



Rochester Hills

Minutes

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, July 13, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Tara Beatty, Chief Assistant
Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, City Engineer
Jane Leslie, City Clerk
Keith Sawdon, Director of Finance*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, commented that individuals running for City Council

should provide answers to the following questions:

- Over the past twelve months, which meetings of the City's Technical Review Committees, Boards and Commission the candidate attended
- How many Council Agendas, posted on the City's website, the candidate reviewed
- How many times the candidate was impelled to come to a Council meeting to support or oppose an item
- Did the candidate read the 2009 Budget Plan Book and Technical Appendices

He commented that the City and the State is in for a number of very challenging years, and commented that the residents deserve representation by individuals who have a continuing interest in, and knowledge of, the City's government.

Suzanne White, 1598 Parke, representing Holiday Helpers of Rochester Hills announced the following fund raisers:

- Picnic at Parisian Fundraiser, scheduled for August 1, 2009 from 12:00 noon to 4:00 p.m., at the Parisian Store in the Village of Rochester Hills
- Back-to-School Fundraiser at the Village of Rochester Hills, scheduled for August 22, 2009
- Ladies' Night Only, scheduled for September 18, 2009

She commented that volunteers and community organizations interested in providing assistance are welcome and invited individuals to visit the Holiday Helpers' website at justlendahand.com.

Melinda Hill, 1481 Mill Race, stated that the Mayor and City Council should stand up for taxpayers and stop excessive spending, commenting that zero-based budgeting should be utilized. She stated that the City should commit to construct Sound Barrier NB-10. She commented that Mayor Somerville lobbied for the Tienken Road Federal Earmark without a discussion with Council and that this Council should make it clear that the City does not want more than a three-lane road on Tienken, nor a 48-foot bridge over Stony Creek.

Joe Luginski, 985 East Tienken, expressed his thanks to those who attended the July 7, 2009 Road Commission of Oakland County (RCOC) informational meeting regarding the Tienken Road expansion plans. He commented that the Friends of Tienken Road are adamant that no five-lane alternative for Tienken Road is acceptable and stated that if the alternatives are a five-lane road or nothing, the decision should be for nothing. He stated that the City's contribution to the road widening project could be used to build a separate pedestrian pathway over Stony Creek. He expressed support for the construction of NB-10.

Jim Huber, 1367 East Horseshoe Bend, stated that it was clear from the July 7, 2009 informational meeting regarding Tienken Road that the RCOC has decided on a five-lane alternative; and if not acceptable, the RCOC would let Tienken become the City's responsibility for any repair. He commented that the RCOC is responsible for keeping potholes repaired or be liable for damage. He noted that the City's ten percent contribution to the widening project could be used elsewhere, such as for NB-10, a separate pedestrian path adjacent to the Tienken Bridge

or other projects. He stated that Council should publicly affirm its position against a five-lane road and should declare that if a five-lane road is the only alternative, the City would send the Earmark back.

Alice Benbow, 1582 Northumberland, presented blank CDs requesting that they be used to copy City Council meetings for the Public Library. She distributed a list of dates for Oakland County Commissioners' meetings. She questioned why dirt was being moved from the Hamlin Road widening project to a private site.

David Pagnucco, 3069 Quail Ridge Circle, stated that the Quail Ridge Subdivision's concrete roads were deteriorating and commented that over the last 28 years, subdivision property owners have paid approximately \$16 million in property taxes. He noted that the Subdivision does not have sidewalks and the roadways are a hazard for residents walking or biking. He reported that on June 8, 2009 subdivision residents met with City staff and that although staff members were very helpful, the residents were told that this year's budget is final and no additional money is available for their road repairs. He requested that this road work be included in the 2010 Budget.

Allen Scheidler, 1650 Washington, stated that it is apparent that the RCOC has determined that the only acceptable alternative for Tienken Road is a five-lane roadway, providing a massive through-corridor. He stated that the Obama Administration wishes to have its Stimulus Funding get out into cities and towns and that the City should lobby to use this funding elsewhere.

Laurie Puscas, 1806 West Ridge, Rochester Hills' Representative to the Board of Community Media Network (CMN), stated that CMN has video production and training classes available to area residents. She announced CMN, in conjunction with The Oakland Press, has scheduled two Citizen Journalism Classes for July 25, 2009 to provide training on covering community events. She invited interested residents to call CMN or visit CMN's website.

Martha Black, 2408 Jackson, requested that the Mayor deliver to the City's constituents what is best for the community. She noted that Royal Oak's website states that the its community is a place to come to, not drive through; and Birmingham's website states that it is a walkable community. She commented that Rochester Hills should not be known as a community that is concrete.

William Black, 2408 Jackson, stated that he believes it is every citizen's duty to get involved in their body of government. He commented that in his job, he has had the honor of seeing the last three Presidents of the United States and stated that there was nothing more emotional than when the President walks into a room. He invited Mayor Barnett to be his guest at President Barack Obama's speech scheduled for tomorrow evening in Warren.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper stated that the City's budgeted amount for concrete repair for 2009 is \$1.9 million and explained that the City's Pavement Management

System ranks areas requiring attention. He noted that the 2010 Budget will determine what level of concrete repair will occur in 2010, and commented that there is currently no clear funding source for long- and short-term repairs.

Mr. Brennan stated that tonight's Public Comments show a great love of the community and commented that City Council takes its guidance from the citizens and always appreciates their input.

Mr. Ambrozaitis stated that he attended the Road Commission of Oakland County's (RCOC) informational meeting regarding the proposed Tienken Road widening options on July 7, 2009 at City Hall and was quite impressed that approximately 300 people attended. He commented that it was apparent that no member of the public in attendance was in favor of the five-lane option for Tienken Road. He stated that the City should not wait for the completion of the Environmental Assessment (EA) and should go on record immediately as being against a five-lane option. He pointed out that no law exists that mandates that the City must accept the Federal Earmark and stated that he will not vote in support of this project. He pointed out that Tim Griemel, Oakland County Commissioner, and Tom McMillin, State Representative, have also stated that they are not in favor of a five-lane option for Tienken Road. He commented that he was against replacing the bridge on Tienken Road in the Historic District with a 48 foot bridge and stated that these segmented projects all fit together and are equally important. He encouraged residents to continue to remain active in the process and stated that he wished to see the Mayor call a press conference to speak out against a five-lane road.

Mr. Pixley stated that he hoped everyone enjoyed a great Fourth of July Holiday.

Mr. Rosen stated that he wished to compliment the RCOC for listening to the City and incorporating a three-lane cross-section as an option for Tienken Road. He commented that it may be time for the City to take affirmative action to express its desire for a three-lane option. He pointed out that the rules of the EA state that the RCOC must have a preferred alternative and commented that the three-lane option should be included in the EA as the City's preferred alternative. He stated that he would propose a motion under Any New Business that a three-lane option be supported as the City's preferred alternative and that the City will contact the Federal Highway Administration in an appropriate manner to express why the three-lane option is the City's preferred alternative. He stated that, if supported, he will move to postpone the motion to the next regular Council meeting.

Mr. Webber stated that Council members should strive to keep their comments to three minutes. He commented that he is opposed to a five-lane option for Tienken Road and has had discussions with RCOC and MDOT representatives regarding the three-lane option and how to repurpose the funding. He commented that if the project must be five lanes or the City will not receive the Federal Earmark, the City should stand ready to send the money back to Washington, D.C.

Mr. Yalamanchi commented that he was out of town and unable to attend the

July 7, 2009 RCOC informational meeting, however, he understood that the RCOC has concluded that the Tienken Road project should be five-lanes or nothing. He stated that it is time to communicate with the RCOC regarding the City's preferred alternative of three lanes, and would support a motion, if made. He requested information on the current status of the EA and any communications with Congressman Peters' office regarding repurposing the Federal Earmark.

Mayor Barnett stated that the City's Master Thoroughfare Plan indicates Tienken Road should be widened to three lanes and commented that the City wants to be able to use the \$10 million Federal Earmark for an expansion of Tienken Road to three lanes. He pointed out that repairs were made last year to portions of the road after massive craters appeared in the road surface and stated that the Pavement Management System reports that the road is pockmarked throughout. He commented that the City does not need a five-lane road, but it does need the funding. He stated that the RCOC's responsibility is to make repairs to Tienken Road to ensure safe travel only; and cited the condition of Auburn Road, noting that this road is a State highway also awaiting repair. He commented that the City has been rebuffed to date in its request to move the Federal Earmark to other projects. He requested Mr. Davis provide an update on the proposed bridge reconstruction in the Historic District.

Paul Davis, City Engineer, displayed photographs of the existing Tienken Road bridge in the Historic District and renderings of the proposed bridge provided by the RCOC. He commented that the current bridge is 69 years old and is not considered repairable. He noted that the proposed bridge plans will be presented to the Historic Districts Commission (HDC) on Thursday, July 16, 2009.

Mr. Yalamanchi requested clarification of the width of the proposed bridge. He questioned whether the pathway could be constructed separately and inquired what HDC's role is in the approval process.

Mr. Davis responded that the current bridge is 24-feet wide, including two 10-foot lanes and barrier walls. He pointed out that current standards from the American Association of State Highway and Transportation Officials (AASHTO) recommend paved shoulders and stated that the new bridge would have two 12-foot lanes, two four-foot shoulders, barrier width and a pedestrian pathway on the south side, bringing the total proposed width to 48 feet. He stated that a pedestrian bridge can be constructed separately, funded through the local bridge program. He commented, however, that if a pedestrian path was not constructed as a part of the replacement bridge, the path might not be built. He pointed out that the pedestrian bridge must be strong enough to carry a plow vehicle and commented that it would be a more expensive bridge if detached. He commented that this project is not expected to require a funding contribution from Rochester Hills and stated that 95 percent of the funding will come out of the State's Local Bridge Program and five percent from the RCOC. He pointed out that the bridge project may not require City Council's approval.

Ed Anzek, Director of Planning and Development, explained that if the HDC approves the proposed bridge design, a Certificate of Appropriateness will be

issued that will allow design to go forward. He noted that Council would not have an appeal process. If the HDC does not grant a Certificate, the next appeal would be to the State Historic Preservation Office.

Mr. Ambrozaitis expressed his disappointment that there is no smaller alternative for this bridge.

Mayor Barnett invited residents to attend the HDC meeting on Thursday, July 16, 2009 at 7:00 p.m. at City Hall to review the proposed bridge. He expressed his appreciation for everyone who attended this year's Festival of the Hills on Wednesday, July 1, 2009, stating that even though it was a very wet day, over 20,000 attended. He commented that the City's Parks are celebrating a record year, noting that over 100,000 individuals have visited Spencer Park this year.

(Mr. Ambrozaitis exited at 7:58 p.m. and re-entered at 8:00 p.m.)

ATTORNEY MATTERS

2009-0270 Adoption of a Resolution to meet in Closed Session on Monday, July 27, 2009 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices to consult with the City Attorney to discuss a written attorney/client privileged communication

Attachments: [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 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0180-2009

Resolved, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.258, on Monday, July 27, 2009 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan. The purpose of the Closed Session is to consult with the City Attorney to discuss a written attorney/client privileged communication.

PRESENTATIONS

2009-0145 Update on the M-59 Noise Analysis Report; Paul Davis, City Engineer, Presenter

Attachments: [Agenda Summary.pdf](#)
[MDOT Response to Citizens 06222009.pdf](#)
[MDOT Response to City 062209.pdf](#)
[Questions re M59 Sound Study.pdf](#)
[050409 Agenda Summary.pdf](#)
[Final Noise Technical Report Pgs 1to31.pdf](#)
[Final Noise Technical Report Appx A.pdf](#)
[Final Noise Technical Report Appx B.pdf](#)
[Final Noise Technical Report Appx C.pdf](#)
[O'Neill Email.pdf](#)
[Suppl O'Neill Resolution.pdf](#)
[Suppl Noise Barrier ranking.pdf](#)

President Hooper stated that the Michigan Department of Transportation (MDOT) performed a sound study as a part of the widening project for M-59 and reviewed 13 segments of wall proposed along the freeway. He pointed out that of the twelve segments contained in Rochester Hills, two segments met MDOT's criteria for being feasible and reasonable and ten did not. Residents of Country Club Village contacted Council requesting reconsideration of Noise Barrier 10 (NB-10), and the City requested MDOT perform a reanalysis of this sound wall. A meeting was held with MDOT officials on May 21, 2009, and the City received MDOT's written response to the reanalysis on June 22, 2009.

Paul Davis, City Engineer, stated that M-59 has been a high priority project on MDOT's list for a number of years. Although there was no funding for the project prior to the Federal Stimulus Funding becoming available, design moved forward; and a noise study was performed beginning in October of 2007 with a draft completed in September of 2008. He commented that once the Federal Stimulus Funding became available, the State targeted this funding for the M-59 Widening Project. He commented that bids were opened last week and a low-bid contractor has been determined. In order to maintain appropriate public comment periods and follow up procedures for sound wall construction, MDOT removed the sound walls from the widening project and will construct them separately.

He explained that MDOT has specific criteria to determine whether a sound wall will be constructed, noting that the location must be deemed feasible and reasonable. He stated that all 13 locations along M-59 met the criteria of being feasible, explaining that all locations are suitable for constructing sound walls, have no limiting topography or site-specific factors, and all locations would provide at least a five decibel reduction in noise. He pointed out, however, that a determination that a location is reasonable is required to ensure that the wall will be funded; and explained that a minimum number of units must benefit to warrant investing the funds. He stated that MDOT estimates the length and height of a wall and arrives at a cost, based on previous experience, and estimates the number of benefitting units to arrive at a per-unit cost. If the per-unit cost is below \$38,060, then the sound wall is deemed reasonable and MDOT will receive funding to construct the wall. If not, MDOT will not construct the wall as it will not be Federally reimbursed. He explained that only two walls were deemed to qualify as both feasible and reasonable.

Mr. Davis stated that in response to the original study, Country Club Village Subdivision residents raised objections, questioning whether MDOT had

underestimated the number of benefitting units. He explained that MDOT utilizes a triangular shadow method to estimate which homes fall within a benefitting area. He commented that while the City's review determined over 70 units would benefit from NB-10, MDOT's original study deemed only 35 units as benefitting. He explained that 68 or 69 benefitting units are required to qualify this wall as reasonable for Federal reimbursement. After reanalysis, MDOT added nine more benefitting units, an insufficient number to qualify this sound wall. He further noted that while the City believed that the Country Club Village Clubhouse could be counted as ten units, MDOT counted it as one. He stated that resident concerns focused on the calibration of the model used in the study to determine the qualifying units. He commented that the City has submitted the two qualifying walls in the 2010-2015 Capital Improvement Plan. The City's participating share of the two eligible walls will be approximately \$357,500. He noted that if the remaining ten sound wall locations are constructed, MDOT expects the City to fund these walls entirely. He stated that the ten non-funded sound wall locations amount to approximately \$12.8 million and noted that these walls are included in the CIP as \$14,872,380, with additional costs estimated for construction engineering and inspection.

He discussed all 13 noise walls, providing an estimated construction cost for each, cost per benefitting unit and rank based on cost/benefit. He noted that the two sound wall locations falling under the \$38,060 cost per benefitting unit, making them fundable, include NB-8 and NB-6A. NB-4 and NB-5 are number three and number four on the list; and NB-10 is number five, based on the revised figures for the additional benefitting units. He commented that as these sound walls are extremely expensive, the Administration is awaiting Council's direction whether to include them in the Budget.

Public Comment:

Alton Fields, 3650 Vardon, commented that this development includes 256 homes that were approved by the City when this subdivision was designed and built on the former golf course. He suggested that if a sound wall were built with an increased height, even more homes would benefit, stating that he can hear the freeway at his home near Auburn Road. He questioned what would happen if the actual noise level was higher than projected and whether a noise wall constructed on the south side of M-59 will deflect additional noise. He stated that property values would decrease resulting in a loss of revenue to the City.

Emily Klopfenstein, 3597 Old Creek, commented that she has lived in her home for 20 years and as the City has grown, M-59 receives more and more traffic.

Saravanan Peelamedu, 3442 Everett, stated that any mathematical model performed by a computer is prone to errors and commented that the crash analyses for cars he performs in his job often provide imperfect results. He noted that the noise level will increase with more lanes and with a deflection of sound from the proposed south wall NB-6A. He stated that additional homes will be constructed which should be included in modeling.

Noelle O'Neill, 3640 Winter Creek, read a proposed resolution that she requested Council consider.

Jerry Lingemen, 3392 Vardon, stated that as a resident of Wildflower Subdivision, he supports a sound wall. He noted that while his home was not included as a part of the MDOT Noise Study, he can still hear M-59 traffic. He commented that the increased traffic and noise levels justify building the wall; and noted that as the economy rebounds, the noise levels will increase.

James Resovsky, 637 East Nawakwa, commented that previous City officials forced the original developer to create an ecologically-protective development, and stated that NB-10 will complete the joint venture between man and nature.

Sara McGlynn, 3741 Everett, expressed her disappointment with Council's response to the quality of life issue. She commented that she did not understand how rushing to expand M-59 is a priority and noted that other area freeways have aesthetically pleasing sound walls.

Olaf Nitsche, 3753 Everett, presented a petition containing signatures in support of NB-10, stating that he was adamant that the wall be approved or the M-59 expansion project be stopped. He commented that other sources should be tapped to fund the wall, including money originally slated for project MR-42A, and stated that the citizens have a right to have a barrier.

Kim Martin, 3598 Old Creek, stated that as a resident of Rochester Hills for almost 20 years, she has watched the city grow from a quiet to an active town. She commented that the City should go on record to demand that the M-59 expansion not be built until it meets the City's and resident's expectations.

Mary Blake, 3665 Winter Creek, commented that as a resident of Rochester Hills for over 27 years, she has seen neighbors change, businesses and Council members come and go and stated that the entire community will be affected by M-59 noise in decreased property values and impacts to safety and health. She stated that the City should include the wall in the 2010 Budget.

Sue Lucas, 3635 Winter Creek, stated that residents must have a wall, noting that in the 30 years that she has lived in Rochester Hills, she has never been so stressed and upset by the constant noise from M-59. She stated that she deserves to live in a more peaceful and quieter neighborhood and noted that health and safety is important.

Lisa Dishinger, 3550 Vardon, stated that she agreed with the residents wanting a sound wall and commented that while her yard was full of trees, deer and heron, M-59 traffic noise could be heard any time of the day. She stated that MDOT's computerized study underestimates the noise.

Michael Blake, 3665 Winter Creek, stated that he was unable to have a barbecue last Saturday because of too much noise. He commented that nighttime freeway construction will be unbearable. He stated that a sound barrier constructed on the south side of M-59 will bounce the noise northward.

Phil Andrews, 3418 Everett, commented that as a new resident to Rochester

Hills, he loves the quality of life and neighbors in the city. He stated that when elected officials consider a project for the benefit of the community, they should also look at the cost of the adverse impacts of the project.

Residents' Presentation and Report Review:

Lynette Nitsche, 3753 Everett, stated that in April she had a conversation with Mark Sweeney, MDOT representative, who indicated that a report done in 2002 concluded that no sound barriers were warranted. She pointed out that at that time, the Country Club Village property was still a golf course. She made the following observations relative to MDOT's Noise Study:

- MDOT took current traffic counts to validate the model, however, national averages were used in the study.
- Traffic counts will continue to increase over a 30-year period, increasing noise levels further.
- Noise levels are already at 65 decibels, and residences on Old Creek experience even higher levels. She commented that over time, these levels will continue to increase and stated that 80 decibels is the threshold to experience pain.
- The M-59 expansion will include a concrete median that will reflect additional noise which is not considered in the study.
- A two-dimensional estimation of benefitting homes arrived at 76 qualifying units. MDOT's report considered 57 units, and 44 of those qualified.
- The elevation of the homes is the same as the freeway.

She questioned what specific qualifying units were included in Attachment A of the Noise Study and stated that if MDOT cannot qualify 69 units, the City should build the wall. She stated that the residents have consulted an attorney regarding stopping the M-59 Widening Project and commented that the Stimulus Funding is intended to be used in communities to encourage growth.

Mike McGlynn, 3741 Everett, stated that the uniqueness of the Country Club Village area should be considered by MDOT and commented that this is a growing community. He reiterated that NB-6A will bounce additional noise to the north and commented that this area is level with M-59. He stated that the Michigan Department of Environmental Quality (MDEQ) protects the land in the community and pointed out that highly public areas are adjacent to the freeway. He commented that the residents are being penalized for having larger lots and higher home values and stated that he would like to see a tax base impact computed for each noise barrier location.

President Hooper commented that MDOT's policy regarding a five decibel decrease in noise is a state-wide policy that most likely could not be challenged. He questioned whether another noise review would be conducted after construction.

Mr. Davis concurred that MDOT's policy is applied state-wide to determine benefitting units. He discussed MDOT's use of a shadow model to determine the setback where a five decibel decrease can be achieved through the construction of a sound wall. He noted that all areas were determined noisy enough to be

feasible, however, beyond the shadow, a sound wall will not be effective in attaining a five decibel decrease. He explained that the City has requested MDOT provide more information on how the calculations of length and height of a wall determine the shadow, however, MDOT has not yet responded. He noted that the computer model takes a third dimension into account and considers topography. He commented that it is unlikely that a review of actual noise will occur after construction.

Ms. Nitsche stated that her conversations with MDOT representatives indicate that this is the only option for a sound wall.

President Hooper commented that the City did not set funding aside in the Budget for the MR-42A M-59 Widening Project. He stated that it was unlikely that the project would be stopped, noting that Stimulus Projects create jobs in the state and improve the economy and standard of living by keeping people employed.

Ms. Nitsche commented that it should not take over two months for MDOT to provide information regarding the noise study's model shadow, noting that MDOT acknowledged that after a re-review of the study, nine more units qualified. She pointed out that in determining these nine additional units, MDOT should know which homes are included in the shadow. She stated that the model underestimates the noise resulting from the deflection from proposed NB-6A and rounds decibel calculations downward.

Mr. Davis stated that he did not believe that 25 additional units will be identified. He commented that MDOT's response stated that their reporting software is not set up to provide shadow information easily.

Council Discussion:

Mr. Ambrozaitis thanked Ms. O'Neill for her proposed resolution. He commented that he attended the MDOT meeting on May 21, 2009 and noted that MDOT representatives stated that barring any additional information, the City would be on its own to construct a wall. He pointed out that the decrease in property values resulting from noise will affect similar subdivisions throughout the city. He commented that the City has made exceptions before in taking on projects and stated that funding should be included in the 2010 Budget for the sound wall. He stated that Act 51 funds should be utilized to construct NB-10 and spoke against the Hamlin Road Widening project and roundabout.

President Hooper stated that Act 51 monies could not be advanced to fund a sound wall. He pointed out that the City receives approximately \$3.5 million in gas tax money for Local and Major Roads. Local Roads need \$3.5 million annually for maintenance operations. He stated that the Hamlin Road Widening Project has been 20 years in the making, and is being paid for by Federal Funding.

Mr. Yalamanchi questioned which areas would benefit from NB-10 and whether MDOT would provide a shadow that might identify additional homes.

Mr. Davis responded that NB-10 continues beyond John R Road and does not take into account additional lots to be developed in Country Club Village. He displayed an aerial photo which noted that several homes on the north side of Everett Drive were not included as benefitting while homes on Wade Court were. He commented that MDOT's three-dimensional model explains how the qualifying units are determined and noted that the pool, tennis courts and subdivision clubhouse are counted as one unit each instead of ten, as they are considered private and not open to the public. He stated that it is doubtful that MDOT will provide a shadow that identifies additional benefitting units.

Ms. Nitsche stated that she could not understand how a shadow could jump over and not include homes closer to the freeway and commented that her first floor windows were at Elevation 698, the same elevation as the freeway.

Mr. Yalamanchi questioned when NB-6A and NB-8 would be constructed.

Mr. Davis responded that these two qualifying walls were pulled from the Stimulus-funded project. He stated that these walls will now become Act-51 Funded and the City's share will be 12.5 percent.

Ms. Nitsche stated that Mr. Sweeney acknowledged that the M-59 Widening Project would not be approved if MDOT did not plan to construct the two qualifying walls.

Mr. Yalamanchi commented that he wishes to explore the options to fund the sound wall in the upcoming Budget discussions.

Mr. Ambrozaitis questioned what funding the City is contributing to the Hamlin Road Widening Project.

Mr. Davis responded that the Hamlin Road project is 80 percent Federally Funded, with a 20 percent City contribution. He stated that the City's total share for the Hamlin Road Project is approximately \$1.5 million.

Mr. Ambrozaitis commented that the City's priority should be to construct a sound wall rather than a roundabout.

Mayor Barnett stated that a roundabout is cheaper to construct than a boulevard intersection.

Mr. Webber inquired whether the two qualifying sound walls are a part of the M-59 Widening Project design.

Mr. Davis responded that in order to commence construction in August or September of 2009, the sound walls were removed from the project. He stated that as a result of the sound study, two walls will be designed and noted that only preliminary height and length considerations have been completed to date. He noted that MDOT will hold a public hearing to gather input, perform detailed design and construct the walls and explained that MDOT was estimating construction in 2011. He commented that the City's contribution would most likely be included in the 2011 Budget, with an agreement presented to Council for participation at an Act 51 funding level at that time.

Mr. Webber questioned whether any grant funding or Special Assessment District options were explored. He stated that funding should be explored for all ten sound barriers that are currently unfunded, commenting that he is uncomfortable in relating the taxable values of certain houses to others.

Mr. Pixley questioned whether the M-59 Widening Project could be stopped if the City refused to participate in funding the two qualifying walls. He agreed that all unfunded walls should be considered equally and commented that there is a significant need to have a sound barrier along the entire corridor.

Mr. Davis responded that because the City accepts Act 51 Funds, the City is obligated to participate in that cost.

Mr. Brennan stated that all sound walls along with all possible financing options should be reviewed. He commented that the City would have nothing to lose by lobbying MDOT for additional clarification.

Mr. Rosen questioned where the two approved walls would be constructed. He commented that it would be worth requesting MDOT reconsider NB-10 and noted that it appears that too many homes are not counted. He stated that finding funding for all sound walls will be difficult.

Mr. Davis responded that NB-8 will be constructed on the north side of M-59 from Dequindre Road adjacent to Whispering Winds Condominium complex and N-6A will be constructed on the south side of M-59 east of Rochester Road.

Mr. Pixley questioned whether there would be any possibility of MDOT agreeing to fund one additional wall and concurred that it will be difficult to find funding for all walls. He questioned whether MDOT performed the analyses.

Mr. Davis stated that MDOT used a consultant and noted that these Professional Engineers worked ethically and without ulterior motives. He stated that MDOT would construct any and all walls, as long as they were eligible for reimbursement.

Mr. Pixley questioned why the City could not fund the difference between the qualifying amount per unit and the actual cost.

Mr. Davis stated that this would be an option only if MDOT finds a wall initially feasible and reasonable and subsequently during the course of the design it is found not reasonable.

Ms. Nitsche commented that MDOT had a level of community input that it is not accustomed to and did add computations for the deflection of noise based on this additional resident input. She commented that the Country Club Village Clubhouse should be counted as a public location, as it can be rented by individuals not a part of the Subdivision. She pointed out that this subdivision was developed beginning in 2002 and noise considerations should have been a part of the planning stage.

President Hooper stated that although he believes it to be prudent to request MDOT revisit the shadow analysis, he does not expect that a reanalysis will result in enough additional units to qualify NB-10 for funding. He commented that without funding, all ten walls should be considered equally; and pointed out that constructing all sound walls along M-59 would entail approximately \$15 million. He stated that investigations of grants, earmarks and additional Stimulus Funds should go forward. He suggested that residents could petition for a Special Assessment District to fund the wall and commented that the City would most likely agree to contribute a 12.5 percent share for all walls. He noted that residents could petition to have the sound walls placed on a ballot for a vote to raise taxes in the entire City to fund construction. He stated that although he would not support a motion to include the sound walls in the Budget, he would support a motion to move forward to explore additional funding opportunities.

Mayor Barnett stated that a key question is whether to budget for one wall or all walls, noting the difference between one wall at a cost of \$2 million and all walls, estimated at \$15 million. He noted that Keith Sawdon, Director of Finance, indicated that the City currently has \$14 million in Fund Balance and would have only \$12 million if the maximum allowable Fund Balance amount was spent on Major Roads. He commented that the Administration's grant writer could pursue all funding sources.

Mr. Ambrozaitis reiterated that NB-10 should be included in the 2010 Budget.

Mr. Yalamanchi commented that he would like a summary of what projects are forthcoming for Major Roads.

Mr. Rosen commented that the sound walls should be prioritized according to level of benefit and considered accordingly, just as MDOT has prioritized them.

Mr. Pixley stated that noise barriers should be included in Budget discussions.

President Hooper commented that the City could not choose to fund one wall and tell the other nine locations that their walls cannot be built.

Mayor Barnett suggested that Council consider whether to allocate a percentage of funding each year for sound walls as part of the Budget discussions.

A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution to include a Sound Abatement Wall for specifically NB-10 in the Major Road Fund portion of the 2010 Budget; and that this plan be included within the City's Capital Improvement Plan as a specific item. The motion FAILED by the following vote:

Aye 3 - Ambrozaitis, Rosen and Yalamanchi

Nay 4 - Brennan, Hooper, Pixley and Webber

Enactment No: RES0191-2009

A. Whereas, the following three special conditions exist for the land along NB-10: 1. Sound will be deflected and amplified by the placement of wall NB-6A on the south side of

M-59; 2. Unlike any other portion of the project, the majority of the land along NB-10 lies level with M-59, thus allowing sound to travel directly to the residents and increasing the need for this sound mitigation; 3. The affected area contains MDEQ protected wetland;

B. Whereas, the City Council acknowledges that more than 700 residents will have their property values negatively and irreversibly affected by the increased noise from the expansion of M-59 resulting in a lower tax revenue for our City. The City Council agrees to the need to always further increase the property values within this community;

C. Whereas, the City Council acknowledged the need for this sound barrier and arranged a meeting with MDOT on May 21, 2009 to reconsider their assumptions and the dwelling count for the NB-10 portion of the study;

D. Whereas, this area contains a developing subdivision with 256 new homes (many with young children) and a clubhouse, pool and tennis courts as well as State-protected wetlands;

E. Whereas, noise is recognized as a controllable pollutant that can yield to abatement technology; the increased noise levels will negatively affect the health and safety of all residents;

F. Whereas, the cohesive group of citizens known as Raise the Wall is increasing in size and has committed itself to obtaining NB-10 through increased public knowledge in a variety of ways; including, but not limited to: the media, flyers, signs and a petition;

G. Whereas, this united group is dedicated to see Noise Barrier 10 built in order to protect their quality of life and their property values and they acknowledge and appreciate the support of Mayor Barnett and the City Council to accomplish this goal;

H. Whereas, the citizens demand that NB-10 becomes a priority for the city;

I. Whereas, the money should be available through the originally budgeted City share for the M-59 widening project MR-42A of the CIP 2009-2014 which is not needed since this became a stimulus project;

J. Whereas, should this funding not be feasible anymore other sources need to be made available from within the major road funds (i.e. Act 51);

K. Whereas, it should be considered to reallocate the funding of an unwanted five-lane Tienken Road to the very wanted noise barrier NB-10;

Now Therefore Be It Resolved, that the City Council pass this resolution to include a sound abatement wall for specifically NB-10 in the Major Road Fund portion of the 2010 Budget;

Be It Further Resolved, that this plan be included within the City's Capital Improvement Plan as a specific item tonight.

2009-0145 Update on the M-59 Noise Analysis Report; Paul Davis, City Engineer, Presenter

Attachments: [Agenda Summary.pdf](#)
[MDOT Response to Citizens 06222009.pdf](#)
[MDOT Response to City 062209.pdf](#)
[Questions re M59 Sound Study.pdf](#)
[050409 Agenda Summary.pdf](#)
[Final Noise Technical Report Pgs 1to31.pdf](#)
[Final Noise Technical Report Appx A.pdf](#)
[Final Noise Technical Report Appx B.pdf](#)
[Final Noise Technical Report Appx C.pdf](#)
[O'Neill Email.pdf](#)
[Suppl O'Neill Resolution.pdf](#)
[Suppl Noise Barrier ranking.pdf](#)

A motion was made by Yalamanchi, seconded by Rosen, that this matter be Adopted by Resolution that a comprehensive review of Major Road projects and noise barrier walls, with options, be included for discussion during the 2010 Budget discussions. The motion CARRIED by the following vote:

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

Enactment No: RES0192-2009

Resolved, that a comprehensive review of Major Road projects and noise barrier walls, with options, be included for discussion during the 2010 Budget discussions.

(RECESS 10:54 p.m. to 11:05 p.m.)

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.

2009-0264 Approval of Minutes - City Council Regular Meeting - April 20, 2009

Attachments: [CC Min 042009.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0182-2009

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 20, 2009 be approved as presented.

2009-0210 Approval of Minutes - City Council Special Meeting - May 4, 2009

Attachments: [CC Special Min 050409.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0183-2009

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on May 4, 2009 be approved as presented.

2009-0211 Approval of Minutes - City Council Regular Meeting - May 4, 2009

Attachments: [CC Min 050409.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0184-2009

Resolved, that the Minutes of a Rochester Hills Regular Meeting held on May 4, 2009 be approved as presented.

Passed the Consent Agenda

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

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

ORDINANCE FOR ADOPTION

2009-0242 Acceptance for Second 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](#)

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

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

Enactment No: RES0187-2009

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 be accepted for First Reading and Adoption, and shall become effective on Friday, July 24, 2009, the day following its publication in the Rochester Post on Thursday, July 23, 2009.

NOMINATIONS/APPOINTMENTS

2009-0262 Appointment of one City Council Member to the Board of Trustees to the Retiree Health Care Trust for a term to expire December 14, 2009

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

President Hooper opened the nominations.

Mr. Webber nominated Greg Hooper.

Seeing no additional nominations, President Hooper closed the nominations.

Mr. Rosen stated that it was his understanding that the fiduciary responsibility of being a member of the Board of Trustees for the Retiree Health Care Trust carries with it a significant potential financial burden in terms of liability. He questioned whether a member of the Board of Trustees could be held personally liable for decisions made by the Board.

Keith Sawdon, Director of Finance, stated that the City has fiduciary insurance to cover these instances, meetings and responsibilities are handled with due diligence and City staff and Board of Trustee members are trained and counseled.

Mr. Rosen questioned whether a member of the Board of Trustees should carry additional insurance.

Mr. Sawdon responded that any additional insurance would be the personal

choice of the individual.

Greg Hooper was Appointed to the Board of Trustees to the Retiree Health Care Trust for a term to expire December 14, 2009.

NEW BUSINESS

(Mr. Ambrozaitis exited at 11:13 p.m.)

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

Absent 1 - Erik Ambrozaitis

2009-0258 Request for Purchase Authorization - DPS/ENG: Contract for the Rainier Drain Project in the amount of \$249,314.00 plus a 10% contingency of \$24,931.40 for a total not-to-exceed amount of \$274,245.40; DiPonio Contracting, Shelby Township, MI

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

President Hooper stated that although he works in the construction industry and knows the firms and individuals involved, he has no connection to this project and sees no reason to recuse himself from this item.

Paul Davis, City Engineer, stated that the City wishes to proceed with awarding the contract to construct the Rainier Drain to provide an outlet for properties along Avon Road and behind the car dealership on Rochester Road. He noted that at one time, this project was coordinated with Shelton Pontiac's plans to renovate their dealership and provide a stormwater outlet, however, due to the current economic conditions, Shelton's expansion plans are currently on hold.

President Hooper questioned whether this drain was being installed due to potential flooding considerations for that part of the City.

Mr. Davis responded that the project would provide a means for stormwater management, noting that this is an arm of the Rewold Three Drain Project.

Mr. Rosen questioned whether anything would have to be redone if Shelton's renovation plans move forward.

Mr. Davis responded no.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0181-2009

Resolved, that the Rochester Hills City Council hereby authorizes a Contract to DiPonio Contracting, Shelby Township, Michigan for construction of the Rainier Drain Project in the

amount of \$249,314.00 plus a 10% contingency of \$24,931.40 for a total not-to-exceed amount of \$274,245.40 and further authorizes the Mayor to execute a contract on behalf of the City.

(Mr. Ambrozaitis re-entered at 11:15 p.m.)

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

2009-0158 Request for Purchase Authorization - DPS/ENG: Individual Project Services Agreement for the Hamlin Road widening project between Crooks and Livernois in the amount of \$8,511.00, increasing the engineering services approved by City Council from \$999,781.17 to \$1,008,292.17

Attachments: [Agenda Summary.pdf](#)
[RH Prof Svcs Agrmnt No 28.pdf](#)
[Suppl Roundabout-Revised Splitters.pdf](#)
[042009 Agenda Summary.pdf](#)
[CE Agreement Approved.pdf](#)
[042009 Resolution.pdf](#)
[Resolution.pdf](#)

Paul Davis, City Engineer, stated that this request was for re-engineering work to offset pedestrian crossing refuge islands on the roundabout to better accommodate the visually impaired or those with other disabilities. He explained that it is prudent to make these changes in advance of construction and noted that the crossover locations are being offset and moved farther away from the intersection in anticipation of a future pedestrian traffic signal actuated by someone needing more assistance in negotiating the roundabout. He stated that the cost of the redesign is approximately \$8,500.00, and noted that this amount cannot be absorbed by the construction engineering contingency. He pointed out that this redesign is not mandated or required, but could become so at a later date as roundabout design and technology continues to evolve. He commented that the redesign will reduce the effectiveness of the roundabout, however, it is necessary for pedestrian safety.

President Hooper questioned whether this redesign would accommodate the Hawk Signaling System.

Mr. Davis responded that it would.

Mr. Yalamanchi questioned whether this redesign would address both the visually and hearing impaired and inquired what the City's liability would be. He stated that roundabouts must be constructed to accommodate practical issues.

Mr. Davis responded that there are evolving technologies for audible crossing systems and noted that at some point the Road Commission of Oakland County (RCOC) could require installation of a system at these islands. He noted that no signaling system is currently required at the State or RCOC level and no system is currently planned for installation; however, this will prepare the islands to accommodate a future system.

Mr. Yalamanchi stated that while he supports the redesign, he is disappointed that a crossing system is not currently being incorporated.

Mr. Rosen questioned whether the RCOC could make the decision for all Oakland County roundabouts.

Mr. Davis stated that momentum was gathering for the installation of crossing systems at roundabouts. He explained that while roundabouts are dynamic and have no signal to stop them, with this option, someone could if they require assistance. He noted that the RCOC has recently been the target of a lawsuit regarding roundabouts.

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

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

Nay 1 - Ambrozaitis

Enactment No: RES0185-2009

Resolved, that the Rochester Hills City Council hereby authorizes the Individual Project Services Agreement for the Hamlin Road widening project between Crooks and Livernois in the amount of \$8,511.00, increasing the engineering services approved by City Council from \$999,781.17 to \$1,008,292.17 and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

2009-0260 Request for Purchase Authorization - FIRE: Purchase of three (3) Life Pak 15 Heart Monitors/Defibrillators and accessories in the amount of \$86,975.12; Physio-Control, Inc., Redmond, WA

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

Chief Crowell, Fire Chief/Emergency Management Director, stated that these defibrillator units will replace existing five-year-old units which are showing significant signs of wear and tear. Physio-Control will supply Medtronic units which are compatible with the automated external defibrillators currently in City facilities, have a tougher casing, bluetooth technology and can link to the hospital's computer. He noted that the unit closest to the Fire Department will have a carbon monoxide (CO) monitor that will provide CO levels in a person, and noted that if CO is detected, transport can be directed to Detroit Receiving Hospital, the closest hyperbaric chamber available 24 hours a day, seven days a week. He noted that while this request is overbudget, the Department can trade in the City's old units for \$3,000 each, and \$9,000 will come back into the Budget from their value. He commented that the City could also place the units for resale through the Michigan Intergovernmental Trade Network (MITN) website and might receive more revenue from a resale.

Mr. Pixley questioned why these units were not purchased as a part of the MiDeal program.

Chief Crowell responded that these units are so new that MiDeal has not yet received pricing information for them. He explained that originally the City was quoted a 20 percent discount and noted that after negotiation, an additional three percent discount was negotiated.

Mr. Yalamanchi questioned whether the City's current units are safe to sell for reuse.

Chief Crowell responded that the City's current units will be refurbished and could be used by a smaller department or agency. He noted that the heavy use that the City currently gives these units results in an increasing need for repairs.

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

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

Enactment No: RES0186-2009

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of three (3) Life Park 15 Heart Monitors/Defibrillators and accessories from Physio-Control, Inc., Redmond Washington in the amount of \$86,975.12.

2008-0643 Request for Purchase Authorization - DPS/ENG: To accept the street lighting recommendation of the Planning Commission for the roundabout at Hamlin/Livernois and approve the DTE Energy proposal to install street lighting in the proposed roundabout for an estimated amount of \$118,000.00 (increasing the previously approved proposal in the amount of \$46,919.84 by \$71,080.16 for a new amount of \$118,000.00) DTE Energy, Clinton Township, MI

Attachments: [Agenda Summary.pdf](#)
[Lighting Options Review.pdf](#)
[Lighting Options.pdf](#)
[Final price letter.pdf](#)
[Mongoose.pdf](#)
[Mongoose Decorative App.pdf](#)
[Photometric Plan Teardrop.pdf](#)
[Photometric Plan design for comparison.pdf](#)
[Minutes Special PC Mtg \(Draft\).pdf](#)
[Minutes PC 061609.pdf](#)
[121508 Agenda Summary.pdf](#)
[DTE Proposal.pdf](#)
[121508 Resolution.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning/Development stated that discussions commenced in May regarding lighting for the Hamlin Roundabout, and DTE provided three lighting options. He noted that pole clutter was considered for the roundabout, along with design computations of lumens, photometrics, light and dark spots, safety and appearance. The Planning Commission reviewed the options and decided that the original proposal for 26 poles was excessive. A sample black galvanized pole was displayed and Mr. Anzek noted that the pole selected will have fluted grooves which would accommodate traffic control signs and banners. He also noted the poles will contain a ground fault interrupter outlet which can be used for groundwash or holiday lighting. He stated that the top of the fixture will be at 26 feet and stated that this is only slightly higher than those used in private developments. He noted that while a decorative teardrop lamp was considered, the Planning Commission thought that style would be too ornate, and opted for a Mongoose fixture.

President Hooper questioned whether roundabouts must be lit.

Paul Davis, City Engineer, responded that it is a requirement that the roundabout be lit. He stated that the roundabout construction is slated for this fall, and the lighting design should be completed and conduits placed prior to paving the roundabout. He explained that initially the lighting portion of the project was presented to Council in October of 2008 for a force account in the amount of \$46,919.84 for DTE to install the streetlighting. He stated that initially the lighting would consist of 23 lights with a cobra head design and higher pole heads. He noted that a standard lighting fixture is not as efficient in directing the light where it is necessary. He noted that the Planning Commission opted for a more decorative option, and if Council concurred, the City will have MDOT amend the force account to the proposed \$118,000.00 amount.

President Hooper noted that this portion of the project was funded with 80 percent Federal funds and 20 percent City funds.

Mr. Davis explained that \$118,000.00 is the total cost of the lighting project, and the City's share would be 20 percent, or \$24,000.00.

Mr. Pixley questioned whether the substantial cost difference was due to selecting a decorative pole and questioned whether the City could consider a standard galvanized pole.

Mr. Davis responded that the decorative pole does have a substantial cost difference from a standard galvanized pole.

Mr. Anzek replied that the standard galvanized pole is a one-piece fixture.

Mr. Brennan questioned whether any additional costs for installation are projected beyond the \$118,000.00 request.

Mr. Davis responded that Edison indicates that the project can be completed for \$118,000.00.

Mr. Yalamanchi questioned who will be responsible for operation and maintenance costs and whether new technologies of solar-powered lighting were investigated.

Mr. Davis stated that the City's cost would be estimated at approximately \$8,500 per year. He displayed a photo of a solar-powered lighting fixture and noted that for a street lighting application, the panel would need to be very large. He pointed out that solar lighting is not considered reliable in Michigan noting difficulties experienced in the winter and on cloudy days. He stated that Light Emitting Diode (LED) lighting was also investigated, however, it is still an emerging technology.

Mr. Yalamanchi stated that the City should continue to pursue these new technologies for future projects.

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

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

Nay 1 - Ambrozaitis

Enactment No: RES0188-2009

Whereas, the Hamlin Road project between Crooks and Livernois proposes to construct a dual-lane roundabout that requires accompanying street lighting and

Whereas, City staff contacted DTE Energy to provide standard and decorative light pole and fixture alternatives with associated numbers of poles, pole heights and cost estimates for the necessary layout design for review by the Rochester Hills Planning Commission, and

Whereas, the Rochester Hills Planning Commission approved street lighting Option #2A for the Hamlin/Livernois roundabout that includes a black, Site Link pole with the ability for banners and street signs, mongoose luminaire, minus the clamshell base at its July 6th meeting, and

Resolved, that the Rochester Hills City Council hereby concurs with the Planning Commission recommendation of Option #2A for the proposed lights to be used at the Hamlin and Livernois Roundabout and authorizes the Mayor to execute a street lighting design and construction proposal with DTE Energy in the amount of \$118,000.00, increasing the previously approved proposal in the amount of \$46,919.84 by \$71,080.16; not to exceed \$118,000.00, and subject to Federal Funding participation of 80 percent.

2009-0235 Request for Adoption of an Extensions Policy for Approved Site Plans, Plats and Site Condos

Attachments: [Agenda Summary.pdf](#)
[Extensions Policy.pdf](#)
[Template Letter.pdf](#)
[Draft PC Minutes 070709.pdf](#)
[Memo Delacourt 070209.pdf](#)
[Minutes PC 061609.pdf](#)
[Memo Extensions 061209.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Development, stated that the Planning Commission recommends the adoption of the Extensions Policy. He noted that the Planning Commission will be able to grant the current landowner an Extension if the landowner has no outstanding indebtedness to the City related to the project; all taxes, assessments and sewer charges are paid up to date, and all applicable escrows are in good standing. A second Extension may be applied for with the same conditions as a first Extension, with the addition of a submission of a letter from the landowner indicating that the site will be brought into conformance with all current City regulations prior to any subsequent approvals. Any Extensions beyond two will have additional requirements including an acknowledgement that there have been no repeated failures to comply with permits or environmental regulations. He noted that the City's intention is to keep good projects moving forward while ensuring that developers must comply with current requirements. He stated that any development with mitigating circumstances falling outside of the policy could be extended at Council's discretion.

Mr. Rosen questioned whether this Policy is the result of the Zoning Ordinance recently adopted.

Mr. Anzek responded that the Policy is influenced more by the City's Engineering Standards adopted last year, including the new Stormwater standards.

Mr. Rosen questioned whether State Plat Law provides for an expiration date. He questioned how long a site plan could stay active if it was not being built.

Mr. Anzek responded that as long as the development approval process is active at the City level, it will not move on to the State level. Once Council approves a final plat, the development would move to the State level. He noted that site plans could be extended indefinitely, however, Planned Urban Developments (PUDs) were dictated by the PUD agreement.

Mr. Yalamanchi questioned whether with the current changing market conditions, a project scope could be changed as long as it complied with Zoning requirements.

Mr. Anzek responded that this would depend on the stage the project is in and noted that if there was a significant change requested, the City had the right to recommend that the developer go back to the first step of site plan approval.

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

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

Enactment No: RES0189-2009

Resolved, that the Rochester Hills City Council hereby adopts the Extensions Policy for Approved Site Plans, Subdivision Plans and Site Condo Plans dated July 1, 2009.

2009-0261 Request for Adoption of the City Debt Management Policy

Attachments: [Agenda Summary.pdf](#)
[Debt Management Policy.pdf](#)
[Debt Management Policy \(Adopted\).pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, stated that the adoption of a Debt Management Policy provides a formalized approach to good debt management.

President Hooper questioned the City's current bond rating.

Mr. Sawdon responded that it is currently AA-plus.

Mr. Yalamanchi questioned when bonds are issued for capital improvement projects whether the costs for operations and maintenance could be capitalized and bonded at the beginning of the project.

Mr. Sawdon responded that the project itself is capitalized but the operating costs cannot be included in the bond.

Mr. Yalamanchi suggested that the background information contained in Section V. A.5.a) was unnecessary and should be removed.

Mr. Sawdon responded that he could remove that language.

Mr. Brennan questioned whether having a formal policy would enhance the City's reputation in the investment community.

Mr. Sawdon responded that a published Debt Policy would be viewed favorably by ratings agencies.

Mr. Rosen questioned how the policy currently appears in the Budget documents.

Mr. Sawdon stated that although Debt Management is mentioned in several places in the Budget documents, there is no formal document included pertaining to Debt Management.

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

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

Enactment No: RES0190-2009

Whereas, The City recognizes that a well-managed debt management program is based on a comprehensive debt management policy; and

Whereas, a debt management policy sets forth the parameters for issuing debt and managing the outstanding debt portfolio and provides guidance to decision makers regarding the purposes for which debt may be issued, types and amounts of permissible debt, timing and method of sale that may be used, and structural features that may be incorporated; and

Whereas, adherence to a debt management policy helps to ensure that the City maintains a sound debt position and that credit quality is protected; and

Whereas, it is the intent of the City to establish a debt management policy to ensure high quality debt management decisions, impose order and discipline in the debt issuance process, promote consistency and continuity in the decision making process, demonstrate a commitment to long-term financial planning objectives, and ensure that debt management decisions are viewed positively by rating agencies, the investment community and by taxpayers.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the Debt Management Policy and Guidelines as presented, with the removal of Section V.A.5.a) Background.

2009-0255 Council Discussion relative to the Police and Road Technical Review Committee final report and recommendations

Attachments: [071309 Agenda Summary.pdf](#)
[062909 Agenda Summary.pdf](#)
[Final Report to Council.pdf](#)

President Hooper explained that the Police and Road Funding Technical Review Committee (PRTRC) recommendations were grouped into three categories for Council discussion, including recommendations for 2009, recommendations for years beyond 2009, and issues currently underway.

Public Comment:

Lee Zendel, 1575 Dutton, stated that while the PRTRC came up with many ideas, he has heard most of them before. He noted that the City and the economy have changed from the years of 1995 to 2003 and commented that Michigan is losing population and the demand for homes will not create rising home values in any meaningful measure for the next four to eight years. He pointed out that if the Cap and Trade Bill passes the U.S. Senate, even more jobs will be forced overseas, making any recovery for Michigan even tougher. He stated that the City must find a significant new source of money and noted that the alternative of cutting services further would disrupt the operations of the City. He pointed out that many City departments once containing as many as seven employees were now down to three. He stated that voters would not be easily convinced to pass a police or street millage. He commented that the best solution would be for Rochester Hills to seek a dedicated millage for the Parks system and that an alternative would be to close parks.

Council Discussion:

President Hooper commented that he would like to pursue the items rated highest by Council and he requested that the Clerk's Department compile Council's ratings with rankings and averages. He noted that the top rated recommendation Item Number Five, Present to the voters a continuance millage (0.40 mills) for the Debt Bond expiring in September 2010; the second-highest recommendation was Item Number 15, a Community Education component consisting of Town Hall meetings to educate the community on the issues and recommend solutions. He pointed out that ratings for a third item were very close and he would request that the averages and rankings be compiled.

Mr. Ambrozaitis stated that he has received numerous phone calls assuming that the City will make Budget reductions. He stated that does not support a tax increase.

President Hooper questioned whether it was Council's consensus to direct the two top items back to the PRTRC.

Mr. Yalamanchi stated that he did not see a need to go back to the committee level and commented that Council should continue discussions.

President Hooper questioned who should develop draft ballot language.

Jane Leslie, City Clerk, stated that Council would have until the August 24, 2009 meeting to verify language for inclusion on the November ballot as the language must be submitted to the State by August 25, 2009.

Mr. Webber stated that he and President Hooper could prepare the ballot language, and suggested that the Community Education component be referred back to the PRTRC.

President Hooper agreed that he would meet with Mr. Webber to develop ballot language to present at the August 3, 2009 meeting.

Mr. Yalamanchi stated that there are costs associated with a bond issue and while he wants this option to go to the residents, he would like the costs evaluated as well before this option proceeds.

Mr. Webber stated that he would contact Paul Funk, PRTRC Chairperson, to discuss the Community Education recommendation further.

Discussed.

COUNCIL COMMITTEE REPORTS

Deer Management Advisory Committee (DMAC):

Mr. Webber reported that the next meeting of the DMAC is scheduled for July 21, 2009 at 7:00 p.m. at Fire Station #1. He stated that a professor from Michigan State University would be in attendance to discuss forestry issues.

Rochester Hills Government Youth Council (RHGYC):

Mr. Pixley reported that the RHGYC selection committee has interviewed candidates for next year's Youth Council and the successful candidates were notified.

ANY OTHER BUSINESS

- 2009-0203** Recommendation to the Road Commission of Oakland County to support a three-lane cross-section as the City's preferred alternative for improving Tienken Road from west of Livernois Road to Sheldon Road

Attachments:

[051809 Agenda Summary.pdf](#)
[Rosen Discussion Points.pdf](#)
[2000 Tienken Rd Corridor Study.pdf](#)
[2002 Tienken Rd Traffic Study.pdf](#)
[2002 Maps.pdf](#)
[080686 Reg CC Minutes excerpt.pdf](#)
[082086 Spec CC Minutes excerpt.pdf](#)
[052489 Reg CC Minutes excerpt.pdf](#)
[071889 PC Minutes excerpt.pdf](#)
[050692 Reg CC Min excerpt.pdf](#)
[061092 Spec CC Meeting excerpt.pdf](#)
[071592 Reg CC Minutes excerpt.pdf](#)
[120199 Spec CC WS Minutes excerpt.pdf](#)
[031500 CC WS Minutes excerpt.pdf](#)
[082300 Reg CC Minutes excerpt.pdf](#)
[102500 Spec CC WS Minutes excerpt.pdf](#)
[102500 Reg CC Minutes excerpt.pdf](#)
[030701 DPS Presentation.pdf](#)
[030701 Reg CC Minutes excerpts.pdf](#)
[040401 Reg CC Minutes excerpt.pdf](#)
[080702 Reg CC Min excerpt & attachments.pdf](#)
[012203 CC WS Minutes excerpt & attachments.pdf](#)
[051409 Ltr from RCOC w Attachments.pdf](#)

[Process for Environmental Assessment.pdf](#)
[051809 Resolution.pdf](#)

Mr. Rosen stated that the City should take affirmative action in conveying to the Road Commission of Oakland County (RCOC) its desire for a three-lane option for improvements to Tienken Road. He commented that the RCOC uses a narrow field of vision which is common in traffic engineering while the City considers the character of the community. He pointed out that because the RCOC is only allowed to support a preferred alternative, they will use their engineering judgment to determine their preferred alternative. He stated that the City should request that the RCOC label and include a three-lane cross section as the City's preferred alternative and commented that including this in the Environmental Assessment could satisfy the funding requirements for the Federal Earmark. He introduced a resolution regarding a three-lane alternative for Tienken Road and stated that this motion should be postponed to the July 27, 2009 meeting for further discussion.

A motion was made by Rosen, seconded by Ambrozaitis, that this matter be Adopted by Resolution. Council did not vote on the motion.

Whereas, the Road Commission of Oakland County is reviewing the Environmental Assessment for the widening of Tienken Road from west of Livernois Road to Sheldon Road in Rochester Hills; and

Whereas, the Road Commission of Oakland County widening plans were a result of a so-called "earmark" in the Federal budget that was set aside specifically to widen Tienken Road in this area.

Whereas, the Road Commission of Oakland County originally considered a 4-lane boulevard or a 5-lane undivided road as the design cross-section and is now including consideration of a 3-lane cross-section at the request of the City of Rochester Hills; and

Whereas, the Road Commission of Oakland County has narrowed the considerations to a preferred alternative of a 5-lane undivided road cross-section along with a 3-lane road cross-section developed in consultation with residents and the City; and

Whereas, the Master Thoroughfare Plan for the City of Rochester Hills and its most recent update in 2008 planned a 3-lane cross-section for this same segment of roadway, except for the existing improvements at the intersection of Rochester Road; and

Whereas, the Rochester Hills City Council has historically opposed excessive widening of City roads to 5-lanes, and now has a policy to consider road widening on a case-by-case basis; and

Whereas, the Rochester Hills City Council has considered the alternatives for improving Tienken Road between Livernois and Sheldon Roads on a case-by-case basis and concludes that it does not favor a 5-lane undivided cross-section, because of the undesirable effects such construction would have on the surrounding community; and

Whereas, the Rochester Hills City Council has considered the alternatives for improving Tienken Road between Livernois and Sheldon Roads on a case-by-case basis and concludes that it favors a 3-lane cross-section because of the improvement in traffic flow and the reduction in congestion such construction would have without significant undesirable effects on the surrounding community; and

Whereas, the Road Commission of Oakland County is required to submit its preferred alternate to the FHWA for review along with any reasonable non-preferred alternatives

Now Therefore Be It Resolved, that Rochester Hills City Council recommends to the Road Commission of Oakland County that improvement to Tienken Road between Livernois and Sheldon Roads be a 3-lane cross-section segment of roadway, except for the existing improvements at the intersection of Rochester Road; and

Now Be It Further Resolved, that Rochester Hills City Council requests the Road Commission of Oakland County include the 3-lane cross-section labeled as the City of Rochester Hills' preferred alternative in its Environmental Assessment for this portion of Tienken Road; and

Now Be It Finally Resolved, that once the Environmental Assessment is submitted to the FHWA, the City of Rochester Hills contact the FHWA in the appropriate manner to support its conclusions regarding its preferred alternative 3-lane cross-section.

2009-0203 Recommendation to the Road Commission of Oakland County to support a three-lane cross-section as the City's preferred alternative for improving Tienken Road from west of Livernois Road to Sheldon Road

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A motion was made by Rosen, seconded by Ambrozaitis, to Postpone this matter to the July 27, 2009 Regular City Council Meeting. The motion CARRIED by the following vote:

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

Enactment No: RES0195-2009

Resolved, to postpone this matter until the July 27, 2009 City Council Regular Meeting.

NEXT MEETING DATE

Regular Meeting - Monday, July 20, 2009 CANCELLED; Regular Meeting - Monday, July 27, 2009 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 12:53 a.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 September 14, 2009 Regular City Council Meeting.