnelly, 3260 Tamarron, stated that dispatch is an integral part of the Fire Department's operation and that a public hearing should be held before any decisions are made. He inquired as to the disposition of the City's dispatch equipment if services are transferred to OCSO and urged Council against approval of this item for the sake of the community and fire fighters safety.

Cassie Booth, Rochester Hills Dispatcher, stated that there has been a low turnover rate of employees and the Dispatchers possess community knowledge which is an invaluable part of City services. She noted that eight City Dispatchers service two communities, and thirty-eight OCSO Dispatchers service seven communities. She questioned what will happen after the contract expires in three years.

Carole Chaban, Rochester Hills Dispatcher, stated the Rochester Hills communication center has consistently been rated the best due to the fact that the Dispatchers truly care about the safety and lives of the citizens and first responders. She commented that the OCSO will not be comparable in the quality of service previously experienced by the citizens and residents.

Rogers Claussen, President of the Rochester Hills Professional Firefighters Union, stated the Dispatchers are the first point of contact for the community they serve and he fears Rochester Hills will be treated as just one of many communities serviced by OCSO. He expressed concern that future services of EMS and Fire protection services would be contracted out if the City's sole priorities encompass the financial bottom line rather than the quality and care of services delivered.

Deanna Hilbert, 3234 Quail Ridge, questioned if there have been any issues or problems with the delivery of service by OCSO.

Barbara Holder, 3152 Harrison Avenue, stated given the current economy, she is not present to promote jobs but rather to promote the functions of the Rochester Hills Communications Center. She referenced language in the contract which states that there is no guarantee concerning the level of performance of fire dispatch services to the City but that OCSO will make a reasonable effort to provide services consistent with their existing dispatch policies and procedures. She inquired if the City would solicit an RFP at the end of the three-year contract term.

Scot Beaton, 655 Bolinger Street, stated that residents should have been informed so that public discussions could have been held before coming to Council for a vote.

Ken Deleeuw, Paid-On-Call Fire Fighter, noted that the message to the City's residents is that Rochester Hills is the pre-eminent place to live, work and raise a family but when it comes to emergency services, the City contracts services for the lowest bid. He stated that the 911 calls need to be given back to the City's Dispatchers because of the excellent service they provide.

President Hooper asked for clarification on the following:

- The number of years/contract term requested in the RFP
- Whether or not there is an additional cost per run
- What is the potential start date of this contract
- The process for employment of three of the City's Dispatchers

Ms. Farris responded stating that the City had requested ten years of pricing in the RFP. OCSO provided three years of a fixed number and the proposal indicated a 3-5% increase for future years, up to ten. She clarified that the cost per run is part of the actual cost in the contract, pointing out that it is not an additional cost.

Chief Crowell indicated the potential start date would be August 1, 2010.

Captain Atkins responded that the dispatch positions would be posted and that the City's top three dispatchers would be hired. He explained this practice is consistent with OCSO procedures when contracting for municipalities' dispatch call centers. He stated that the remaining dispatchers would be on the hire list with other applicants that had tested for dispatching positions with OCSO as well.

President Hooper questioned what would happen at the end of the three-year contract.

Ms. Farris responded that the Administration would go back to the County to negotiate a five-year contract. She noted that Oakland County standardizes their contracts for five-year increment periods.

Captain Atkins explained that the Board of Commissioners for Oakland County sets the fees for five years; the City is coming in on the last three years of a five-year contract.

President Hooper inquired if the City received references from the other communities listed in the proposal from OCSO.

Ms. Farris responded that she received reference letters from all ten communities.

Chief Crowell indicated that he had contacted the Fire Chiefs from five of the ten communities, none of whom identified having any problems.

Council Discussion:

Mr. Brennan stated that Council has an obligation to cut costs and to make sure the City is getting the best services with the budget available. He asked for confirmation that if the City is not satisfied with the services provided, that there are 90 days in which to terminate the contract.

Ms. Farris confirmed that there is a 90-day termination provision.

Mr. Rosen stated his concern for the viability of public safety, specifically Fire and EMS and whether or not the City would be able to sustain the current services if serious changes are not made.

Mr. Pixley questioned if there are other services currently provided by the City's Dispatchers that will have to be obtained from another source, and if so, what will those costs be.

Chief Crowell stated that the only other service to be obtained would be alarm monitoring which would cost approximately \$8,000.00.

Ms. Farris clarified that the cost for alarm monitoring may be closer to \$10,000.00 annually.

Mr. Brennan stated he would like more clarification on the \$250,000.00 designated for the transition plan and suggested postponing this item for a couple of weeks. He questioned if some type of severance agreement would be offered to the City's Dispatchers.

Mr. Klomp questioned whether any of the communities that Chief Crowell spoke to had transferred their dispatch services from their own fire departments to the OCSO. He further questioned who would be in charge of handling complaint calls and quality of service inquiries. He concurred with Mr. Brennan stating that some type of severance package should be offered to the City's Dispatchers.

Chief Crowell stated that three of the five Fire Chiefs he had spoken with had transferred their dispatch services to OCSO.

Mr. Maier responded that as Supervisor of Oakland County Communications, he would be the one to respond to those calls. He stated that they have worked closely with Chief Crowell and Vince Foisy to develop policies and procedures on how best to handle these types of concerns. He explained that there is also a Quality Assurance Supervisor in addition to the fact that they are constantly conducting and involved in training at the County.

Mr. Yalamanchi commented that this is just the beginning of some of the challenges the City will be faced with as the financial situation in the community gets more difficult. He inquired whether there has been any discussion about offering City Dispatchers a severance package and questioned if City Council approves the \$250,000.00 for the transition plan, would any portion of that in excess of \$25,000.00 be necessary to come back before Council for approval.

Ms. Farris responded that if Council approves the transition plan budget in the amount of \$250,000.00, and the project is kept within that amount, it will not be necessary to come back before Council.

Mr. Pixley suggested reducing the transition plan amount from \$250,000.00 to \$150,000.00. He stated that if this project exceeds this amount, then a request for an increase would come before Council.

Mr. Yalamanchi concurred and requested that a breakdown of the expenses for this project be supplied to Council.

Mr. Webber stated that although this decision is difficult, it is not unlike those being discussed amongst other municipalities and School Board meetings across the nation right now.

Mayor Barnett stated that this was a difficult decision which did not rise from a problem with the City's Dispatch, but rather a financial problem that is gripping the entire City. He commented that while it is Dispatch this evening, it will most likely be something different next month and is more than likely to become an ongoing discussion over the next few years. He stated that the City's Dispatchers should be commended and expressed his appreciation for City Council's support in consideration of a separation pay component.

President Hooper stated that although it is extremely difficult, a savings of \$700,000.00 annually cannot be ignored. He concurred with Mayor Barnett pointing out that the next several years will involve other reductions, either in personnel or services, which will need to be reviewed.

A motion was made by Yalamanchi, seconded by Pixley, that this matter be Adopted by Resolution adding that the transition of the City's dispatch services commence immediately with the transfer to be completed by August 1, 2010; amending the authorization amount from \$250,000.00 to \$150,000.00 for a transition plan project budget and adding that a full report be made to City Council once actual expenditures have occurred. The motion CARRIED by the following vote:

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

Enactment No: RES0106-2010

Resolved, that the Rochester Hills City Council hereby directs and authorizes a Blanket Purchase Order to Oakland County for emergency dispatch services in the amount not-to-exceed \$363,000.00 for three (3) years, and authorizes the Mayor to execute a contract on behalf of the City;

Further Resolved, that the transition of the City's dispatch services commence immediately with the transfer to be completed by August 1, 2010;

Further Resolved, that an amount not-to-exceed \$150,000.00 be authorized for the transition plan project budget and that a full report be made to City Council once actual expenditures have occurred.

COUNCIL COMMITTEE REPORTS

Brownfield Redevelopment Authority

Mr. Webber reported that the Brownfield Redevelopment Authority had met on April 15, 2010 and voted unanimously to forward the grant proposal request in relation to Medical Mainstreet to the State of Michigan.

Strategic Planning and Policy Review Technical Review Committee

Mr. Rosen reported that the Strategic Planning and Policy Review Technical Review Committee had met and was finalizing its recommendations for the 2011 Goals and Objectives for City Council's review and placement on a future City Council meeting agenda.

Police and Road Funding Technical Review Committee

President Hooper reported that the Police and Road Funding Technical Review Committee had met and were formulating fact sheet information plans for the upcoming millage question that will appear on the August ballot. He stated the information would be forwarded to City Council Members for review and requested that Council Members each write an opinion article for the Hills Herald.

ANY OTHER BUSINESS

Alice Benbow, 1582 Northumberland, noted that Mayor had met with the City's Emergency Dispatchers the previous week and inquired as to why salary reductions had not been offered. She expressed her disagreement with the City Council's decision to contract with Oakland County for the City's dispatch services.

Mr. Yalamanchi asked Mayor Barnett for an update on the status of Crooks Road/M-59. He then asked if the Allied Waste rates had decreased at the end of 2009 in relation to the decrease in gas prices as stated in the solid waste contract.

Mayor Barnett responded that it was a \$6 decrease in the annual rate.

Mr. Yalamanchi requested that the City inform realtors about the City's Alarm Ordinance so that new residents could be informed as well.

Mayor Barnett stated he had met with the City's Emergency Dispatchers for two hours last Tuesday before the information went public on Wednesday.

NEXT MEETING DATE

Regular Meeting - Monday, May 3, 2010 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:38 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 July 12, 2010 Regular City Council Meeting.