



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, January 10, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Tara Beatty, Chief Assistant
Trip Brennan, Rochester Hills Government Youth Council Representative
Dan Casey, Manager of Economic Development
Margaret Casey, Administrative Support Aide - MIS
Lisa Cummins, Purchasing Analyst
Paul Davis, Acting Director of DPS/Engineering
Derek Delacourt, Deputy Director of Planning
Jean Farris, Supervisor of Procurement
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Jane Leslie, City Clerk
Bill Sauer, GIS Manager*

PLEDGE OF ALLEGIANCE

Mr. Pixley stated that those who choose to serve their constituents do so in the name of public service; and never in anyone's wildest dreams do they believe that an event like the tragedy in Tucson, Arizona could occur. He asked for a moment of silence in recognition and respect for all public servants.

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

PUBLIC COMMENT

President Hooper announced that a Special Meeting has been scheduled to discuss water reservoir feasibility for Monday, January 31, 2011 at 7:00 p.m.

Hy Safran, Outreach Coordinator for Representative Gary C. Peters, Ninth Congressional District, provided a brief legislative update and mentioned that the tragedy in Tucson, Arizona, reminds everyone of the importance of civility and democracy. He commented that the role of a Congressional office is to be an extension of its constituents and stated that Congressman Peters' office can often lend assistance in matters of Immigration, Social Security, Unemployment, Medicare or Medicaid problems, Internal Revenue Service concerns, and more. He invited residents to contact Congressman Peters' local office at 248-273-4227.

Debbie Prachaseri, 1860 Carter Road, requested that it be investigated as to whether the Washington Road corridor would qualify for a lower speed limit, if paved or left as-is; noting that the current speed limit imposed by the 2006 State Law change is a hazard to those who live on the road, pedestrians and cyclists. She commented that paving the road would change the area's stability and desirability and mentioned that a recent newspaper article reported that paving would divert 90 percent of the traffic onto Washington Road from Dequindre Road.

Laurie Puscas, 1806 West Ridge, questioned whether the Special Meeting announced for the water reservoirs on January 31st will be well-publicized and if the reservoir issue could be placed toward the beginning of that meeting's agenda.

President Hooper responded that in addition to the City's standard protocol of noticing the Special Meeting, notice of the meeting would be published in the Rochester Post. He stated that the water reservoir discussion items will encompass the entire agenda for the Special Meeting.

Lorraine McGoldrick, 709 Essex, commented that the award received by the City from the Governmental Finance Officers Association (GFOA) does not indicate transparency as the GFOA is a for-pay organization. She stated that Council should cut spending and should not approve a \$60,000 contract with the Rochester Post to publish its legal notices as its articles are presented with a political spin.

Vince Mungoli, 3435 Palm Aire Drive, announced that he has taken the

position of Executive Director for the Holiday Helpers charitable organization. He thanked Mayor Barnett, Council and City employees for their generosity in the Giving Tree program; and members of the Fire Department and Oakland County Sheriff's Office for their participation in the Shop With a Hero Program. He reported that two years ago the Holiday Helpers assisted 24 families, and noted that this year 75 families and seniors needed assistance. The organization distributed 3,200 pounds of food and over 600 Christmas gifts this past season. He extended the organization's thanks to the many corporate sponsors.

Tommaso Anselmino, 3553 Sherborn Drive, commented that consideration of proposed water reservoirs is an unnecessary expansion of government; and in light of the corruption being uncovered in the Detroit Water and Sewerage Department (DWSD), the project should be shelved.

Lee Zendel, 1575 Dutton Road, commented that as of January 1, 2011, none of the three former City Dispatchers hired on by Oakland County were still employed and those that took their place do not know the city. He questioned whether any reports were available for the differences in response times now that Oakland County has taken over emergency dispatch services.

Tim Brooks, 1115 Chaffer Drive, commented that he has heard little or no support for water reservoirs during Council meetings, and noted that residents have raised well-researched questions regarding the business plan for reservoirs, the legal status of the proposed site, insurance issues, vandalism concerns, electrical service grid integrity, the cost of long-term maintenance, and DWSD's rising fixed costs. He stated that the City would do better to focus its energy to form a regional coalition for restructuring the DWSD.

Cheryl O'Connell, 1158 Cobridge Drive, stated that an e-mail she and her husband sent to the Mayor and Council on December 10th which highlighted their opposition to reservoirs in residential areas, noting their unproven benefits, loss of green space, displacement of wildlife, increase in noise and light pollution, decrease in home values, attraction for graffiti and vandalism, security needed and proximity to residences and schools. She offered water conservation incentives, noting that the City's water meters are capable of capturing time of use to encourage consumption during non-peak times. She stated that volunteers could help residents set up their water timers, the City could offer timers at reduced costs and ordinance compliance could be enforced on commercial properties.

Gary Uhl, 3508 Wedgewood Drive, stated that the Bridgewood Farms Homeowners' Association paid for an insert distributed in the Oakland Press which claims that the City has betrayed the public trust. He mentioned a five million gallon reservoir which ruptured in California injuring four and destroying 50 homes and questioned whether a formal risk analysis was performed regarding the potential loss of life after a catastrophic collapse.

Thomas Ryan, 3626 Hollensshade Drive, questioned whether the January 31st meeting regarding water reservoirs will allow discourse or dialogue with members of the public. He commented that discussion during a November Council meeting

reported that the City has reduced its use of water during peak times and questioned when the reduced water rate will be passed on to the residents. He questioned whether Council would allow a third-party review of the business case for reservoirs. He cited the Johnstown dam failure of 1887, noting that the City would be directly responsible for whatever happens subsequent to reservoir failure.

Alice Benbow, 1582 Northumberland, commented that elected officials are supposed to be public servants but in reality she feels they are public serpents. She mentioned that dissenting members of committees are not reappointed. She stated that text messages sent to the Mayor and Council members during Council meetings could be construed as a blatant disregard for the Open Meetings Act.

Dee Hilbert, 3234 Quail Ridge Circle, stated that there has never been a credible study on justifying water reservoirs. She commented that in lieu of the recent discovery of widespread corruption in the DWSD, the City should focus on getting some of its money back and stated that with the uncertainty of the future of the DWSD and possible formation of a regional water board, the consideration of a reservoir is not a good idea.

Boyd Farnam, 3435 Wedgewood Drive, commented that the opinion letter written by City Attorney John Staran regarding bond-funded property cites examples of potential uses that are not supported by the City's Ordinances. He stated that once the taxpayers have fulfilled their commitment by voting yes for a bond proposal, the City should then be bound by the use restrictions in the bond proposal. He noted that references to refunding bonds do not indicate that the taxpayers have received back monies collected; only that the initial bonds were refinanced. He pointed out that the City marketed the 1998 Bond Proposal as a permanent investment by the taxpayers and the community as a whole for parks and recreation space to be used by the taxpayers, their children and their grandchildren.

Jennifer Klaus, 3601 Aynsley Drive, stated that most Rochester residents would not favor a water reservoir in anyone's backyard to save money. She commented that Council needs to step back and listen to the residents.

Carly Young, 3585 Aynsley Drive, stated that she is a senior at Adams High School and has been spreading the word about the proposed water reservoir. She presented a petition signed by 239 high school students in opposition to the reservoir, commenting that the park property is currently used by Botany, Photography and Wilderness Training classes. She noted that safety should be a consideration; and pointed out that she was unable to find even one student to agree with the placement of a water reservoir on the property.

Tom Hager, 1841 Carter Road, stated that the City of Rochester is discussing the proposed Washington Road Paving Project tonight and commented that it is his understanding that the Road Commission for Oakland County has rejected two of the three conditions specified by the City for the project. He questioned whether a joint letter will be drafted respectfully declining the funding for the paving project. He requested an explanation as to why John Dziurman was not reappointed to the Historic Districts Commission, and stated that those appointed were less qualified.

David Bartlo, 1248 Chaffer Drive, stated that in light of the events in Tucson, Arizona, the potential for mayhem and terrorism is in existence in society. He requested that safety and security be addressed during the meeting about the reservoirs and commented that reservoirs will have both environmental and financial impacts.

Avi Sisso, 1282 Cobridge Drive, expressed his objections to water reservoirs, noting that the only advantage of reservoirs is the potential for lower water rates. He listed disadvantages of reservoirs, including high initial costs, no guarantees from the DWSD of lower rates, no good location in Rochester Hills and unhappy residents. He mentioned that properties in both Auburn Hills and Oakland Township could be found to be more favorable for locating a reservoir.

Brian Ekis, 3484 Wedgewood, stated that he is opposed to any water reservoirs placed in residential areas in the City of Rochester Hills. He stated that the issue is becoming a legal matter and commented that he would like the City to give its residents "innovation by nature".

Art Rogers, 1401 Washington Road, stated that he is in opposition to the Washington Road Paving Project. He pointed out that Washington Road is lined with many trees, noting that he has eight black walnuts in a line less than 18 feet from the center of the road. He showed an example of the diameter of his current trees estimating their ages at well over 100 years, and commenting that the paving design will cause him to lose two of the trees outright, with the health of the other trees affected by the construction activities. He noted that part of the character of the historic district is its tree-lined streets.

(Mr. Klomp exited at 8:22 p.m. and re-entered at 8:23 p.m.)

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett reported that the City is doing its due diligence in researching information to present to Council regarding water reservoir feasibility on January 31st. He stated that the Administration is preparing information on lighting, home values and flood insurance. He commented that the Administration has contacted California officials to find out the cause of structural failure and noted that collapses occurred in 1887 and 1915. He stated that staff members have taken road tours to view 40 other reservoirs throughout southeast Michigan and will evaluate noise. He stated that Council will have to evaluate this information and what the Detroit Water and Sewerage Department (DWSD) has said and determine a course of action. He made the following comments and announcements:

- A discussion of the Washington Road Paving Project is before the Rochester City Council tonight. The Administration is prepared to send a letter under a joint letterhead of the two municipalities to the Road Commission for Oakland County (RCOC) thanking them for their efforts and stating that the two communities are no longer interested in moving forward with the project.
- The Administration has been in contact with Mike Palchesko, DTE Energy's liaison to the City, regarding power outages which occurred in the Thornridge and Bridgewood Farms Subdivision areas on New Year's Eve. DTE has identified the problem and is trying to address the cause.
- The first two Radar Speed Signs, purchased in part by a grant, will be installed this week. The signs will be directed first to school zones and collector streets and will collect data on speeds and car counts which will be useful in directing Oakland County Sheriff's Office enforcement.
- Thanks were expressed to Mr. Pixley for mentioning the tragedy in Tucson.
- While year-end numbers are only preliminary, the City has had many positive indicators, including:
 - * For the third year in a row, the City has come in approximately one-million dollars under budget.
 - * The City has added to Fund Balance for the fourth year in a row.
 - * The City's 11 parks experienced 1.1 million park days, with zero major incidents.
 - * In 2000, the City had four foreclosures. In 2009, it had 400. Oakland County had over 9,600 foreclosures in 2009. 2010 has shown a 15 percent drop in foreclosures to just under 350.
 - * In 2009, 355 homes were sold. In 2010, over 600 homes were sold. This economic indicator is moving in the right direction.
 - * An Oakland Press article citing home values provides economic indicators of Rochester Hills' position relative to other communities in Oakland County. Property values appear to be stabilizing; and the City's position, fifth among 53 communities surveyed, is twice as good as Troy and Auburn Hills, and three-times as good as Farmington Hills.
 - * Fifty-one homes were constructed in 2009; and 90 in 2010. Clear Creek Subdivision has approximately 35 homes currently under construction in the \$400,000 to \$575,000 range.

Trip Brennan, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the Rochester Area Neighborhood House (RANH) will be the beneficiary of the RHGYC's annual 5K Run/Walk to be held in June. He stated that the RHGYC is in the process of organizing the 5K, and is looking for sponsors. He mentioned that the RANH accepts monetary donations and non-perishable food items, and welcomes volunteers. He commented on the tragedy in Tucson, noting that one of the victims was a nine-year-old girl who had recently been elected to her school's student council. He stated that the RHGYC wants to spread the word that youth do want to be involved in government.

Mr. Yalamanchi commented on the strength of leadership of the future generation. He mentioned that the Washington Road Paving Project was halted primarily as a result of the actions of residents and stated that residents should continue to be involved. He expressed his appreciation for maintaining civility and commented that he is proud of what the community does.

Mr. Webber, Mr. Rosen, Mr. Klomp, Mr. Pixley and Mr. Brennan wished those attending a happy and prosperous New Year.

Mr. Brennan mentioned that Congresswoman Giffords, wounded in the Tucson tragedy, recently participated in a ceremony reading excerpts from the Constitution, and noting that the document grants the right to assemble peacefully. He reported that recent newspaper articles discussed the need for a regional water and sewer board and stated that the current structure could be construed as taxation without representation. He questioned whether Council would consider a resolution in support of a regional board to oversee the water system.

Mr. Pixley commented that the RHGYC exemplifies leadership in action and demonstrates the quality of the youth in the community. He mentioned that he is anxious to hear the presentation regarding water reservoirs at the January 31, 2011 Special Meeting.

President Hooper recognized the Holiday Helpers charitable organization, stating that they are a great asset to the community. In response comments and questions raised during Public Comment, he responded with the following:

- Of the three former City dispatchers hired by Oakland County, one voluntarily resigned and two were bumped in the union process. He mentioned that the City itself has laid off 20 individuals, which started a bumping process.*
- The January 31, 2011 meeting will be conducted under Robert's Rules of Order. He offered that individuals could contact Paul Davis, Acting Director of DPS/Engineering, and review information that the Administration has gathered to date on reservoirs. Other issues raised regarding water reservoirs, including safety and security, will be addressed during the January 31st Special Meeting.*
- The City's Outdoor Watering Ordinance was successful in moving the peak hour component into off-peak hours. The DWSD has proposed lower rates, subject to the annual increase announced in March; and the new rates must be adopted by the City in July. The purpose of constructing reservoirs is to deal with the residential component of the peak.*
- City Attorney John Staran will be requested to provide an additional legal opinion regarding the use of City property.*
- Not one Council member supported the Washington Road Paving Project once it became apparent that the RCOC did not want to make the design changes that Council and the community felt needed to be made. It is good news that the paving will not be moving forward.*

ATTORNEY MATTERS

2011-0013 Adoption of Resolution to Adjourn to Closed Session immediately following the adjournment of the Regular Meeting held Monday, January 10, 2011 at 7:00 p.m. for the purpose of considering the purchase or lease of real property

Attachments: [Resolution.pdf](#)

A motion was made by Webber, seconded by Klomp, 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: RES0001-2011

Resolved, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCL 15.268, immediately following the adjournment of the Regular Meeting held Monday, January 10, 2011 at 7:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan. The purpose of the Closed Session is to consider the purchase or lease of real property.

PRESENTATIONS

2011-0003 In Recognition of Dan Casey for being named the 2010 Employee of the Year

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

Mayor Barnett stated that the City has an extremely qualified and exceptional team and noted that the City has the lowest employee-to-resident ratio of any city in Southeast Michigan. He announced those individuals being recognized as top employees, explaining that a committee consisting of himself, several directors and past winners reviewed the nominations:

2010 Outstanding Employees:

- **Margaret Casey**, Administrative Support Aide - MIS, who began working for the City on June 30, 2003, and takes technology in hand to look for new ways to efficiently do more for the City. Ms. Casey began her career with the City as a City Council Secretary.
- **Bill Sauer**, GIS Manager, has worked for the City for 15 years, and has been GIS Manager for 10, and is a pleasure to work with, providing assistance to all City departments.
- **Lisa Cummins**, Purchasing Analyst, is a member of the number-one Purchasing Department in the State of Michigan. He commented that City Council can take a great amount of confidence in reviewing the bids prepared and received by the Purchasing Department. He noted that Ms. Cummins has also consistently been the only woman on the City's football team.

2010 Employee of the Year:

- **Dan Casey**, Manager of Economic Development, received unanimous support of the review committee. He noted that Mr. Casey has led the City in economic development activities and has been very successful in efforts to attract many high-tech companies to Rochester Hills.

Mayor Barnett expressed his appreciation to all City staff members and invited Mr. Casey to comment.

Mr. Casey expressed the appreciation of all the employees mentioned tonight, and stated that much of the success he has had in his professional career is in part because of the support of the City's staff, directors and Council. He mentioned that all departments contribute to economic development efforts and commented that staff members spend a tremendous amount of time toward that goal. He thanked Council members for the time they spend in serving the City and providing leadership in the community.

Presented.

Whereas, Dan Casey has been employed by the City of Rochester Hills as the Manager of Economic Development for seven years; and

Whereas, in an extremely difficult economy, the city's efforts in Economic Development are paying huge dividends. These efforts are lead by Dan Casey; and

Whereas, Dan has been an exceptional resource in putting together incentive packages for companies to consider and select Rochester Hills over our formidable competitors including Auburn Hills and Troy; and

Whereas, Dan is responsible for creating an award winning economic development component in the city, developing long lasting business relationships, helping to cut red tape and boosting the image of Rochester Hills throughout the state; and

Whereas, in addition, Dan is the city's Business Liaison and serves on countless committees and organizations.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Dan Casey on being selected the 2010 Outstanding Employee, and express my thanks for his hard work and dedication to the City of Rochester Hills.

2011-0004 In Recognition of Margaret Casey for being selected a 2010 Outstanding Employee

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

See Legislative File 2011-0003.

Presented.

Whereas, Margaret Casey began working for the City of Rochester Hills on June 30, 2003; and

Whereas, Margaret works very hard and always seeks better, more efficient methods to accomplish those jobs; and

Whereas, if you ever visited the city Intranet, you will find Margaret's redesign a valuable tool for city employees; and

Whereas, Margaret developed the Museum website, which includes an online store involving PayPal transactions. This was a complicated project that required a great deal of effort and collaboration with multiple departments; and

Whereas, Margaret cares about her work, and co-workers and always goes the extra mile to assist them.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Margaret Casey on being selected a 2010 Outstanding Employee, and express my thanks for her hard work and dedication to the City of Rochester Hills.

2011-0005 In Recognition of Lisa Cummins for being selected a 2010 Outstanding Employee

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

See Legislative File 2011-0003.

Presented.

Whereas, Lisa Cummins has been employed by the City of Rochester Hills for eight years, and has been the Purchasing Analyst for nearly four years; and

Whereas, Lisa worked diligently with all city departments and divisions in the procurement, evaluation, and decision making process of acquiring the best possible products and services; and

Whereas, Lisa actively does extensive research on the procurement of products and services to keep the city running effectively and efficiently and at the best possible fiscal value to the city taxpayers; and

Whereas, Lisa has lent her expertise and skill to implement employee wellness activities; and

Whereas, Lisa is a pleasure to work with, and is a prime example of a dedicated, hardworking employee whose focus is always on serving the best interests of the residents of our city.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Lisa Cummins on being selected a 2010 Outstanding Employee, and express my thanks for her hard work and dedication to the City of Rochester Hills.

2011-0006 In Recognition of Bill Sauer for being selected a 2010 Outstanding Employee

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

See Legislative File 2011-0003.

Presented.

Whereas, Bill Sauer has been employed by the City of Rochester Hills for 15 years, and has been the GIS Manager for nearly ten years; and

Whereas, he worked diligently with DPS, Engineering, Building and other departments to craft the GBA computer program to the needs of city departments; and

Whereas, Bill is always willing to stop to answer a question or help solve a problem a fellow employee may be having; and

Whereas, the information and input Bill provides is invaluable to sound management decisions; and

Whereas, Bill performs his job duties with skill and grace, and is an asset to the MIS team.

Now, Therefore, Be It Resolved, that I, Bryan K. Barnett, Mayor of Rochester Hills hereby congratulate Bill Sauer on being selected a 2010 Outstanding Employee, and express my thanks for his hard work and dedication to the City of Rochester Hills.

(Mr. Pixley and Mr. Yalamanchi exited at 8:42 p.m. and re-entered at 8:47 p.m.)

2010-0557 Complete Streets Legislation Presentation; Chris Hackbarth, Legislative Associate, Michigan Municipal League, presenter

Attachments: [Agenda Summary.pdf](#)
[Letter Hackbarth 062910.pdf](#)
[Directors Report Steudle 080510.pdf](#)
[Brochure.pdf](#)
[Complete Streets Article.pdf](#)
[House Bill Summary.pdf](#)
[Advisory Council Members.pdf](#)
[Suppl One Pager Plus.pdf](#)

Derek Delacourt, Deputy Director of Planning, reported that the State of Michigan recently adopted the Complete Streets Legislation, providing new tools for communities to use in road and street design. He stated that members of the Michigan Municipal League (MML) are here to provide a quick primer on the new legislation. He introduced MML representatives **Luke Forrest**, Project Coordinator, and **Heather Van Poucker**, Director, Information and Policy Research.

Mr. Forrest explained that he and Ms. Van Poucker were in attendance tonight instead of Chris Hackbarth, MML's Legislative Associate, as Mr. Hackbarth recently accepted a position as a member of Secretary of State Ruth Johnson's staff and is no longer with the MML. He noted that his presentation would include discussion of the design paths that communities are pursuing and explained that Complete Streets conveys the planning mindset that not one size fits all for any thoroughfare or street in a community. He commented that the MML became involved in the development of this legislation to balance economic development opportunities with flexibility for communities in making the roadways safer and more friendly to multiple types of users such as walkers, cyclists, the disabled and those using public transportation. MML staff worked with the bill's sponsors and advocated for increased flexibility for home communities and coordination between cities and other road agencies such as county Road Commissions and the Michigan Department of Transportation (MDOT). He displayed a document which summarized the Complete Streets Legislation, and stated that since its passage, the State has established an Advisory Council and has been working with partners to put together training opportunities for cities and staff. He invited interested individuals to visit the Complete Streets Coalition's website at

michigancompletestreets.org and the MML's website at mml.org and commented that the MML's Capital Conference on April 5 and 6 in Lansing will feature workshops and training opportunities regarding the legislation. He reported that over 20 communities have already adopted policy resolutions on Complete Streets and stated that funding opportunities exist in the forms of State and Federal enhancement grants and Michigan State Housing Development Authority (MSHDA) expansion of funding eligibility for Community Development Block Grant dollars. He pointed out that the legislation requires counties and MDOT to consult with cities when planning a non-motorized project and provides another lever to bring agencies to the table.

Mr. Forrest highlighted two paths of action that communities have adopted:

- Sixteen communities have adopted a general statement of support, including the City of Midland, encompassing a resolution consisting of several paragraphs outlining the community's support for Complete Streets.*
- Six communities, including the City of Saline, have adopted an ordinance.*

He explained that rather than lay out in resolution all the different details of a Complete Streets Policy, most cities have opted for a planning process. He mentioned that Rochester Hills is well ahead of the majority of Michigan cities that have considered this, as the City already has a Pathway Plan and a Master Thoroughfare Plan, both of which are fairly detailed for non-motorized facilities. He suggested that the City could adopt a resolution and use its current plans as the place where the specifics are laid out. He noted that communities are modeling their Ordinances to include an "out" when the execution of the Complete Streets plan is too burdensome in terms of cost.

***Mr. Delacourt** commented that the Administration would like Council input as to how to proceed. He pointed out that the Master Thoroughfare Plan will be up for review in a couple of years and stated that this Plan would be a logical place to include Complete Streets efforts.*

Public Comment:

***Scot Beaton**, 655 Bolinger, commented that through the centuries, the grid pattern invented and drafted by Thomas Jefferson has evolved into the mile road system which has become the place for cars and trucks to travel at 45 miles per hour. He requested Council endorse the work of the Complete Streets Organization, noting that they are working toward evolving the mile road system away from merely a place where cars are driven to a place where people live as well.*

***Pablo Fraccaroli**, 1263 Cobridge Drive, read a letter from John Gonway, Director of Advocacy from the Michigan Mountain Biking Association, in support of Complete Streets. He stated that one of the major factors in his decision to relocate his family to Rochester Hills is the area's proximity to parks and trails.*

Council Discussion:

Mr. Yalamanchi commented that the Complete Streets Program provides a strong plan for development and expressed his thanks to the MML for being proactive. He suggested that Council consider adopting a resolution to give guidance to staff and concurred that the Master Thoroughfare Plan would be the place to implement the program. He noted that an Ordinance could encourage developers and commented that it could be a vehicle to recognize Complete Streets as part of the City's policies. He suggested that the Planning Department draft language to present to Council for consideration. He pointed out that opposition to the Washington Road Paving Project mounted in part because the project would change the character of the area.

Mr. Webber suggested that the additional samples of resolution and ordinance language examples provided tonight should be included for Council.

Mr. Rosen commented that roadway design has been heading in this direction for some time, citing the development of four-lane boulevards and sidewalks. He concurred that the Master Thoroughfare and Pathway Plans are the vehicles that the City should use, noting that the timing of a review of the City's Master Thoroughfare Plan is most likely three or four years out. He commented that a resolution of support directing the incorporation of Complete Streets into the Master Thoroughfare Plan and the Pathway Plan is a good idea.

Mr. Brennan suggested that a draft resolution should be considered at the Planning Commission level before coming to Council.

President Hooper noted that staff would be directed to draft a resolution for Planning Commission consideration.

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.

2010-0552 Approval of Minutes - City Council Special Meeting - November 8, 2010

Attachments: [CC Spec Mtg Min 110810.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0002-2011

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on November 8, 2010 be approved as presented.

2010-0553 Approval of Minutes - City Council Regular Meeting - November 8, 2010

Attachments: [CC Min 110810.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0003-2011

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 8, 2010 be approved as presented.

2010-0554 Approval of Minutes - City Council Regular Meeting - November 22, 2010

Attachments: [CC Min 112210.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0004-2011

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 22, 2010 be approved as presented.

2010-0555 Approval of Minutes - City Council Regular Meeting - December 6, 2010

Attachments: [CC Min 120610.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0005-2011

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on December 6, 2010 be approved as presented.

2010-0556 Approval of Minutes - City Council Regular Meeting - December 13, 2010

Attachments: [CC Min 121310.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0006-2011

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on December 13, 2010 be approved as presented.

2010-0548 Request for Acceptance of the Watermain Easement granted by Crittenton Hospital, a Michigan non-profit corporation, for the Crittenton Hospital Medical Office Building Addition

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0007-2011

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the watermain easement granted by Crittenton Hospital, 1101 W. University Drive, Rochester Hills, Michigan 48307, over, on, under, through, and across land more particularly described as Parcel No. #15-15-101-003.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Passed the Consent Agenda

A motion was made by Pixley, seconded by Klomp, 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

NOMINATIONS/APPOINTMENTS

2011-0002 Appointment of two (2) City Council Members to the Pine Trace Committee each for a one-year term to expire December 5, 2011

Attachments: [Agenda Summary.pdf](#)
[Nomination Form - Pine Trace Committee.pdf](#)

Mr. Webber nominated Mr. Pixley.

Mr. Pixley nominated Mr. Webber.

*Seeing no other nominations, **President Hooper** stated that Mr. Pixley and Mr. Webber were Appointed.*

Appointed Vern Pixley and Michael Webber.

NEW BUSINESS

2010-0501 Request for Approval of Conditional Land Use - Miss Rita's Daycare, a proposed in-home daycare for up to 12 children located at 3508 Summit Ridge, south of Dutton and west of Adams, zoned R-2, One Family Residential, Rita Smith, applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plan.pdf](#)
[Staff Report 120710.pdf](#)
[Minutes PC 120710.pdf](#)
[Letter Smith 111010.pdf](#)
[Letter Neighbor 120110.pdf](#)
[Environ Impact Stmt.pdf](#)
[PC Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Derek Delacourt, Deputy Director of Planning, stated that the Zoning Ordinance adopted in 2010 brought the Ordinance in line with State Law to allow up to 12 children in a residential nursery school. He explained that the site plan and information submitted by Miss Rita's Daycare is in conformance with City Code and the Planning Commission recommends approval with the inclusion of a condition, offered by the owners, that the hours of operation shall be consistent with those of the school district.

President Hooper questioned whether the recommendation of the Planning Commission was unanimous and whether there have been any changes since Planning Commission approval.

Mr. Delacourt responded that there was one dissenting vote. He stated that there have been no additional changes since the recommendation.

Mr. Yalamanchi questioned whether the property will be subject to inspection by the State, whether a fence will be required, and what playground equipment will be constructed.

Rita Smith, owner of Miss Rita's Daycare, responded that the property is subject to State inspection and commented that the State requires a tree line; however, full fencing is not required. She commented that there will be no playground, however, toys will be available to ride on the back patio.

President Hooper noted that the Subdivision Deed Controls will not allow fencing. He questioned whether Ms. Smith has moved into the home and what types of children will be accepted.

Ms. Smith responded that while they have moved in, the daycare is still licensed through May 18, 2011 at its prior location and has not yet moved. She explained that in the 19 years that she has been providing care, she has found that 90 percent of her students are Rochester teachers' children. She stated that while she is licensed for 12 children, she currently has nine. She mentioned that concerns raised included the number of cars coming and going for drop-off and pick-up times. She explained that teachers are at different schools with different starting times and has found that rarely are there more than two cars there at the same time. She noted that her hours are 7:00 a.m. to 5:00 p.m., with most of the children gone by 4:30 p.m.; and pointed out that she utilizes the Rochester School Calendar and will be closed during the summer.

Mr. Klomp mentioned that the dissenting Planning Commissioner gave the opinion that while he felt Ms. Smith was perfectly qualified, he had concerns of

setting a precedent for future applicants that might not be as qualified. He questioned whether Council would still retain a control lever to deny an applicant.

Mr. Delacourt responded while he would stress that this is not a legal opinion, it is his view that Conditional Land Use applications are reviewed under an individual basis. He commented that just because one applicant is approved because he or she meets criteria, Council is not bound to approve another applicant that does not.

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: RES0008-2011

Resolved, that the Rochester Hills City Council hereby approves the Conditional Land Use for Miss Rita's Daycare located at 3508 Summit Ridge, Rochester Hills, MI 48306, an in-home daycare for up to 12 children with the following findings and subject to the following condition:

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should not be detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or the public welfare.
5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Condition:

1. That, in accordance with the applicant's representation, the hours of operation shall be based on the Rochester Schools calendar year - the daycare will not be open during the summers, holidays, breaks or weekends, according to the schools' schedule.

2011-0001 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Rochester Recruits Baseball Organization, Inc.

Attachments: [Agenda Summary.pdf](#)
[RR Letter.pdf](#)
[RR Overview.pdf](#)
[RR IRS Nonprofit.pdf](#)
[RR Bylaws.pdf](#)
[RR Articles of Incorporation.pdf](#)
[RR Rev & Exp Stmt 2010.pdf](#)
[RR Corporate Resolution.pdf](#)
[Resolution.pdf](#)

Lynn Eady, Treasurer, Rochester Recruits Baseball Organization, stated that the organization was formed in 2009 as a Corporation and received its non-profit designation in 2010. He explained that the organization consists of three baseball teams, U-10, U-11 and U-12, and noted that 90 percent of the participants are Rochester and Rochester Hills players. He commented that the goal of the organization is to promote the development of kids' baseball, and develop their understanding and appreciation for leadership and civic skills. He mentioned that a rite of passage for the 12-year-old group is to travel to Cooperstown, New York, to play in a one-week tournament against teams from all over the United States and the organization is looking for a means to be able to raise funds to accomplish that task and help the children continue to compete on a local and state level.

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: RES0009-2011

Resolved, that the request from the Rochester Recruits Baseball Organization, Inc. located at 879 Peach Blossom Lane, Rochester Hills, Michigan 48306, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

2010-0297 Request for Approval of a Six-Month Extension of the Moratorium for Medical Marihuana and Support for Clarification of the Medical Marihuana Act from the State Legislature

Attachments: [Agenda Summary.pdf](#)
[Minutes PC 110410.pdf](#)
[Minutes PC 120710.pdf](#)
[Memo Anzek 120310.pdf](#)
[Med Mari Resolution PC.pdf](#)
[Final Letter Granholm 120710.pdf](#)
[071910 Agenda Summary.pdf](#)
[Memo Mayor 071410.pdf](#)
[July 2010 Medical Marihuana Article.pdf](#)
[071910 Resolution.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that since the original moratorium was passed in July of 2010, the Administration has done a great deal of research with other communities to determine whether standards could be developed for implementation of the 2008 voter-approved legislation at the local level. He commented that enough ambiguity remains that the Administration feels developing standards at this point could cause the City to run afoul with the

Federal government; and it is recommended by the Administration and by the Planning Commission that the moratorium be extended. He noted that the Planning Commission has already forwarded letters to specific legislators requesting their help.

Public Comment:

Alice Benbow, 1582 Northumberland, commented that the use of medical marihuana was approved by a vote of the people and listed various diseases that it is reported to help. She commented that the government is trying to infringe on the rights of the individual and requested that City Council not deny help.

Dr. Bradley Barnes, 1845 N. Livernois, stated that as a Pediatrician and a representative of the Rochester Auburn Hills Community Coalition, he fully endorses an extension of the moratorium. He pointed out that nothing in the law allows dispensaries. He noted that research is limited and results mixed on the effectiveness of medical marihuana and no scientific evidence confirms that these diseases can be helped.

Council Discussion:

President Hooper commented that Dr. Barnes is correct, noting that the law allows a person individually to carry a legal amount of medical marihuana and allows a caregiver to possess and grow 12 plants; however, the law is silent regarding dispensaries.

Mr. Webber stated that he does not wish to debate the merits of the law, however, he wants the Legislature to provide guidelines in implementation. He commented that he is not sure that extending the moratorium for six months will be enough.

Mr. Rosen questioned whether the Planning Commission would send copies of their resolution to State officials.

Mr. Anzek responded that the Planning Commission opted to send letters signed by all nine members and stated that if passed, Council's resolution would be sent to State Senator Jim Marleau and State Representative Tom McMillin. He questioned whether Council wished to draft a supplemental letter to include with the resolution.

Mr. Yalamanchi commented that there are many ambiguities in the law and mentioned that to his understanding more than 49,000 permits for the use of medical marihuana have been issued along with 14,000 caregiver permits. He questioned whether the Planning Department could provide information regarding zoning opportunities and licensing. He stated that from a human perspective, he knows families with loved ones that could use help; however, he does not want to see this become a free market with dispensaries. He mentioned that the Isabella County Circuit Court recently issued a ruling that dispensaries are allowed.

Mr. Anzek responded that the Planning Commission is very much engaged in the issue on how to best implement this in the community. He explained that 15 individuals that had expressed interest in placing a facility were contacted and invited to a November Planning Commission meeting to discuss the topic and only three showed up, with none of those individuals speaking. He noted that work began in the summer and has continued, including evaluating the actions of other communities. He mentioned that several members of the Planning Commission attended the Rochester Auburn Hills Community Coalition Forum, which was also attended by Judge Jessica Cooper and a representative of the State Department.

President Hooper noted that extending the moratorium will not do anything that would step in the way of a qualified person to possess the two-and-one-half ounces allowed by law or a caregiver to have 12 plants. He stated that the moratorium only deals with growing operations and dispensaries.

Mr. Yalamanchi questioned whether the Oakland County Sheriff's Office would be able to utilize a policy, once developed by the City.

Mr. Anzek invited Council to e-mail him any questions or comments as they arise. He pointed out that a healthy marihuana plant can grow to as much as eight feet tall and have a five-foot spread; and noted that because of the size and energy it takes to successfully operate a growing function, these operations are difficult to locate in homes while maintaining the residential character and are potentially limited to industrial locations.

It was determined that Council would include a letter with their resolution to the State elected officials.

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

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

Enactment No: RES0010-2011

Whereas, on December 4, 2008, the Michigan Medical Marihuana Act ("the Act"), MCL 333.2642 et seq, became effective; and

Whereas, on July 19, 2010, the Rochester Hills City Council adopted a 180-day moratorium on all land uses relating to the medical use of marihuana in the community and directed the Planning Commission to study, deliberate and recommend to the City Council whether and to what extent the City should regulate medical marihuana land uses, activities, businesses or facilities; and

Whereas, the stated purpose of the Act is "to allow under State law the medical use of marihuana," to provide protections for the medical use of marihuana, to provide for a system of registry identification cards for qualifying patients and primary caregivers, to impose a fee for registry application and renewal, to provide for the promulgation of rules, to provide for the administration of this Act, to provide for the enforcement of this Act, to provide for affirmative defenses, and to provide for penalties for violations of the Act; and

Whereas, the Act allows a qualifying patient who has been issued and possesses a

registry identification card to possess up to 2.5 ounces of usable marihuana for medical use, and if the patient has not specified that a primary caregiver will be allowed to cultivate marihuana for the patient, to cultivate up to 12 marihuana plants in an enclosed, locked facility for medical use; and

Whereas, the Act allows a primary caregiver to assist up to 5 qualifying patients to whom the caregiver is connected through the State Department of Community Health with the use of medical marihuana, provided that the caregiver does not possess more than 2.5 ounces of usable marihuana for each patient and cultivate more than 12 marihuana plants for each patient in an enclosed, locked facility; and

Whereas, the Act does not specify the location(s) where a qualifying patient or primary caregiver may lawfully grow or cultivate marihuana; and

Whereas, the Act does not specify the manner or location in which medical marihuana may be lawfully dispensed or delivered to a qualifying patient by the patient's caregiver; and

Whereas, the Act does not provide for medical marihuana growing facilities, or for the regulation of medical marihuana growing facilities; and

Whereas, the Act does not provide for medical marihuana dispensaries or clubs, or for the regulation of medical marihuana dispensaries or clubs; and

Whereas, law enforcement officials have expressed concern over the adverse impact unregulated medical marihuana growing facilities and dispensaries may have upon the community; and

Whereas, recent law enforcement actions, court decisions, lawsuits, news reports, and scholarly analyses of the Act have identified various inconsistencies, conflicts and vagaries within and relating to the Act; and

Whereas, there is a need for the Michigan Legislature to revisit and amend the Act to address the current Act's shortcomings and render the Act more workable for local government and the general public; and

Whereas, the Rochester Hills Planning Commission held a medical marihuana workshop meeting on November 4, 2010, and at its meeting on December 7, 2010, the Planning Commission adopted a resolution recommending that the City Council extend the moratorium regarding medical marihuana land uses for an additional 6 months to allow for further study and analysis by the Planning Commission.

Resolved, that in the interest of promoting and protecting the health, safety and welfare of the public, and in view of the need for clarification of the Act, and the resulting need for further study and analysis by the Planning Commission in order to develop a recommendation regarding whether and how to appropriately regulate medical marihuana land uses, businesses and facilities in the City, the Rochester Hills City Council extends the moratorium regarding medical marihuana land uses for an additional 6 months, to July 15, 2011, with the understanding the moratorium is not intended to prohibit a qualifying patient's personal use of medical marihuana in his/her private residence in accordance with the Act.

Be It Further Resolved, that a letter accompanied by a copy of this Resolution shall be sent to Governor Rick Snyder, State Senator James Marleau and State Representative

Tom McMillin requesting the State Legislature to amend the Michigan Medical Marihuana Act to provide a framework enabling local communities to properly, safely and consistently implement the intentions of the Michigan Medical Marihuana Act approved by voters in November 2008.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber reported that the OPC Governing Board met last week and elected Jack Dalton as Chairperson, Joan Fogler as Vice-Chairperson, and Lucy Strand as Secretary. He stated that the Board discussed manners in which to incorporate participation by 50- to 59-year-olds in more of the OPC's classes and held a town-hall-style meeting in November to further explore that possibility.

Police and Road Funding Technical Review Committee (PRTRC):

Mr. Webber reported that the PRTRC would meet on Wednesday, January 12th, at 6:00 p.m.

Brownfield Redevelopment Authority (BRA):

Mr. Webber reported that the next meeting of the BRA will be on Thursday, January 20th, at 7:00 p.m.

Rochester Avon Recreation Authority (RARA):

Mr. Klomp reported that RARA has established a subcommittee to begin a search for a new Director, as John Anderson has announced that he will retire once his replacement is named.

ANY OTHER BUSINESS

Mr. Webber stated that he concurred with Mr. Brennan's comments earlier in the meeting regarding expressing support for the formation of a regional water and sewer authority. He pointed out that precedence has already been set by the Detroit Zoo Authority and the new authority governing Cobo Center. He stated that he will work with Mr. Brennan to put thoughts to paper have something ready to present to Council at the January 31st Special Meeting.

NEXT MEETING DATE

Regular Meeting - Monday, January 24, 2011 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting to Closed Session at 9:47 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARY JO WHITBEY
Administrative Secretary
City Clerk's Office*

Approved as presented at the February 7, 2011 Regular City Council Meeting.