



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, June 29, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen and Michael Webber

Absent 1 - Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Tara Beatty, Chief Assistant
Paul Davis, City Engineer
Mike Hartner, Director of Parks and Forestry
Sam Kilberg, Rochester Hills Government Youth Council Representative
Pam Lee, Director of Human Resources
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Keith Sawdon, Director of Finance
John Staran, City Attorney*

Council Member Yalamanchi provided prior notice that he would not be in attendance.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

Absent 1 - Yalamanchi

PUBLIC COMMENT

Martha Black, 2408 Jackson, stated that it was time for the Mayor's Office to take the lead on the troubling issues facing the City and commented on Tienken Road, the M-59 Sound Barrier and the Deer Management Advisory Committee.

Peter Vannini, 250 Windsor, stated that he has lived on Windsor Street for many years and has never hooked into the City's water system, yet his sewer bills are higher than his son's, who lives on Mackwood and pays for both sewer and water. He noted his last bill was \$79.00, while his son's was \$59.00 for both sewer and water. He commented he felt penalized for not having City water.

President Hooper responded that the new Water and Sewer fee schedule would reduce his bill to \$54.00 for each billing period.

Lee Zendel, 1575 Dutton, commented that the recently adopted City Council Goals and Objectives called for a reduction of operating expenses by two percent for 2010. He commented that these economic conditions were likened to a fiscal storm, and Council should strive to answer whether the fiscal problems would be short or long-term, and whether the citizens were willing to spend at certain levels to receive results.

Olaf Nitsche, 3753 Everett, stated that the Michigan Department of Transportation's (MDOT) recent response to the request to reconsider the Noise Barrier 10 (NB-10) on M-59 from Joshua to John R was unacceptable. He stated that while MDOT did revise the report, not enough dwelling units were considered. He commented that the City needed to find an alternative in the event that MDOT refuses to fund NB-10 and should look to cover this amount in the Major Road Budget for 2010.

Tina Resovsky, 637 Nawakwa, expressed her concerns about M-59 widening plans, stating that this widening will have a considerable environmental impact on wetlands and noise, in addition to being visually unfavorable. She stated that the City should find a way to build a sound wall.

Mike McGlynn, 3741 Everett, urged Council to continue to push MDOT to qualify NB-10 for funding, or begin to plan to fund the wall itself. Listing the reasons that NB-10 should be built, he stated: Country Club Village Subdivision is one of the few growing communities in the Rochester Hills area; the Subdivision is located at the same elevation as the freeway; and the combined tax base of that portion of the community exceeds \$50 million.

Peter O'Neill, 3696 Everett, stated that MDOT has refused their request to re-evaluate the number of homes impacted. He stated that funding estimates for NB-10 were based on 2007 construction dollars and that this amount should be recomputed, based on the recent economic changes. He questioned whether guard rails are included as a part of the widening project.

Jim Huber, 1367 E. Horseshoe Bend, questioned why the \$10 million Federal Earmark for Tienken Road was requested in 2003, noting that it was not a part of the City's Master Plan at the time. He questioned whether this request was based on an encouragement of business development at Rochester and Tienken Roads. He stated that this road should not be considered a corridor for through-traffic.

Joe Luginski, 985 East Tienken, reported that as a result of the panel discussion held on June 3, 2009 regarding Tienken Road, a meeting was held on June 12, 2009 with all parties involved to discuss a three-lane option and a follow-up meeting would be held tomorrow, June 30, 2009 at City Hall. He stated that all options would be available for review on July 7, 2009. He further stated that he requested that Bill McEntee, MDOT Representative, schedule a meeting to review the Stony Creek Bridge, to discuss the three preliminary design options presented to the City, noting that while one option was aesthetically pleasing with a stone arch, all options were 48 feet wide with wide shoulders and attached pedestrian pathway. He questioned whether the Federal Earmark could be repurposed to another City project.

Melissa Luginski, 985 East Tienken, stated that public perception is that City officials have not acted to protect its Historic District. She commented that this founding settlement is unique in age, size and consideration, and is one of few villages in the Midwest. She commented that with two five-lane projects looming it would place pressure on the Historic District, where 70 percent of the Village's structures line Tienken Road.

Melinda Hill, 1481 Mill Race, commented on the City's historical roots and said these attributes distinguish Rochester Hills from other communities. She commented that Council should step up to the task of sustaining viability for the future. She stated that Council should support the funding of three lanes on Tienken.

Don Hughes, 3744 Bald Mountain Road, Auburn Hills, commented that the Deer Management Advisory Committee's recent seminar on How to Deer Proof Your Garden was extremely successful and helpful, with over 160 in attendance. He reported that SEMCOG 2008 figures for car/deer accidents note a 36 percent decrease over 2007 and commented that recent flyovers indicate a decrease in deer population. He stated that the City should now focus on non-lethal alternatives.

Chris Hughes, 1408 New Life Lane, reported that the International Velodrome at Bloomer Park has begun its eighth season and noted that this year low-level lights will be installed due to the generosity of a fan. She encouraged racing fans to visit the Velodrome on Friday nights at 7:30, and noted that on July 10, 11 and 12, 2009, racers from all over the country will compete.

Larry Audubon, 3480 Primrose, stated that he was a resident of Wildflower Subdivision and also supported a noise barrier for M-59.

James Johnson, 1172 Sparkle, stated he supported limiting the growth and

expansion of Tienken to no more than three lanes, citing a negative impact on the community and increasingly dangerous truck traffic through the area. He stated that expanding this road beyond three lanes would waste taxpayer funds by overbuilding beyond the need. He commented that no one has ever come before City Council expressing a positive opinion toward a four or five-lane road.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper stated that a discussion and report on the M-59 Sound Wall will be on the July 13, 2009 Council agenda. He stated that a public meeting would be held at City Hall on July 7, 2009 by the Road Commission of Oakland County (RCOC) to review two alternatives for Tienken Road, including a three-lane road and a modified five-lane option. He commented that he had attended the Rochester Hills Government Youth Council's (RHGYC) 5k Run/Walk to Benefit Veterans with Traumatic Brain Injury last Saturday, June 27, 2009 at Bloomer Park and noted that it was an excellent event raising funds for a good cause. He thanked City Staff, Leanne Scott, Christine Wissbrun and Mary Jo Whitbey for their work on the RHGYC's 5k. He invited residents to attend the Festival of the Hills on July 1, 2009 at Borden Park.

Mr. Brennan encouraged residents to attend the RCOC informational meeting at City Hall on July 7, 2009.

Mr. Ambrozaitis stated that the City should strive to be proactive and fund the M-59 sound wall from the City's Budget. He commented that a 48-foot bridge planned for Tienken Road in the Historic District was too wide and noted that he had previously voted against the Paint Creek Bridge on Tienken Road.

Mr. Pixley expressed his thanks to the City Staff participating in the RHGYC's Run/Walk and thanked Mike Hartner, Director of Parks and Forestry, for having a great park. He commented that the RHGYC is a phenomenal group of young adults and that having 135 runners for a first 5k event made it a very successful project. He reported that interviews for next year's Youth Council were recently completed and commented on the quality of the young adults applying. He thanked Ms. Hughes for her presentation on the Velodrome, and noted that up-and-coming Olympic-hopeful speed-skater Andrew Astalos uses the Velodrome for cross-training. He commented that he will not be able to attend the RCOC informational meeting on July 7, as he would be out of town on vacation.

Mr. Rosen encouraged everyone to have a safe Fourth of July.

Mr. Webber stated that he was looking forward to discussions on the sound barrier at the July 13, 2009 meeting. He commented that he was working with some of the individuals who were a part of the Federal Earmark process and has had discussions with former Representative Knollenberg to explore how to repurpose the funding. He noted that the Rochester Area Jaycees would be holding a food drive during the Festival of the Hills and would be accepting non-perishable food items and donations for Neighborhood House Food Pantry.

Sam Kilberg, Rochester Hills Government Youth Council Representative,

reported that the RHGYC's 5k held on Saturday, June 27, 2009 was a great event. He thanked City Council for its support of the RHGYC and thanked the Clerk's office for its assistance in helping the group plan the 5k.

Mayor Barnett made the following comments:

- He was not aware of the history of how the Federal Earmark for Tienken Road was requested by former Mayor Somerville. He noted that when a Federal Earmark is received, the rules are quite strict and commented that the Administration is attempting to negotiate and work back channels to see that the Earmark funding is not lost. He noted that he has never heard any Council member express support for a five-lane road, and noted that the City would like to see flexibility in using the money. He commented that Council will have the final authority to approve a road project and noted that the Administration would like to build a three-lane option.
- He stated that he drafted a letter to Governor Jennifer Granholm after receiving MDOT's letter regarding the Sound Wall. He noted that the Capital Improvement Plan includes over \$210 million in identified projects in Major and Local Roads for the next five years and noted that there was no way the City could do every one of them.
- Tax bills were sent out this week. He noted that Bank of America has consolidated their offices and would now be processing receipt of tax bills in Chicago. He commented that it would cost the City approximately \$60,000 to have a local processing address and noted that residents could still bring their tax payments to City Hall.
- Repairs to an eight-foot water line on Dequindre will impact communities from Romeo to Shelby and result in reduced water pressure. He requested area communities refrain from any outside water consumption from Noon on Wednesday, July 1 to Noon on Thursday, July 2.
- The Festival of the Hills Fireworks will be held on Wednesday, July 1, 2009 and the Lions Club donated 10,000 ice creams to be handed out free at the event. He noted that this year's theme was the City's 25th Year, and was a tribute to 1984, our Nation and the Armed Forces. He commented that 30,000 to 50,000 people were expected to attend and requested residents pay attention to traffic routes and signs.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

- 2009-0229** Request for Purchase Authorization - HUMAN RESOURCES: Contract for Accident and Sickness Insurance for Firefighters in the amount not-to-exceed \$68,382.00 for three years; Volunteer Firemen's Insurance Service (VFIS), Baltimore, MD

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0166-2009

Resolved, that the Rochester Hills City Council hereby authorizes a contract to Volunteer Firemen's Insurance Service (VFIS), Baltimore, Maryland for accident and sickness insurance for firefighters in the amount not-to-exceed \$68,382.00 for three years and further authorizes the Mayor to execute a contract on behalf of the City.

Passed the Consent Agenda

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

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

Absent 1 - Yalamanchi

The following Agenda Item was discussed and adopted by separate motion.

2009-0217 Request for Purchase Authorization - DPS: Award of the contract for the 2009 Thermoplastic Marking Program in the amount of \$42,029.94 with a 5% contingency of \$2,101.50 for a total not-to-exceed amount of \$44,131.44; R.S. Contracting Inc., Casco, MI

Attachments: [Agenda Summary.pdf](#)
[2009 Program.pdf](#)
[OC Recommendation 2001 Striping Sprayable.pdf](#)
[2009 AB Pavement Striping Inventory Cost Comparison.pdf](#)
[MarkingCostHistory Addl Info.pdf](#)
[Bid Tabulation.pdf](#)
[Contract Extension.pdf](#)
[Resolution.pdf](#)

Melinda Hill, 1481 Mill Race, requested a more specific breakdown for this line item in the Budget.

Paul Davis, City Engineer, provided Council with a breakdown for Budget Years 2006 through 2009 for Traffic Services (472) and Contractual Services (807000)

Budget Year 2006:

Budgeted Amount - \$40,200

- \$40,000 in Pavement Marking Program; \$200 in Microfilming

Actual Spent - \$92,830

Budget Year 2007:

Budgeted Amount - \$91,200

- \$35,000 in Pavement Marking Program; \$1,200 in Microfilming; \$10,000 in Hamlin Road Street Lighting Agreement; \$45,000 in Thermoplastic Legends Program

Actual Spent - \$77,131

Budget Year 2008:

Budgeted Amount - \$96,200

- \$45,000 in Pavement Marking Program; \$1,200 in Microfilming; \$10,000 in Hamlin Road Street Lighting Agreement; \$40,000 in Thermoplastic Legends Program

Actual Spent - \$86,184

Budget Year 2009:

Budgeted Amount - \$110,000

- \$45,000 in Pavement Marking Program; \$5,000 in Microfilming; \$10,000 in Hamlin Road Street Lighting Agreement; \$50,000 in Thermoplastic Legends Program

Actual Spent - To Be Determined

Roger Rousse, Director of DPS/Engineering, stated that thermoplastic marking is more durable than painting and is reflective in the evening. He noted that the City does not replace all thermoplastic markings each year; the pavement marking condition is evaluated to determine whether it should be replaced.

Mr. Rosen questioned whether there was a rule of thumb used to determine what marking was replaced annually. He questioned the difference between paint, sprayable thermoplastic and legends.

Mr. Rousse responded that it depended on how the marking was holding up and was influenced by traffic counts.

Mr. Davis stated that the lifespan of sprayable thermoplastic was anticipated to be one to two years. He noted that the inlay thermoplastic marking was pressed or cut into new asphalt roads and had a much longer lifespan. He stated that the Road Commission of Oakland County (RCOC) recommends sprayable thermoplastic marking, and explained that the City does not use paint. He clarified that this item covered the white and yellow solid and dashed lines; legends are the stop bars and stop lines and were not included in this item.

President Hooper commented that the City has approximately 446,000 lineal feet of roadway and questioned how much was scheduled for marking.

Mr. Rousse remarked that approximately two-thirds of this roadway would be included.

Mr. Ambrozaitis questioned what marking method was used on University within Rochester's City limits. He questioned the cost differential between paint and thermoplastic.

Mr. Rousse responded that RCOC maintains University. He noted that waterborne paint is approximately 4.5 cents per lineal foot, with approximately two sprays per year required, and thermoplastic is 8.5 cents per lineal foot. He stated that it was his experience that paint has one-half the life cycle as thermoplastic and noted there were also manpower costs to consider in applying the markings.

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

Aye 5 - Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Ambrozaitis

Absent 1 - Yalamanchi

Enactment No: RES0165-2009

Resolved, that the Rochester Hills City Council hereby authorizes the award of the contract for the 2009 Thermoplastic Marking Program to R.S. Contracting Inc., Casco, Michigan in the amount of \$42,094.94 with a 5% contingency of \$2,101.50 for a total not-to-exceed amount of \$44,131.44 and further authorizes the Mayor to execute a contract on behalf of the City.

ORDINANCE FOR INTRODUCTION

2009-0242 Acceptance for First Reading - an Ordinance to repeal Article V, of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and to adopt amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the City of Rochester Hills, to streamline necessary procedures for compliance with the aforementioned Federal amendments and for improvement of the efficiency, operation and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program, to establish new regulatory requirements for centralized waste treatment facility dischargers and for groundwater dischargers, to place new responsibility upon industrial users for conducting self-monitoring and waste minimization activities, to modify the appeal and reconsideration process available to industrial users for redress of administrative actions by the City of Detroit Water and Sewerage Department and the City of Rochester Hills, to repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[062909 Agenda Summary.pdf](#)
[DWSD Ord Revisions Summary.pdf](#)
[062909 Resolution.pdf](#)
[Resolution.pdf](#)

Roger Rousse, Director of DPS/Engineering, reported that this proposed Ordinance Amendment establishes new levels of contaminants, new chemicals for testing and practices for testing as dictated by the Clean Water Act, as administered through the Environmental Protection Agency (EPA) and the

Detroit Water and Sewerage Department (DWSD). He stated that the Act provides that new standards are updated every three to five years by the EPA, and the City's Ordinance will reflect these new standards.

Mr. Ambrozaitis questioned what the cost to the City would be for implementation of these new standards and whether this Ordinance was in response to the new M-4 requirements.

Mr. Rousse responded that there would be a cost associated with these updated standards; however, he was unable to put a dollar amount to that cost. He stated that this Ordinance pertains to Sanitary Sewer. He stated that sanitary sewer overflows would migrate into the storm sewer.

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

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

Absent 1 - Yalamanchi

Resolved, that an Ordinance to repeal Article V, of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and to adopt amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the City of Rochester Hills, to streamline necessary procedures for compliance with the aforementioned Federal amendments and for improvement of the efficiency, operation and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program, to establish new regulatory requirements for centralized waste treatment facility dischargers and for groundwater dischargers, to place new responsibility upon industrial users for conducting self-monitoring and waste minimization activities, to modify the appeal and reconsideration process available to industrial users for redress of administrative actions by the City of Detroit Water and Sewerage Department and the City of Rochester Hills, to repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2009-0240 Acceptance for Second Reading - an Ordinance to add Article VI to Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a Retiree Health Benefit Plan and Trust, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance \(second revision\).pdf](#)
[062209 Agenda Summary.pdf](#)
[Ordinance \(revised\).pdf](#)
[Ordinance.pdf](#)
[Spec Mtg Min Excerpt 101800.pdf](#)
[Reg Mtg Min Excerpt 101800.pdf](#)
[Reg Mtg Min Excerpt 022508.pdf](#)
[062209 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, reported that this Ordinance was revised

following the First Reading based on Council's direction. He noted that the Ordinance has been split into two documents: an Ordinance covering the Supplemental Benefit Plan and a separate Ordinance covering the Implicit Rate Subsidy. He noted that the composition of the Board of Trustees was revised to include the City's Finance Director, Assessor/Treasurer, one Council Member and two Citizen Members, and language included to clearly document how the funds would flow back to the City after payment of all liabilities included. He stated that the Ordinance covering the Implicit Subsidy would return to Council for First Reading in approximately 30 days.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0167-2009

Resolved, that an Ordinance to add Article VI to Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a Retiree Health Benefit Plan and Trust, repeal conflicting Ordinances, and prescribe a penalty for violations be accepted for Second Reading and Adoption, and shall become effective on Friday, July 10, 2009, the day following its publication in the Rochester Post on Thursday, July 9, 2009.

2009-0243 Acceptance for Second Reading - An Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[062209 Agenda Summary.pdf](#)
[062209 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Alice Benbow, 1582 Northumberland, stated that residents are being overbilled for Sewer Rates.

President Hooper responded that the water and sewer rates are set by the Water and Sewer Technical Review Committee. He questioned what the new flat sewer charge would be after incorporating these fee changes.

Keith Sawdon, Director of Finance, responded that the flat, non-metered rate for Sewage would be \$22.14 per month, plus a Customer and Capacity Charge.

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

Aye 5 - Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Ambrozaitis

Absent 1 - Yalamanchi

Enactment No: RES0168-2009

Resolved, that an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations be accepted for Second Reading and Adoption, and shall become effective on Friday, July 3, 2009, the day following its publication in the Rochester Post on Thursday, July 2, 2009.

NEW BUSINESS

2009-0249 Salary Recommendation for Directors' General Adjustment - 2010

Attachments: [Agenda Summary.pdf](#)
[EE Group Wage Adjustments \(revised\).pdf](#)
[EE Group Wage Adjustments.pdf](#)
[Resolution.pdf](#)

Pam Lee, Director of Human Resources, stated that based on three months of discussion at the Human Resources Technical Review Committee (HRTRC), a zero general adjustment was recommended by the HRTRC for Department Directors.

Mr. Pixley stated that he appreciated Ms. Lee's work on the HRTRC and commented that in light of the economic challenges presented, he was happy that the City would be able to maintain the salaries at current levels. He stated that he wished to commend the great staff the City has for all the hard work and professionalism they bring to their jobs.

Mr. Ambrozaitis commented that it was good to see no pay increases this year; but noted that Department Heads were eligible for a lump sum fee in addition to their base salary based on years of service. He stated that he would respectfully ask that the system be changed for new hires.

Mr. Rosen stated that he was pleased that the HRTRC did not need to recommend a salary cut; however, he cautioned that the City is venturing into an unknown territory of reduced revenues.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0169-2009

Whereas, pursuant to Article III, Section 5 of the City Council Policy for Salaries for Department Directors, "at the last regular meeting of the City Council in the month of June, the Human Resources Technical Review Committee shall make a written recommendation to the Council concerning the total equity, general, and performance adjustments, if any,

for the compensation for the Department Directors as a group for the succeeding fiscal year"; and

Whereas, the Human Resources Technical Review Committee has reviewed and discussed the information provided by the Administration regarding the financial condition of the City and recommends no general adjustment to Department Directors' base salaries for the Fiscal Year 2010.

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee and authorizes that the budgeted funds for Department Directors' base salaries shall remain unchanged at \$939,829 in 2010.

2009-0250 Salary Recommendation for Directors' Equity Adjustment Pool - 2010

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

Pam Lee, Director of Human Resources, stated that the Human Resources Technical Review Committee was not recommending any individual equity adjustments for 2010.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0170-2009

Whereas, pursuant to Article III, Section 5 of the City Council Policy for Salaries for Department Directors, "at the last regular meeting of the City Council in the month of June, the Human Resources Technical Review Committee shall make a written recommendation to the Council concerning the total equity, general, and performance adjustments, if any, for the compensation for the Department Directors as a group for the succeeding fiscal year"; and

Whereas, the Human Resources Technical Review Committee has reviewed and discussed the information provided by the Administration regarding equity pay for Directors and recommends to City Council that no equity adjustment be provided to individual Department Directors' salaries for the Fiscal Year 2010.

Resolved, that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee and authorizes that no equity adjustments for Department Director positions be budgeted for Fiscal Year 2010.

2009-0251 Salary Recommendation for Directors' Variable Performance (Discretionary) Pool - 2010

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

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

2009-0252 Salary Recommendation for Mayor - 2010

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

Pam Lee, Director of Human Resources, stated that no increase in salary was proposed for the Mayor for 2010.

Public Comment:

Alice Benbow, 1582 Northumberland, stated that the Mayor gets paid more than a State Representative. She commented that she would like to see the Mayor receive a salary cut.

Mr. Ambrozaitis commented that he would like to see the Mayor not accept a \$400 gas allowance each month.

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

Aye 5 - Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Ambrozaitis

Absent 1 - Yalamanchi

Enactment No: RES0171-2009

Whereas, pursuant to Article IV, Section 3 of the City Council Policy for Salary and Fringe Benefits for Mayor, "at the last regular meeting of the City Council in the month of June, the Human Resources Technical Review Committee shall make a written recommendation to the Council concerning the base annual salary and fringe benefits for the Mayor for the succeeding fiscal year"; and

Whereas, the Human Resources Technical Review Committee has reviewed and discussed the information provided by the Administration regarding the financial condition of the City and recommends no general adjustment to the base salary of the Mayor for Fiscal Year 2010.

Resolved, that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee and that the base salary of the Mayor remain unchanged at \$103,076.00 for Fiscal Year 2010.

2009-0253 Salary Recommendation for Boards & Commissions - 2010

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

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

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

Absent 1 - Yalamanchi

Enactment No: RES0172-2009

Whereas, pursuant to Article VI, Section 3 of the City Council Policy for Compensation for the Per Diems for Boards and Commissions, as amended, "at the last regular meeting of the City Council in the month of June, the Human Resources Technical Review Committee shall make a written recommendation to the Council concerning the per diems for the boards and commissions for the succeeding fiscal year"; and

Whereas, the Human Resources Technical Review Committee has reviewed and discussed the information provided by the Administration and recommends no change in the per diem compensation of seventy-five dollars (\$75) for chairpersons and sixty-five dollars (\$65) for members of boards and commissions for Fiscal Year 2010;

Resolved, that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee that the per diems for boards and commissions remain unchanged at seventy-five dollars (\$75) for chairpersons and sixty-five dollars (\$65) for members per meeting attended for Fiscal Year 2010 for the following boards and commissions:

Building Authority
Construction/Fire Prevention Code Board of Appeals
Economic Development Corporation
Historic Districts Commission
Planning Commission
Zoning Board of Appeals/Sign Board of Appeals

2009-0254 Salary Recommendation for City Council - 2010

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

Pam Lee, Director of Human Resources, stated that no change in City Council salary was recommended for 2010.

Public Comment:

Alice Benbow, 1582 Northumberland, commented that when people served as Aldermen, it was their civic responsibility. She stated that she would like to see City Council have a pay decrease and all salaries need to be cut.

Council Discussion:

President Hooper noted that City Council has not had a salary adjustment for five or six years.

John Staran, City Attorney, stated that Michigan Law prohibits the reduction of an elected official's salary during the term of office. He noted that if a motion was made to reduce the Mayor's or City Council's pay, it would apply to future terms.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0173-2009

Whereas, pursuant to Article V, Section 3 of the City Council Policy for Compensation for the Per Diems for Boards and Commissions, as amended, "at the last regular meeting of the City Council in the month of June, the Human Resources Technical Review Committee shall make a written recommendation to the Council concerning the compensation for the members of Council for the succeeding fiscal year"; and

Whereas, the Human Resources Technical Review Committee has reviewed and discussed the information provided by the Administration and recommends no change in the base pay or meeting pay for Council President and Council Members and no change in the number of meetings required for compensation for Fiscal Year 2010;

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee that compensation for Council remain at the current rate of \$7,850.48 for Council President, \$6,577.43 for Council Member, and meeting pay of \$60.00 per meeting after 32 meetings.

2009-0248 Adoption of Amendments to City Council Policy of Performance Appraisals for City Council Appointed Department Directors

Attachments: [Agenda Summary.pdf](#)
[Policy for Review of Perf Appraisals.pdf](#)
[Resolution.pdf](#)

Pam Lee, Director of Human Resources, stated that Appointed Director's performance appraisals have been provided to City Council by the Human Resources Technical Review Committee (HRTRC). She stated that in recognition of the sensitivity of discussion between a management director and the individual who answers to them, it was recommended that a separate communication be prepared to submit to Council regarding any performance information rather than the full appraisal. She noted that the Mayor would prepare a memorandum to Council on an annual basis reflecting any performance considerations that were a part of the Director's appraisal for the prior year. If Council had questions or concerns, they would be conveyed to the Human Resources Director and discussed at the HRTRC.

Mr. Brennan stated that he did not wish to change the current policy.

Mr. Rosen commented that he had felt uncomfortable with receiving actual copies of appraisals with details of day-to-day performance. He stated that while he wished to see that performance difficulties were being addressed, he did not want to get into the personal details contained in the appraisal itself.

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

Aye 4 - Ambrozaitis, Pixley, Rosen and Webber

Nay 2 - Brennan and Hooper

Absent 1 - Yalamanchi

Enactment No: RES0174-2009

Whereas, City Council recognizes the sensitive nature of appraisal discussions between an executive and a Council-appointed department director.

Resolved, that the Rochester Hills City Council hereby adopts the revised version of the Policy for Review of Performance for City Council Appointed Department Directors for 2010.

(RECESS 9:01 P.M. to 9:13 P.M.)

2009-0033 Request for Approval of Clear Creek No. 5 Property for Acquisition recommended by the Green Space Advisory Board

Attachments: [Agenda Summary.pdf](#)
[Nomination form & prel platt.pdf](#)
[Power Point Presentation.pdf](#)
[Resolution.pdf](#)

Bill Windschief, Chairperson, Green Space Advisory Board (GSAB), reviewed the 2005 creation of the GSAB, and presented the report on GSAB activities and recommendations:

Since the last GSAB Property Recommendation in June 2008:

- Monthly GSAB committee meetings
- Open meetings with regular citizen input
- Work Plan and Sub-Committees in place
- Youth Members integrated into the GSAB process
- Developed and presented recommendations for a Green Space Stewardship program for acquired parcels
- Supported establishment of a Rochester Hills Green Space account with the Rochester Community Foundation for stewardship activities
- Received and reviewed additional property nominations for Clear Creek No. 5 and Yates parcels
- Reviewed Natural Features Inventory data, conducted site visits, evaluated and scored parcels
- GSAB is now recommending the City pursue acquisition of Clear Creek No. 5

Mr. Windschief displayed a slide indicating the proposed parcel's location in the northeast corner of the City.

Property Evaluation Criteria:

Green Space/ Natural Features Criteria

- Water Resources
 - * Rivers, streams, ponds and lakes
 - * Wetlands
 - * Floodplains
- Habitat Protection

- * *Wildlife habitat*
- * *Woodlands*
- *Recreational/Historical Resources*
 - * *Clinton River greenway corridor*
 - * *Other streams and trail corridors*
 - * *Adjacency/connectivity*
 - * *Scenic views*
 - * *Passive recreation*
 - * *Historical/cultural*
 - * *Community Planning*
- *Other Factors*
 - * *Other unique factors*
 - * *Market value considerations*
 - * *Development risk*
 - * *Steep slopes*
 - * *Size of property*
- *Adverse Factors*
 - * *Environmental hazards*
 - * *Higher than "market value" costs*
 - * *Any unique detractors*

Clear Creek No. 5:

39.3 acres at the corner of Sheldon and Mead Roads

- *Nominated by the property owner in December 2008*
- *GSAB conducted an on-site tour in April and noted:*
 - * *"Wildlife Habitat Priority 1" in the Natural Features Inventory*
 - * *Woodlands (72%, 26 acres)*
 - * *Wetlands (39%, 13.3 acres)*
 - * *Varied terrain*
 - * *Scenic views*
 - * *Passive recreation opportunities*
 - * *Accessible from Sheldon Road, Mead Road and Cross Creek Subdivision*
 - * *Supports Oakland County's Hubs and Site Green Infrastructure Network*
 - * *In an area of the city with relatively few public green spaces*
 - * *Total property score is 51 points*

Mr. Windschief displayed aerial and site photos noting the property was relatively wooded and was considered a high-quality forested wetland. He commented that the property had sloped and varied terrain, with steep slopes in particular areas. He stated it was in proximity to Stony Creek Metropark and Oakland Township green spaces.

Recommendation:

GSAB has reached a consensus decision to recommend Clear Creek No. 5 for acquisition under the Green Space Millage.

- *Why this property is being recommended for acquisition:*
 - * *The property was compared using criteria relating to protection of water resources, habitat protection, steep slopes, woodlands, recreational value and natural features*

- * Site contribution to the Oakland County Greenways vision of Hubs and Site Green Infrastructure Network
- * This property meets the intent of the Green Space Millage approved by voters
- * Also, this property may be suitable for matching grant funds

Public Comment:

Melinda Hill, 1481 Mill Race, stated that while she appreciated the work of the GSAB, she was not in agreement with the recommendation for this parcel. She commented that the parcel is not adjacent to a major river or stream corridor in this community and stated that other properties exist in the city that could be considered a better asset. She stated that much of this property would most likely not ever be developed and if it remained a part of the subdivision, it would not be maintained by the City.

Council Discussion:

Mr. Rosen stated that there has been a general recognition that this portion of the site would always be very difficult to develop with its wetlands and the City's rules to protect them. He stated that the net effect has been the preservation of this green space for almost 20 years and noted that only 35 or 40 additional lots would actually be available for development. He commented that the property does not serve the purpose of the GSAB's charge to preserve green space.

Mr. Brennan stated that he was impressed by this parcel of land and noted that both GSAB and the Parks and Forestry Department recommended its acquisition.

Mr. Ambrozaitis commented that with the fall in the taxable values, there will be reduced funding available to acquire these properties. He expressed concern that this was not the best parcel to acquire and questioned why the City wished to purchase unbuildable property.

Mr. Windschief stated that the GSAB had extensive deliberations before recommending this property. He commented that it was the consensus of the GSAB to move forward because the property meets GSAB criteria, and has a very willing seller willing to participate in the lengthy process of grant acquisition.

Paul Funk, Green Space Advisory Board member, stated that he was on the Planning Commission during the original development of this property and commented that he was convinced that this piece warrants consideration.

Mr. Webber questioned how the score of 51 relates to other GSAB-recommended properties.

Mr. Windschief responded that the City has acquired four GSAB-recommended properties to date and noted that the Rivercrest property received a score of 53, the East Childress property received a score of 65, the West Childress property received a score of 41 and the Harding Estates property received a score of 86. He noted that a parcel on Mead Road was

evaluated and was not acquired which received a score of 64.

Mr. Webber inquired whether the City would be committed to acquire the property if a grant did not go through.

President Hooper stated that an approval tonight would begin the acquisition process, but would not be a final decision to purchase the property.

Mike Hartner, Director of Parks and Forestry, commented that the GSAB is recommending that this property has natural attributes worth preserving in the city. He stated this would not begin negotiations with the seller and noted that negotiations will not begin until the Michigan Department of Natural Resources has scored the property, the Legislature has passed an appropriations bill, and after a project agreement returns to Council to accept the grant and commit GSAB funding. Following that process, two State-certified appraisals would be required and the grant would be set at a value of 50 percent of the market value. At that point, Council could have additional discussions on the purchase.

Mr. Funk noted that the grant application deadline was August 1, 2009 and a resolution of Council was necessary that, if awarded, Council would commit GSAB monies.

Mr. Pixley stated that as the City was not obligating any funds tonight, he would agree that it was prudent to move forward into the exploratory process.

Mr. Ambrozaitis questioned whether the City would incur costs in obtaining the appraisals as a part of the grant process and whether writing the grant would have a cost.

Mr. Hartner stated that appraisal costs would not be incurred until after award of the grant and would be a cost reimbursable under the grant. He noted that if the grant were not received, the City could negotiate a price with the landowner. He noted that normal staff time was utilized to write the grants, with no overtime.

Mayor Barnett commented that receiving the grant would be a huge factor in purchasing this parcel.

Mr. Rosen suggested the wording of a resolution be modified to indicate an exploratory process.

Harry Terbruggen, Executive Vice President, Elro Corporation, clarified that open space for the Clear Creek Subdivision was controlled by the Homeowner's Association and was not open to the general public. He commented that Clear Creek No. 5 represents 56 or 57 developable lots with the balance devoted to open space. He stated that some mitigating of the wetlands would have to occur and any open space would be under the control of the Homeowner's Association and remain private property. If purchased through this program, the parcel would be public, open space. He noted that it would most likely be developed in 2011.

Mr. Ambrozaitis reiterated that he was not comfortable with a decision on this

parcel. He questioned whether a grant could be used on another property.

Discussed.

2009-0033 Call the Question to Close Debate on the Request for Approval of Clear Creek No. 5 Property for Acquisition recommended by the Green Space Advisory Board

Attachments: [Agenda Summary.pdf](#)
[Nomination form & prel platt.pdf](#)
[Power Point Presentation.pdf](#)
[Resolution.pdf](#)

Mr. Brennan Called the Question on this item.

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

Aye 5 - Ambrozaitis, Brennan, Hooper, Pixley and Webber

Nay 1 - Rosen

Absent 1 - Yalamanchi

Enactment No: RES0178-2009

Resolved, that the Rochester Hills City Council hereby Call the Question to Close Debate on the Request for Approval of Clear Creek No. 5 Property for Acquisition recommended by the Green Space Advisory Board.

2009-0033 Request for Approval of Clear Creek No. 5 Property for Acquisition recommended by the Green Space Advisory Board

Attachments: [Agenda Summary.pdf](#)
[Nomination form & prel platt.pdf](#)
[Power Point Presentation.pdf](#)
[Resolution.pdf](#)

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

Aye 5 - Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Ambrozaitis

Absent 1 - Yalamanchi

Enactment No: RES0179-2009

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

Whereas, the GSAB has established a Property Interest Acquisition Process which

includes parcel identification, determination of availability, assemblage of a candidate list, determination of target properties and recommendation to City Council;

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

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

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

Whereas, the GSAB, based on its findings, recommends the City pursue the acquisition of Clear Creek No. 5 property on the southeast corner of Sheldon and Mead Roads, totaling approximately 39.3 acres, which is part of Parcel No. 70-15-02-200-015;

Now Therefore Be It Resolved, that the Rochester Hills City Council adopts the GSAB's recommendation to pursue the acquisition of Clear Creek No. 5 property on the southeast corner of Sheldon and Mead Roads, totaling approximately 39.3 acres, which is part of Parcel No. 70-15-02-200-015;

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

2009-0247 Request for Approval of Grant Application to the Michigan Natural Resources Trust Fund

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

Mike Hartner, Director of Parks and Forestry, explained that if awarded, the grant would be estimated at \$510,000, or 50 percent of the GSAB-recommended property value as of next spring. He noted that the grant cycle began last April and the process would continue until the Natural Resources Trust Fund Board meets in December to establish the list of awardees. He commented that funding for these grants are derived from oil and gas royalties in the State of Michigan and stated that there is fierce competition for these grants. He noted that the last grant the City received was \$1.9 million for the purchase of the Clinton River Trail property. He reported that \$45 million was awarded last year for projects in the State of Michigan and commented that this project has a great chance of being scored well on the State level. He noted that the figure quoted was a placeholder and the amount of commitment would be confirmed after appraisals and was computed based on 2009 taxable values and preliminary plat information for the parcel.

Mr. Webber commented that the State was considering combining the Michigan Department of Environmental Quality and the Michigan Department of Natural Resources into a new Department of Conservation. He questioned whether this would earmark funds at this point and how long the City had to utilize any grant received.

Mr. Hartner responded that a commitment will be required only if the City

accepts a grant. He noted that after a project agreement is signed, the City would have one year to finalize acquisition.

Mr. Rosen questioned whether the City was obligated to purchase the property if the grant came through and suggested that a resolution include the words "if awarded" to clarify the City's position.

Mr. Hartner responded that the City would only be committed to a purchase if it accepted the grant.

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

Aye 5 - Brennan, Hooper, Pixley, Rosen and Webber

Nay 1 - Ambrozaitis

Absent 1 - Yalamanchi

Enactment No: RES0175-2009

Whereas, the Sheldon / Mead parcel of approximately 39.31 acres located in the northeast quadrant of the City of Rochester Hills contains woodlands, wetlands, a pond, and diverse wildlife habitat; and

Whereas, this property was identified as a Priority One Natural Area on the Rochester Hills Natural Features Inventory; and

Whereas, the Green Space Advisory Board has determined that this undeveloped land meets their criteria for green space acquisition, has highly ranked this parcel based on its natural features, and has recommended to the Rochester Hills City Council that it be acquired for green space and wildlife habitat preservation; and

Whereas, one of the goals and objectives of the City of Rochester Hills Parks and Recreation Master Plan 2006-2010 includes the preservation of woodlands, wetlands, watercourses, and wildlife habitats within the city; and

Whereas, the citizens of Rochester Hills passed a millage in 2005 to help fund the purchase of green space natural areas prioritized in the Natural Features Inventory; and

Resolved, that the Rochester Hills City Council hereby approves the City's application to the Michigan Department of Natural Resources Trust Fund for a grant request totaling \$510,000 to provide funding for this property acquisition; and

Be It Further Resolved, that the Rochester Hills City Council commits to providing matching funds of 50% of the acquisition costs, not to exceed \$510,000, for the Sheldon / Mead Green Space parcel from the fund balance in the Green Space and Natural Features Fund, if awarded.

2009-0255 Police and Road Technical Review Committee final report and recommendations to City Council

Attachments: [Agenda Summary.pdf](#)
[062909 Agenda Summary.pdf](#)
[Final Report to Council.pdf](#)

Paul Funk, Chairperson of the Police and Road Funding Technical Review Committee, presented the Committee's final report. He noted that the process followed included reviews of a number of City Departments, budgetary concerns, and general trends in public government throughout the country. He pointed out that because of the nature of the impact on the City's General Fund, the Committee felt a need to look at ways to relieve pressure on the General Fund. He reviewed several of the notable recommendations contained in the report:

- No recommendation of any additional millages.
- Several communities reviewed charge a one-percent fee to collect taxes; he noted that this could generate \$1.8 million per year which would be channeled to the Local Road Fund.
- The SAD process was reviewed, along with possibilities for using Tax Increment Financing (TIF). He likened this to a Rochester Hills stimulus program for local roads.
- The Parks Department is currently funded through the General Fund. The Committee reviewed the feasibility of a Parks Millage to relieve pressure on the General Fund.

Public Comment:

Lee Zendel, 1575 Dutton, commented that he did not see suggestions to solve the police and road problems. He noted that several of the millage recommendations could not be put into place without raising the millage rate and stated that some of the recommendations were in conflict with each other. He commented that the City might find it prudent to raise the General Fund millage as allowed.

Mr. Funk commented that these recommendations were not intended to be taken in their entirety and that the intention was to give Council a list of ideas. He commented that the City was constrained by limitations contained in the City Charter and noted that the City has changed substantially over the past 25 years.

Mr. Pixley commented that it would be difficult to narrow the focus of the Committee and stated that it conveyed a clear message of collaboration needed throughout the City. He suggested that Council take time to review the report for future discussion.

Mr. Webber stated that the report presents a menu of options and noted that many of the suggestions would require a vote of the residents.

Mr. Rosen commented that last year's committee ran into many of the same difficulties in returning a set of recommendations.

President Hooper stated that the expiring Debt Millage would be reviewed at an upcoming meeting, with discussion on how to repurpose the money. He noted that Council would have to review this by August 25, 2009 in order for it to be placed on the November 2009 ballot. He noted that should it fail in November, the City would still have another chance before the 2010 expiration.

Mr. Funk questioned whether the Committee should remain intact for future work.

President Hooper responded that the Committee was appointed through the end of 2009.

Mr. Rosen suggested a Council workshop on Police and Roads.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0176-2009

Resolved, that the Rochester Hills City Council hereby accepts the Police and Road Funding Technical Review Committee's report.

2009-0256 Request for Approval to allow for the investment of funds held in the Retiree Health Care Benefit Trust

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

Keith Sawdon, Director of Finance, stated that this request would be revised to include the revised Board Composition approved by City Council.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0177-2009

Whereas, PA 149 of 1999, MCL 38.1211-38.1216, provides for the creation of a public employees health care fund to assist with prefunding retiree health care benefits; and

Whereas, the Act also provides for the administration of the fund, authorization of investment of the assets and prescribes the power and duties of certain public officers; and

Whereas, the City Council believes that it is prudent public policy to plan and finance retiree health benefits when earned so that there are sufficient resources to pay those health care benefits when employees retire; and

Whereas, the City Council also believes that failing to set aside adequate funds when the employee earns the retiree health benefit places an undue financial burden on future budgets.

Be It Further Resolved, that the City Council has established a Retiree Health Care Trust Fund for the specific purpose of accumulating funds to provide for the funding of health care benefits for retirees and beneficiaries based on eligibility criteria established by the City Council from time to time; and

Be It Further Resolved, the City's Director of Finance; the City Assessor/Treasurer; one City Councilmember and two City Residents, appointed by City Council, are Co-Trustees and investment fiduciaries for the Retiree Health Care Trust Fund; and

Be It Further Resolved, withdrawals from this Retiree Health Care Trust Fund may be made solely for (1) the payment of health care premiums payable on behalf of qualified persons who shall be the Plan participants and beneficiaries (designated by the Plan) and (2) the payment of expenses of administration of the Retiree Health Care Trust Fund; and

Be It Further Resolved, the Mayor is charged with the responsibility for authorizing payment of health care premiums and administrative expenses from the Retiree Health Care Trust Fund in accordance with budgets duly adopted by the City Council; and

Be It Further Resolved, it is the intent of the City Council that the Retiree Health Care Trust Fund shall be established on a sound actuarial and accounting basis; and

Be It Further Resolved, that the investment fiduciaries shall invest the assets of the Retirement Health Care Trust Fund in accordance with Act, PA 314 of 1965, as amended, MCL 38.1133 and subject to the limitations governing the investment of assets in PA 314 of 1965, as amended, MCL 38.1132 to 38.1140; and

Be It Further Resolved, the investment fiduciaries shall have an actuarial review of the Retiree Health Care Trust Fund prepared at least every two years with assets valued on a market related basis; and

Be It Further Resolved, the investment fiduciaries shall prepare and issue an annual report for the Retiree Health Care Trust Fund to the City Council and

Now, Therefore, Be It Resolved, that the City Council hereby authorizes the investment of the Retiree Health Care Benefit Trust as provided by P.A. 314 of 1965, as amended.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Public Comment:

Melinda Hill, 1481 Mill Race, requested the Mayor publicize the Road Commission of Oakland County's open house forum on Tienken Road options scheduled for July 7, 2009 from 4 p.m. to 7 p.m. She questioned whether notice of this meeting could be placed on the City's website and cable channel.

Mr. Ambrozaitis questioned whether the City Attorney could explore drafting an Ordinance requiring homeowners to install either sod or grass within six months of taking title.

NEXT MEETING DATE

Regular Meeting - Monday, July 13, 2009 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:45 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 (insert date, or dates) Regular City Council Meeting.