



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, June 6, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Absent 1 - Vern Pixley

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Tara Beatty, Chief Assistant
James Bradford, Deputy Fire Chief
Scott Cope, Director of Building/Ordinance Compliance
Kurt Dawson, Director of Assessing/Treasury
Kaitlyn Forbes, Rochester Hills Government Youth Council Representative
Pamela Gordon, Director of Human Resources
Mike Hartner, Director of Parks and Forestry
Captain Michael Johnson, Oakland County Sheriff's Office
Jane Leslie, City Clerk
Roger Moore, Professional Surveyor
Allan Schneck, Director of DPS/Engineering
Joe Snyder, Senior Financial Analyst
John Staran, City Attorney
Laurie Taylor, Chief Appraiser*

*Mayor Barnett and Mr. Pixley provided prior notice that they would be unable to
attend.*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

*President Hooper noted that Legislative File 2011-0279 would be deferred until
the June 20, 2011 Regular City Council Meeting.*

A motion was made by Yalamanchi, seconded by Webber, that the Agenda be Approved as Amended to remove Legislative File 2011-0279, Update on the City's seven-year Financial Forecast (FY 2012 to FY 2018). The motion carried by the following vote:

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

Absent 1 - Pixley

PUBLIC COMMENT

Thomas Ryan, 3626 Hollensshade, requested Council's consideration of and support for a City Charter Amendment to protect parks and green spaces from lease, sale, exchange, redesignation or unauthorized use without receiving voter approval.

Alice Benbow, 1582 Northumberland, stated that Council should meet more than once a month. She mentioned that Michigan Secretary of State Ruth Johnson will hold a hearing tomorrow on election laws regarding campaign contributions. She commented that the City's Ordinance enforcement is selective.

Gary Uhl, 3508 Wedgewood Drive, stated that he has been working together with a group of homeowners associations to develop a proposed Charter Amendment to protect parks and green spaces. He noted that the proposed Amendment will further the City's Mission Statement and enhance its vibrant residential character. He stated that it would not preclude the use of parks, but would require the residents' permission at the polls. He commented that if Council does not lend its support, the residents will collect signatures on petitions requesting the item be placed on the ballot.

Peggy Fisher, 3508 Wedgewood Drive, expressed support for a Charter Amendment on the use and disposition of City-owned real estate. She commented that the proposed Water Reservoir raised the ire of voters and spurred activism.

Susan Bowyer, 2145 Cumberland Drive, stated that the Cumberland Hills Homeowners Association also supports the proposed Charter Amendment, stating it would enhance property values and maintain family neighborhoods.

Steve McGarry, 2164 Clinton View Circle, stated that the Heritage Oaks Homeowners Association supports adding a proposed Charter Amendment to the ballot this fall. He commented that the proposed Amendment to be presented on June 20th is based on language adopted by Westland, Oregon, and will help demonstrate transparency of elected officials.

Lee Zendel, 1575 Dutton Road, questioned whether those individuals who have filed to run for a City office have regularly attended Council meetings and reviewed the City's budget and financial statements. He mentioned that today is D-Day, commemorating that day 67 years ago when 150,000 American and British soldiers stormed the beaches of Normandy to remove the stain of Nazism and Hitler from the world. He commented that Americans must never forget those brave men who gave their all for us and for future generations; and should not forget those who stand guard for us now.

Scot Beaton, 655 Bolinger, commented that the Rochester Citizen online newspaper will host a debate for Mayoral candidates, and requested Council's support.

Dee Hilbert, 3234 Quail Ridge Circle, expressed support for the proposed Charter Amendment, noting that Riverbend Park was once considered for the location of a Lifetime Fitness facility along with a three-acre detention basin as a part of the Madison Park Development. A soccer facility was briefly considered for Borden Park. She questioned whether a high rise is planned for the Walmart property on Adams.

Bruce Fealk, 1474 Oakstone, announced a Mayoral Candidate Debate will be held on June 15th at 6:30 p.m. at the Rochester Hills Public Library. He noted that candidate Luke Wylie responded that he cannot attend, and Mayor Barnett responded that he would be out of the country.

John Dapkis, 571 Plum Ridge Drive, stated that the Hunters Creek Homeowners Association supports a Charter Amendment for parks and open spaces and requested Council's cooperation for the development of ballot language.

Lorraine McGoldrick, 709 Essex, requested a review on the rules and policies regarding elections in Rochester Hills and commented that PEG funds should be used to educate residents on these rules. She commented that the Clerk's Election Packet is easy to understand and inquired whether all candidates received a copy. She questioned how the City's Sign Ordinance is enforced with regard to election signs.

Chuck Slattery, 3130 Palm Aire Drive, commented that he did not realize how easy it is to use parkland for other purposes and shift funds from capital accounts without a vote of the residents. He requested Council consider forming a working committee for a Charter Amendment to protect parks and green spaces.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Kaitlyn Forbes, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC planted a perennial garden at City Hall today. She announced that the RHGYC will hold its annual 5k Run/Walk, benefitting the Rochester Area Neighborhood House on Saturday, June 18, 2011 at Bloomer Park and encouraged interested individuals to register for the event.

Mr. Yalamanchi thanked the residents in attendance for their time and efforts to develop proposed Charter Amendment language for parks and green spaces, stating that he is in full support and looks forward to the presentation on June 20th.

Mr. Webber recognized the work that Mr. Uhl and Mr. Ryan have done, noting that any time residents bring forth a Charter Amendment, it deserves Council's serious consideration. He stated that he forwarded the language on to City Attorney John Staran for his input on June 20th. He commented that he looks forward to participating in the RHGYC's 5K on June 18th, noting that the event benefits a great cause and deserves much promotion.

Mr. Rosen stated that during the January 31st Special Meeting he mentioned that he wanted to work on issues regarding parks usage, and noted that the concept goes to the heart of the City of Rochester Hills' "brand". He stated that Green Space properties are fairly well protected; however, park lands are not as protected. He commented that the product of these efforts should not harm the City's operation; however, it should protect properties for their intended use.

Mr. Klomp stated that there is no better part of the City that residents collectively agree upon than its parks and green spaces. He thanked Mr. Uhl for attending the recent Green Space Advisory Board meeting and commented that a long-term goal to increase the desirability of Rochester Hills is to increase the desirability of its parks.

Mr. Brennan commented that he applauds the efforts of the homeowners associations and looks forward to Council's discussion and consideration of a Charter Amendment.

President Hooper noted that he will place the discussion regarding a proposed Charter Amendment on the June 20th Regular Meeting Agenda. He thanked Mr. Zendel for his comments regarding the remembrance of D-Day. In response to public comment, he stated that he was not aware of any development activity such as a high-rise at the Adams/Hamlin site. He noted that participation in political debates is a personal decision for each candidate.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2011-0274 Presentation on the Award received by the Brookwood Make A Difference Day Flea Market from USA Weekend Magazine; Kathy Bommarito, Trish Kangas, Joanne Marcil and Carolyn Wells, presenters

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

Attending on behalf of the Brookwood Make A Difference Day Committee were **Kathy Bommarito, Joanne Marcil, Carolyn Wells, and Trish Kangas**. They gave the following presentation:

WHAT IS MAKE A DIFFERENCE DAY?

- Began in 1991, millions inspired to participate
- Annually - fourth Saturday in October
- Presented by USA WEEKEND Magazine, Newman's Own, Inc. and HandsOn Network (division of Points of Light Institute - nation's largest mobilizer of volunteers)

Ms. Bommarito noted that the Brookwood Make-A-Difference-Day was one of ten national honorees, receiving a \$10,000 award for a selected charity.

Ms. Marcil continued:

BROOKWOOD MAKE A DIFFERENCE DAY:

- 1992 - Garage sale - \$150
- 1995-1998 - Crafts and Antique Sale
- 1999-2010 - Flea Market
- 2011 - 20th anniversary of Make A Difference Day participation
- Raised \$85,700+
- \$95,700+ with \$10,000 award included

Ms. Marcil noted that she moved in to Brookwood in September of 1991 and began volunteering at a soup kitchen in Pontiac. Initially, funds were raised to donate to the soup kitchen through garage sales. The group then approached the Brookwood Association and began adding charities. In 2003, Ms. Bommarito and Ms. Wells joined the organizers. She displayed photos of past flea market events.

Ms. Kangas continued:

HOW DID WE WIN THE \$10,000 AWARD?

- Do award submission every year
- Decided to just keep trying to be better
- Surveyed high school volunteers
 - * Input received from Adams and Rochester High Schools' Key Clubs and National Honor Societies
- Sent in everything we could
- Then we waited - same thing every year

Ms. Wells continued:

THIS YEAR WAS DIFFERENT!

- Saturday, January 8 - received e-mail - being considered for national honors!
- Tuesday, January 15 - found out we won!
- EXCITEMENT, JUBILATION, HALLELUJAH
- \$10,000 donation to charity

WE SUPPORT FIVE VERY WORTHY CHARITIES:

- Baldwin Center
- National Multiple Sclerosis Society, Michigan Chapter
- Juvenile Diabetes Research Foundation International
- Paint a Miracle
- The Women's Fund of the Community Foundation of Greater Rochester

Ms. Wells noted that a condition of the award was that one charity was to be chosen to receive the money. The group selected the Baldwin Center. An award luncheon was held in Washington, DC and Ray and Joanne Marcil attended.

Ms. Kangas continued:

WHERE DO WE GO NEXT?

- Already planning 2011
- Focus on three Rs of the environment:
 - * Reduce, reuse, recycle
 - * Primary focus on reuse
- 20th anniversary this year
- Friday, October 21 - 4:00 p.m. to 8:00 p.m.; Saturday, October 22 - 9:00 a.m. to 4:00 p.m.

Ms. Marcil continued:

THEME IN 2010:

- "I Believe"
 - * Created positive attitude for our angel brigade
 - * We've gone far beyond our expectations

Committee members conveyed their thanks to Mr. Brennan and the City for recognizing their efforts.

Council Discussion:

Mr. Brennan thanked the committee members for their presentation. He commented that the community has a great spirit of charitable giving, and the committee's national recognition helps to define Rochester Hills.

Mr. Yalamanchi expressed his thanks to the committee for their efforts.

Presented.

2011-0272 The Clinton River Trail: 2011 Update; Friends of the Clinton River Trail, presenters

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

Dan Keifer, Founder, Friends of the Clinton River Trail (FCRT), acknowledged members of the FCRT in attendance, noting that the steering committee has

been active for the last four to five years. He commented that he wanted to recognize Pat and Shirley Mullen, founding members that have been with the FCRT for over 11 years. He gave the following presentation:

OUR MISSION:

- A group of residents committed to the vision of a trail that is a safe and enjoyable recreational feature for the communities through which it passes.

Mr. Keifer displayed a map showing the CRT and its connections to other neighboring trails, spanning five communities. He noted the rerouting activities that are ongoing from April through July in Rochester Hills due to the Crooks Road and M-59 Widening Projects as well as the temporary route through Pontiac. He mentioned efforts to change the original Master Plan from 2003 calling for a grade-level crossing at Telegraph Road in favor of a raised pedestrian bridge. Thanks to the City of Pontiac and then Pontiac DPS Director Allan Schneck, now Rochester Hills' Director of DPS/Engineering, planning was done last fall and Federal Stimulus Funds secured for the project. He mentioned additional discussions with City officials to develop and improve the crossing at Adams Road. He highlighted the following work at Orchard Lake Road:

ORCHARD LAKE ROAD CROSSING:

- Highly dangerous road crossing.
- FCRT partnering with Oakland County, the Road Commission for Oakland County and Recreation Passport Grant for solution.
- FCRT is committed to find funds for match.

LOOK AND FEEL UPDATE:

- Contracted with LAP firm for plan.
- Every community participated.
- FCRT refining designs and soliciting vendors.

WHAT WE NEED FROM YOU:

- Thanks for completing your Recreation Plan and getting it approved; essential for 2012 grant funding.
- Talk up the Fall Classic: Saturday, September 17.
 - * More sponsors and support than ever before
 - * Register online at FCRT website
- Looking for public/private funds for Orchard Lake Road crossing; less than \$15,000 needed for match.
- Use the Trail!

OUR GOAL:

- Maintaining One Trail through Five Cities.
- Continuing to Make the Clinton River Trail a "World Class" Trail.
- A key section of the Great Lake to Lake Trail route across Michigan.

Mr. Keifer concluded, stating that the trail is not just a feature for residents, but a destination on its own for recreation and tourism.

Council Discussion:

Mr. Webber expressed his thanks, noting that Mr. Keifer will be missed as he is stepping away from his duties with the FCRT soon.

Mr. Klomp concurred, noting that as a part of the Paint Creek Trailways Commission, he greatly appreciates the efforts of Mr. Keifer and the FCRT.

Presented.

CONSENT AGENDA

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

2011-0257 Approval of Minutes - City Council Special Meeting - May 2, 2011

Attachments: [CC Special Min 050211.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0095-2011

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on May 2, 2011 be approved as presented.

2011-0258 Approval of Minutes - City Council Regular Meeting - May 2, 2011

Attachments: [CC Min 050211.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0096-2011

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on May 2, 2011 be approved as presented.

2011-0255 Request for Purchase Authorization - DPS/ENG: Professional Services Agreement for engineering services for the Vehicular and Pedestrian Bridge Rehabilitation Program in the amount not-to-exceed \$43,160.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Pedestrian Bridge Map.pdf](#)
[HRC Design Proposal.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0097-2011

Resolved, that the Rochester Hills City Council hereby authorizes a Professional Services Agreement for Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan for engineering services for the Vehicular and Pedestrian Bridge Rehabilitation Program in the amount not-to-exceed \$43,160.00 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2011-0270 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2011 Pavement Striping Program in the amount of \$48,112.93 with a 5% contingency for a total not-to-exceed amount of \$50,518.58; R.S. Contracting, Inc., Casco, MI

Attachments: [Agenda Summary.pdf](#)
[2011 AB Pavement Striping Inventory.pdf](#)
[2011 CRH Striping BID TAB.pdf](#)
[2011 Longitudinal Pavement Marking Map.pdf](#)
[RS 2011 Authorization Letter.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0098-2011

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2011 Pavement Striping Program to R. S. Contracting, Inc., Casco, Michigan, in the amount of \$48,112.93 with a 5% contingency for a total not-to-exceed amount of \$50,518.58 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2011-0264 Request for Purchase Authorization - DPS/FLEET: One (1) new 2-3 yard dump truck in the amount of \$36,720.00; Red Holman Buick GMC, Westland, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0099-2011

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) new 2-3 yard dump truck from Red Holman Buick GMC, Westland, Michigan in the amount of \$36,720.00.

- 2011-0275** Request for Purchase Authorization - DPS/ENG: Agreement for Municipal Street Lighting for street light installations within Clear Creek Subdivision No. 4 for Traceky, Passive & Petosky in amount of \$33,624.21; The Detroit Edison Company

Attachments: [Agenda Summary.pdf](#)
[Municipal Street Lighting Agreement.pdf](#)
[Lighting Map.pdf](#)
[Public Street Light Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0100-2011

Resolved, that the Rochester Hills City Council approves the Standard Municipal Street Lighting Agreement for street light installations within Clear Creek Subdivision No. 4 for Traceky, Passive & Petosky to The Detroit Edison Company in the amount of \$33,624.21 and further authorizes the Mayor to execute the agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2011-0259** Request for Adoption of Resolution Authorizing the Parks & Forestry Director to be the Agent for the City of Rochester Hills for Oakland County's West Nile Virus Fund Program

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0101-2011

Whereas, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities; and

Whereas, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with mosquito larviciding in designated community areas; and

Whereas, the City of Rochester Hills, Oakland County, Michigan, has or will incur expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program;

Now, Therefore, Be It Resolved, that the City Council of Rochester Hills authorizes and directs its Parks & Forestry Director, as agent for the City of Rochester Hills, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

- 2011-0263** Request for Approval of Fireworks Display Permit Application for Festival of the Hills, to be held at Borden Park on June 29, 2011, Melrose Pyrotechnics, Inc., applicant

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0102-2011

Whereas, Melrose Pyrotechnics, Inc. of Kingsbury, Indiana, has provided the fireworks display for the Festival of the Hills for the past 12 years; and

Whereas, Melrose Pyrotechnics, Inc. has provided the necessary insurance with the City of Rochester Hills named as also insured; and

Whereas, the Rochester Hills Fire Department has no objection to the issuance of a fireworks permit providing their safety procedures are followed.

Therefore, Be It Resolved, that the Rochester Hills City Council does hereby approve a permit for Melrose Pyrotechnics, Inc. to provide a fireworks display for the Festival of the Hills at Borden Park on June 29, 2011.

Passed the Consent Agenda

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

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

Absent 1 - Pixley

The Following Consent Agenda Item was Discussed and Adopted by Separate Motion:

- 2011-0254** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for maintenance and repairs or upgrades of existing traffic signals and SCATS in the amount not-to-exceed \$100,000.00; Road Commission for Oakland County, Waterford, MI

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

Scot Beaton, 655 Bolinger Street, questioned why the City must continue to pay \$100,000 per year out of the General Fund for maintenance of this system when neighboring communities do not. He suggested that the Road Commission for Oakland County (RCOC) be asked to appear before Council to discuss the system.

Council Discussion:

Mr. Yalamanchi noted that he had requested a breakdown of the actual amounts expended for maintenance for the last several years.

Allan Schneck, Director of DPS/Engineering reported that expenditures were \$73,447 in 2008, \$70,360 in 2009, \$53,978 in 2010 and \$19,719 to date in 2011.

Mr. Yalamanchi questioned what would occur if the request was not approved.

Mr. Schneck explained that the signals equipped with the SCATS system assist the mobility of traffic and are viewed as an opportunity to move traffic without building capacity and widening roads. He stated that the RCOC could be requested to address Council regarding the system, if desired. He noted that funds are budgeted from the Major Roads Fund and are not General Fund expenditures.

President Hooper offered to request that the RCOC give Council a presentation on the overall SCATS program.

Mr. Yalamanchi stated that would be helpful and questioned why \$100,000 is budgeted, when only \$19,719 has been spent to date this year.

Mr. Schneck responded that the Administration budgets conservatively in the event that there is a need for maintenance on the system. He pointed out that pedestrian signals, pushbuttons, school zone signs and traffic signals are included in the maintenance agreement.

Mr. Yalamanchi questioned whether all cities are responsible for the maintenance of their signals.

Mr. Schneck responded that all cities participate in maintenance costs.

Mr. Rosen commented that the SCATS system has made a huge difference for the community, noting that when he moved to the area 25 years ago, traffic was so bad that it took an hour to get from M-59 to the Walton and Adams area. He pointed out that when the SCATS system gets out of sync, it creates massive traffic problems. He suggested that a way to report problems with traffic signals be developed, similar to the system currently available to report potholes.

Mr. Brennan questioned whether the budgeted amount could be reduced, and be revisited later if it was found that more funds were needed. He suggested reducing the amount to \$75,000.

President Hooper pointed out that approving the request would authorize the contract, but not require that the funds be spent.

Mr. Klomp commented that he is apprehensive about reducing the amount, noting that with all the construction delays currently in the community, he did not want to handicap the system unnecessarily if it was found that more funding was needed.

President Hooper responded that Council would simply be asked to pass a resolution to raise the dollar amount at a later date.

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

Aye 5 - Brennan, Klomp, Rosen, Webber and Yalamanchi

Nay 1 - Hooper

Absent 1 - Pixley

Enactment No: RES0103-2011

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to the Road Commission for Oakland County, Waterford, Michigan for maintenance and repairs or upgrades of existing traffic signals and SCATS in the amount not-to-exceed \$75,000.00.

PUBLIC HEARINGS

2011-0278 FY 2011 2nd Quarter Budget Amendments

Attachments: [Agenda Summary.pdf](#)
[2011 = 2nd Qtr BA Overview.pdf](#)
[2011 - 2nd Qtr Budget Amendment Detail.pdf](#)
[2011 - 2nd Qtr Budget Adjustments.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Joe Snyder, Senior Financial Analyst, highlighted the following:

- The Second Quarter Budget Amendment increases revenues by approximately \$1.6 million and expenses by approximately \$576,000, having a net impact to the City's budget of an increase to Fund Balances of approximately \$1 million.
- Approximately \$340,000 of the increase in expenditures has already been approved by Council through agenda items and funds are now being placed into the budget. The largest of these items is the Preliminary Engineering Contract for the Avon and Livernois Roads Bridges.
- Approximately \$210,000 of the increase has offsetting revenue and these expenses are placed into the budget as direct-one-to-one pass-throughs.
- Of the \$576,000 increase in expenditures, \$550,000 is either already committed or accompanied by direct one-to-one revenue items.

President Hooper Opened the Public Hearing at 8:27 p.m.

Seeing no public input, President Hooper Closed the Public Hearing at 8:28 p.m.

Council Discussion:

Mr. Yalamanchi questioned whether the \$826,800 increase in Major Road Fund Revenue for eligible reimbursement for the Hamlin Road project is in addition to monies originally expected.

Mr. Snyder responded that it was not; this revenue figure is the remainder of what was originally expected. He added that work on the project has been ongoing since 1990 and is in its final year.

Mr. Yalamanchi questioned whether the \$164,000 increase in grant revenue for radar signs has an offsetting expense.

Mr. Snyder responded that the radar signs are 100 percent reimbursed by the grant.

Mr. Webber expressed his appreciation for the Administration's work in assembling the information presented.

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

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

Absent 1 - Pixley

Enactment No: RES0104-2011

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, in accordance with Section 19 of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act the City Council may permit the Mayor to execute *adjustments* to the budget within limits;

Whereas, the Public Hearing for the proposed 2011 2nd Quarter Budget Amendments was noticed on May 19, 2011; and

Whereas, the proposed 2011 2nd Quarter Budget Amendments were available for public viewing beginning on May 27, 2011; and

Whereas, at its June 6, 2011 meeting City Council held a Public Hearing on the proposed 2nd Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following 2011 fund totals as amended:

101 - General Fund	\$ 23,500,780
202 - Major Road Fund	7,241,480
203 - Local Street Fund	5,240,020
206 - Fire Fund	7,001,290
207 - Special Police Fund	8,791,740
232 - Tree Fund	58,500
244 - Water Resources Fund	1,171,180

331 - Drain Debt Millage Fund	2,007,150
369 - OPC Building Refunding Debt Millage Fund	725,800
370 - Municipal Building Debt Fund	408,920
393 - Municipal Building Refunding Debt Fund	322,760
402 - Fire Capital Fund	470,000
420 - Capital Improvement Fund	193,970
592 - W&S Operating Fund	30,546,540
593 - W&S Capital Fund	5,711,860
631 - Facilities Fund	4,991,880
848 - LDFA Fund	712,240

Be It Further Resolved, the Mayor is authorized to administratively adjust the operating budget line-items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment.

ORDINANCE FOR INTRODUCTION

- 2011-0265** Acceptance for First 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: [060611 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[W&S TRC Resolution 051111.pdf](#)
[060611 Resolution.pdf](#)

Joe Snyder, Senior Financial Analyst, stated that the Administration is bringing forward rate recommendations supported unanimously by the Water and Sewer Technical Review Committee (WSTRC) at its meeting on May 5, 2011. He noted that the intent of the proposed Ordinance is to bring stability to water rates for the next few years, utilizing a multi-year approach to allow the City to meet its goals by the end of 2014. The proposal includes a 3.2 percent increase for water and a 6.4 percent increase for sewer, with an accompanying decrease to the customer charge of 12.6 percent. City residents will see a net overall increase to their bill of 3.7 percent.

President Hooper questioned whether the City's Water and Sewer system broke even last year.

Mr. Snyder responded that it did.

Mr. Yalamanchi questioned what year the City is looking to achieve the target balance for Operations in its Capital Funds.

Mr. Snyder responded that the target balance is for Operating Funds, and it is anticipated that if projections hold true for future rate increases, by the end of 2014 the City will have operating target balances per City Policy.

Mr. Yalamanchi questioned why the City saw an increase when the Detroit Water and Sewerage Department announced decreased rates to the City of 20 percent.

Mr. Snyder responded that while DWSD's variable component to the City decreased by 24 percent, the fixed component increased by 140 percent. When both components are factored together, the net decrease for this year from the DWSD is 6.8 percent.

Mr. Yalamanchi mentioned that during recent rate discussions, the City's fixed costs from the DWSD were \$83,000 per month.

Mr. Snyder responded that the fixed portion is now \$189,000 per month.

A motion was made by Klomp, seconded by Brennan, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote:

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

Absent 1 - Pixley

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 is hereby accepted for First Reading.

NOMINATIONS/APPOINTMENTS

2011-0160 Nomination/Appointment of one (1) Citizen Representative to the Rochester Avon Recreation Authority for a three-year term to expire May 31, 2014

Attachments: [060611 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Christopher Cobb CQ.pdf](#)
[Jim Duistermars CQ.pdf](#)
[Dianah Foster CQ.pdf](#)
[Daniel Hauser CQ.pdf](#)
[Edward Olson CQ.pdf](#)
[Brian Probst CQ.pdf](#)
[Michael Reno CQ.pdf](#)
[Vacancy Notice.pdf](#)
[Resolution.pdf](#)

President Hooper Opened the Floor for Nominations.

Mr. Yalamanchi nominated Michael Reno.

Mr. Webber nominated Daniel Hauser.

Mr. Klomp nominated Brian Probst.

President Hooper Closed the Floor for Nominations. He noted that as there are three nominees, a vote will be held over for two weeks to the next Regular Meeting.

Discussed.

Enactment No: RES0121-2011

NEW BUSINESS

2011-0099 Request for Approval of a Conditional Land Use - To construct a drive-through along with the proposed demo and rebuild of the existing McDonald's on Rochester Road, north of Avon, zoned B-2, General Business, Frank Martin, Dorchen/Martin Associates, Inc., applicant

Attachments: [Agenda Summary.pdf](#)
[Staff Report.pdf](#)
[Map.pdf](#)
[Site Plan Pgs 1-3.pdf](#)
[Site Plan Pgs 4-5.pdf](#)
[Site Plan Pgs 6-20.pdf](#)
[Site Plan Pgs 21-24.pdf](#)
[Side Elevation A.pdf](#)
[Front Elevation.pdf](#)
[Side Elevation B.pdf](#)
[Rear Elevation.pdf](#)
[Minutes PC 050311.pdf](#)
[Minutes PC 030111.pdf](#)
[PC Memo 030111.pdf](#)
[Letter Martin 022011.pdf](#)
[Resolution.pdf](#)

Present for the applicant were **Frank Martin**, Dorchen/Martin Associates, Inc., Architects, and **William Saputo**, owner.

Ed Anzek, Director of Planning and Economic Development, stated that subsequent to a fire that occurred in the McDonald's at 808 S. Rochester Road, the owner is looking at rebuilding and enhancing the restaurant complex. He reported that the request was approved unanimously by the Planning Commission.

Mr. Saputo pointed out several of the features of the new design:

- The current two curb cuts to Rochester Road will be reduced to one.
- Two pedestrian crosswalks will be added.
- A front turnaround will be included; cars will no longer have to exit to Rochester Road to re-enter the parking lot.
- Additional landscaping is planned for the north, east and west sides.
- The owners will pursue a possible access to the Lifetime Fitness driveway.

Public Comments:

Scot Beaton, 655 Bolinger, stated that most of his questions were answered ahead of time, including whether the existing pole sign would be removed and replaced with a sign to meet the current Sign Ordinance. He mentioned that

although much bad corporate architecture currently exists throughout America; McDonald's has done a fantastic job of delivering a nice product to Rochester Hills.

Lorraine McGoldrick, 709 Essex Drive, commented that this was the second fire at that restaurant and would hope that additional safety measures are undertaken in the rebuilding. She mentioned that the grass is currently exceeding the City's Blight Ordinance requirement and is approximately 12 inches tall.

Council Discussion:

President Hooper questioned whether the grass could be taken care of immediately.

Mr. Saputo responded that he would take care of the grass first-thing.

Mr. Brennan questioned whether the company has any agreement with Lifetime Fitness regarding access.

Mr. Anzek responded that they do not have access at this time, and it has not been determined whether McDonald's could use Lifetime's driveway; however, the Administration will continue to pursue this option. He noted that the site plan has been designed to accept the net loss of those parking spaces which would be removed to allow a driveway.

Mr. Brennan questioned whether the site plan would still need review by the Advisory Traffic and Safety Board.

Mr. Anzek responded that the City's Traffic and Engineering Staff did review the plan and the City's Traffic Engineer identified the location of the single curb cut out front.

Mr. Rosen questioned whether a future access to the Lifetime driveway could include access for the Arby's as well.

Mr. Anzek responded that this will be discussed with Lifetime Fitness as soon as possible. He noted that there is a topographic change between the Arby's site; however, it would not be insurmountable.

Mr. Yalamanchi questioned whether Lifetime's entrance will remain open.

Mr. Anzek responded that the entrance to Lifetime Fitness is theirs, with their right to use it.

President Hooper questioned when construction would start.

Mr. Saputo responded that he hoped to start construction within the next two weeks, as soon as his insurance company will allow.

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

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

Absent 1 - Pixley

Enactment No: RES0105-2011

Resolved, that the Rochester Hills City Council hereby approves a Conditional Land Use for McDonald's, City File No. 73-175.2, to construct a drive-through at the proposed new restaurant to be located at 808 S. Rochester Rd., north of Avon, Parcel No. 15-15-476-020, zoned B-2, General Business, based on plans dated received by the Planning and Economic Development Department on April 11, 2011, with the following findings:

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land. The drive-through will be built as an integral architectural element of the primary structure and use, and building materials will be the same as those used in the primary structure.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and refuse disposal.
4. The development should not be detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or the public welfare. The drive-through will be located to the rear and side of the primary structure and set back a minimum of 10 feet from the front building wall of the primary structure. The drive-through is configured so that glare from headlights is obstructed from shining into a public right-of-way.
5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. The project meets the requirements of Section 138-4.410 for drive-through facilities.

2011-0216 Request for Revised Conditional Land Use - Proposed patient tower at the southeast side of the existing Crittenton Hospital Medical Center building, zoned SP, Special Purpose, Crittenton Hospital Medical Center, applicant

Attachments: [Agenda Summary.pdf](#)
[Staff Report.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Email Hidden Hills 051711.pdf](#)
[Minutes PC 022211.pdf](#)
[Minutes PC 050311.pdf](#)
[ZBA Staff Report 030911.pdf](#)
[Minutes ZBA 030911.pdf](#)
[Resolution.pdf](#)

*In attendance for the applicant were **Monte Oberlee**, Director of Environmental Care, Crittenton Hospital, and **Ron Herzog**, Harley Ellis Devereaux, Architects.*

Ed Anzek, Director of Planning and Economic Development, noted that the Special Purpose zoning for the hospital requires a Revised Conditional Land Use approval for the proposed tower addition. He noted that the site includes a redesigned loading dock area and a revamped parking lot to the east. He reported that the City of Rochester has given their approval for the portion of the site that falls within Rochester's boundary.

Mr. Oberlee stated that Crittenton Hospital is excited to be presenting a plan for its expansion of an additional 174,000 square feet, including the connector spaces. He explained that a six-story structure is planned for patient use with eight-story connectors at elevator levels, allowing for an expansion in the future of two additional floors. The tower will include 87 patient rooms which will provide private rooms for patients incorporating family care spaces. He noted that the hospital is not increasing its patient count and licensing will remain at 290 beds. He pointed out that the east facade will incorporate a relocated receiving dock and a green roof area over the receiving area to feature a garden accessible to patients and families. The second floor will house the new medical residency program, and will include a new pharmacy, blood draw area and registration area adjacent to the parking deck connector. Three floors above will house 29 private rooms; the sixth floor will be constructed as a shell space for an additional 29 rooms in the future.

President Hooper noted prior issues raised by adjacent residents regarding required plantings and questioned whether trees and evergreens were planted to meet the requirements.

Mr. Oberlee responded that most of the trees recently planted were in the southernmost portion of the site around the retention pond, and 89 to 90 trees were planted with input on their placement from the adjacent homeowners' association.

Mr. Anzek noted that the Planning Commission raised questions regarding whether conditions required during past approvals had been met. After investigation, it was determined that every condition that was required had been met.

Mr. Yalamanchi questioned whether Crittenton has a Master Plan for future expansions, noting that the site is land-locked.

Mr. Oberlee responded that this project phase is the last piece of the Master Plan which was completed eight years ago. The last portion of this Plan would be to include two additional floors to this tower. He stated that Crittenton is just beginning to explore the possibility of commissioning a new Master Plan.

Mr. Yalamanchi questioned whether any underground storage tanks will be moved.

Mr. Oberlee responded that a new generator required for this tower will require an additional tank. He noted that underground tanks are highly regulated.

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

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

Absent 1 - Pixley

Enactment No: RES0106-2011

Resolved, that the Rochester Hills City Council hereby approves a Revised Conditional Land Use for a patient tower for Crittenton Hospital Medical Center, City File No. 89-153.9, Parcel No. 15-15-101-003, zoned SP, Special Purpose, based on plans dated received by the Planning and Economic Development Department on April 28, 2011 with the following findings:

Findings:

1. The proposed Tower addition and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The existing and expanded use will promote the intent and purpose of the Zoning Ordinance.
3. The proposed building has been designed and is proposed to be constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing and planned character of the hospital, the general vicinity, adjacent uses of land, the natural environment and the capacity of public services and facilities affected by the land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further meeting the medical needs of people in the area.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and refuse disposal.
6. The proposed development should not be detrimental, hazardous or disturbing to existing or future neighboring land uses, persons, property or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

(Mr. Rosen exited at 8:59 p.m. and re-entered at 9:01 p.m.)

2011-0282 Request to Accept the Entertainment Permit Agreement between the City of Rochester Hills and Smakem Rochester Hills, LLC, located at Oakland University, Meadowbrook Music Festival, Rochester Hills, MI

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

Scott Edwards, Attorney, Carlin Edwards Brown PLLC, attorney for the applicant, explained that SMAKEM Rochester Hills, LLC is an entity created specifically to hold the liquor license for Meadowbrook Music Festival. He stated that there will be no changes in operations at Meadowbrook.

Mr. Yalamanchi questioned whether a transfer was recently approved for this license.

Jane Leslie, City Clerk, responded that the license was previously transferred from William Davidson as sole Trustee to the Trustees of his estate.

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

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

Absent 1 - Pixley

Enactment No: RES0107-2011

Whereas, the Rochester Hills City Council accepts the Entertainment Permit Agreement between the City of Rochester Hills and Smakem Rochester Hills, LLC, located at Oakland University, Meadowbrook Music Festival, Rochester Hills, Michigan.

Now, Therefore, Be It Resolved, the Mayor and the City Clerk are hereby authorized to execute and deliver the agreement on behalf of the City.

2011-0283 Request for a Transfer of a Class C License with Entertainment Permit from Palace Sports & Entertainment, Inc. to Smakem Rochester Hills, LLC, located at Oakland University, Meadowbrook Music Festival, Rochester Hills, MI

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

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, Klomp, Rosen, Webber and Yalamanchi

Absent 1 - Pixley

Enactment No: RES0108-2011

Resolved, that the request to transfer ownership of a 2011 Class C licensed business with Entertainment Permit, located at Oakland University, Meadowbrook Music Festival, Rochester Hills, Michigan 48309, Oakland County, from Palace Sports & Entertainment, Inc. to Smakem Rochester Hills, LLC (a Delaware Limited Liability Company) be considered for approval.

2011-0261 Request for Purchase Authorization - TREAS/ASSESS: Blanket Purchase Order for printing and mailing of Treasurer property tax billings and various Assessor reports and forms in the amount not-to-exceed \$118,500.00 for three years; DataMail, Madison Heights, MI

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

Kurt Dawson, Director of Assessing and Treasury, stated that seven vendors responded to the City's Request for Proposal. DataMail was selected as the

most qualified, responsible and responsive bidder, and is recommended for award of the three-year contract.

Mr. Rosen questioned whether any Rochester Hills firms responded.

Mr. Dawson responded that no Rochester Hills firms submitted a proposal.

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

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

Absent 1 - Pixley

Enactment No: RES0109-2011

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to DataMail, Madison Heights, Michigan for printing and mailing of Treasurer property tax billings and various Assessor reports and forms in the amount not-to-exceed \$118,500.00 for three years and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2011-0262 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for rock salt in the amount not-to-exceed \$511,610.00 through June 30, 2013; Detroit Salt Company LLC, Detroit, MI

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

Allan Schneck, Director of DPS/Engineering, stated that bids were solicited by the Road Commission for Oakland County through the Michigan Intergovernmental Trade Network (MITN) site in April of 2011 as a cooperative bid for 214,200 tons of salt through 29 governmental agencies. The lowest responsive bidder was Detroit Salt Company LLC, and the Administration recommends the authorization of a Blanket Purchase Order.

Mr. Yalamanchi questioned what last year's expenditure was for rock salt.

Mr. Schneck responded that he did not have the exact figure; however, due to the number and severity of storm events, the City expended over and above the budgeted amount.

Mr. Brennan questioned how much salt remains in storage.

Mr. Schneck responded that he would check with the DPS Garage and noted that he would forward that information via email to Council.

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

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

Absent 1 - Pixley

Enactment No: RES0110-2011

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Detroit Salt Company LLC, Detroit, Michigan for rock salt in the amount not-to-exceed \$511,610.00 through June 30, 2013.

2011-0276 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for the Sanitary Sewer Rehabilitation Program in the amount of \$344,557.25 with a 10% contingency of \$34,455.73 for a total not-to-exceed amount of \$379,012.98; Liqui-Force Service (USA), Inc., Romulus, MI

Attachments: [Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Project Plan.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that on May 2, 2011, the City received four bids for the Sanitary Sewer Rehabilitation Program and, upon review, recommends award of the contract to Liqui-Force Service (USA) Inc. He noted that the majority of work will be done through a non-destructive method utilizing sewer lining and isolated segment lining.

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

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

Absent 1 - Pixley

Enactment No: RES0111-2011

Resolved, that the Rochester Hills City Council authorizes a Contract/Blanket Purchase Order for the Sanitary Sewer Rehabilitation Program to Liqui-Force Service (USA), Inc., Romulus, Michigan, in the amount of \$344,557.25 with a 10% contingency of \$34,455.73 for a total not-to-exceed amount of \$379,012.98 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2011-0280 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction of Avon Creek Phase II Restoration Project in the amount not-to-exceed \$138,326.90 with a 10% contingency of \$13,832.69 for a not-to-exceed total of \$152,159.59; Inland Lakes Landscaping Corporation, Pontiac, MI

Attachments: [Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Proposed Project Budget.pdf](#)
[Grant Agreement \(Part 1\).pdf](#)
[Map of Project Area.pdf](#)
[Photos of Project Area.pdf](#)
[Grant Agreement \(Part 2\).pdf](#)
[Resolution.pdf](#)

Roger Moore, Professional Surveyor, stated that Avon Creek Phase II is 100 percent grant funded. He explained that the grant administrator was asked to amend the agreement to increase the grant amount to fund the construction of a bypass and do some additional work. The grant administrator responded favorably to the request. He noted that the next item, which requests an increase to the contract for engineering services for the project, will also be fully funded by a grant increase, once received. He pointed out that Inland Lakes Landscaping performed the Phase I work and is recommended for award of the Phase II contract. He explained that they are the lowest responsible bidder for this phase, have experience on the project, and their bid is consistent with what was expected. He noted that the total contract will be subject to the grant increase and be subject to approval authorized by the Mayor; and commented that the amount expended will not exceed the grant total.

President Hooper noted that while the purchase order is for a larger amount than the current budget, once the grant is received, the additional funds would be allocated in the Third Quarter Budget Amendment.

Mr. Yalamanchi stated that he would like to specify that the project total be subject to the City's receiving the grant increase.

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

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

Absent 1 - Pixley

Enactment No: RES0112-2011

Resolved, that the Rochester Hills City Council approves the Contract/Blanket Purchase Order for construction of Avon Creek Phase II Restoration project to Inland Lakes Landscaping Corporation, Pontiac, Michigan in the amount not-to-exceed \$138,326.90 with a 10% contingency of \$13,832.69 for a total not-to-exceed amount of \$152,159.59, subject to the increase in the grant amount being received by the City, and authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the bid and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2010-0420 Request for Purchase Authorization - DPS/ENG: Increase contract for engineering services for Avon Creek Restoration Project Phase II in the amount of \$12,300.00 to \$38,300.00 and a not-to-exceed total for the project of \$86,555.00; Hubbell, Roth and Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[Proposed Grant Budget.pdf](#)
[HRC Amended Prop.pdf](#)
[012411 Agenda Summary.pdf](#)
[HRC Proposal Ltr 010511.pdf](#)
[HRC Proposal Ltr 091010.pdf](#)
[HRC Consulting Cost 111610.pdf](#)
[HRC Proj Update Ltr 100209.pdf](#)
[101810 Agenda Summary.pdf](#)
[GIS Map.pdf](#)
[Agreement.pdf](#)
[Agreement Attachments.pdf](#)
[BidTabs.pdf](#)
[101810 Resolution.pdf](#)
[012411 Resolution.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi stated that as he requested for the construction portion of the Avon Creek Phase II Project, he would like to specify that the project total for engineering services be subject to the City's receiving the grant increase.

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

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

Absent 1 - Pixley

Enactment No: RES0113-2011

Resolved, that the Rochester Hills City Council hereby authorizes the increase to the contract for engineering services for Avon Creek Restoration Project Phase II to Hubbell, Roth and Clark, Inc., Bloomfield Hills, Michigan in the amount of \$12,300.00 to \$38,300.00 and a not-to-exceed total for the project of \$86,555.00, subject to the increase in the grant amount being received by the City.

2011-0279 Update on the City's seven-year Financial Forecast (FY 2012 to FY 2018)

Attachments: [Agenda Summary.pdf](#)
[Financial Forecast.pdf](#)

Removed from the Agenda.

2011-0271 Discussion relative to the Strategic Planning Technical Review Committee's recommendation for City Council Goals and Objectives for 2012

Attachments: [Agenda Summary.pdf](#)
[Suggested Goals & Objectives.pdf](#)
[Resolution.pdf](#)

Mr. Rosen reported that the Strategic Planning and Policy Review Technical Review Committee reviewed Council's Goals and Objectives. The Committee concurred with revising the Fiscal Management Goals and Objectives to extend the timeframe for forecasting revenue, budget and critical factors from five to seven years.

Mr. Webber thanked Mr. Rosen for his leadership of the Committee and concurred with the proposed Goals and Objectives.

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

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

Absent 1 - Pixley

Enactment No: RES0114-2011

Resolved, that the City Council establishes the following as its Fiscal Year 2012 Goals and Objectives:

GOAL: PUBLIC SAFETY

To protect the residents, businesses, and visitors of Rochester Hills by providing high quality public safety.

Objective: Develop strategies to secure a long-term funding source for Police Services.

Objective: Review any strategies possible for delivering the current level of service more effectively/efficiently.

GOAL: INFRASTRUCTURE MANAGEMENT

To provide reliable, safe and effective infrastructure (roadways, utilities, buildings, etc.) throughout the City.

Objective: Establish a comprehensive local street policy and develop a short and long term funding strategy.

Objective: Establish a neighborhood drain maintenance policy (including sump pump discharge) and study solutions for drain maintenance funding.

Objective: Study and establish a Special Assessment District (SAD) Policy for development and funding gravel roads to asphalt.

GOAL: ECONOMIC / TAX BASE

To retain investment, maintain the tax and employment base, support redevelopment, and uphold high property values in the City.

Objective: Continue to attract businesses that focus on R&D and "High-Tech".

Objective: Implement the Brownfield Redevelopment policy.

Objective: Continue development of Ordinances for maintenance of existing residential and commercial buildings.

GOAL: FISCAL MANAGEMENT

To establish policies for fiscal responsibility that ensure short and long-term prosperity through effective fiscal planning and efficient management of the taxpayers' assets.

Objective: Continue the policy of forecasting revenue, budget and critical factors for the next five years on a rolling basis and begin strategic analysis of the years beyond.

Objective: Evaluate non-tax, tax, and structural issues in the City Charter for possible amendment.

GOAL: COMMUNITY / NEIGHBORHOODS

To protect the family-oriented community from adverse events and conditions by strategic planning and proactive management in all aspects of municipal governance.

Objective: Maintain strong relationships with homeowner associations to further neighborhood stability and to make the community a better place to live.

Objective: Implement code enforcement/blight ordinance effectively to preserve existing neighborhoods.

Objective: Continue to evaluate and make recommendation(s) to reduce the adverse impact of the deer population in the City.

GOAL: COMMUNITY TRUST & PARTICIPATION

To promote effective communication between City Council, administration, residents, businesses, and visitors so that decisions reflect the community's desires and expectations.

Objective: Maintain openness and transparency in conducting City business by way of cable broadcast and web cast of City Council meetings, and accessibility to City documents.

Objective: Utilize web and technology to further enhance communication with residents and allow for online delivery of certain services.

Objective: Develop a policy to obtain public input via a community survey.

Objective: Involve youth in leadership growth and in the development of City's future by way of encouraging their participation on the Rochester Hills Government Youth Council.

GOAL: EFFECTIVE GOVERNANCE

To provide clear policy direction to the administration for the execution of City programs and services.

Objective: Promote cooperative purchases with other communities, i.e. MITN.

Objective: Explore opportunities for new public/private partnerships, and possibilities for consolidation of City services.

Objective: Explore privatization of certain city functions and develop a plan of action for implementation.

GOAL: RECREATION, PARKS, CULTURAL

To preserve Rochester Hills' natural resources and recreational character.

Objective: Develop and implement funding strategy for maintenance of acquired Green Space.

Objective: Review the need and feasibility of a Parks Millage.

GOAL: ENVIRONMENT

To promote conservation of water, electricity, etc.

Objective: To move towards a more green city - not only city hall and facilities but promotion within the community and businesses and which businesses we attract.

2011-0284 Discussion regarding the Reapportionment of City Council Districts

Attachments: [Agenda Summary.pdf](#)
[Reapportionment Committee Packet.pdf](#)
[Proposed Precinct-District Map.pdf](#)
[Suppl Registered Voter Data.pdf](#)

Mr. Rosen noted that the Reapportionment Committee met on short notice, commenting that ordinarily, the City does not receive data from the Census this early upon its completion. He reported that City Clerk Jane Leslie put together

a Reapportionment Plan for the Committee's review. He explained that both shifting population and shifting vote counts are taken into account, noting that the shifting population affects Districts and the vote count affects Precincts. The Committee recognized that the election season has already begun and filings have been made. The proposed Reapportionment Plan does not affect either existing Council Members' districts or any of those individuals who have filed to run for election. However, he noted that the Committee was not satisfied that they were comfortable accepting the plan. He explained that a city near Grand Rapids is in the same predicament.

John Staran, City Attorney, stated that the City of Grand Rapids, and four or five additional communities in Kent County, are similarly affected.

Mr. Rosen commented that those communities have the State's concurrence that their redistricting cannot be accomplished in time. He stated that the Committee came to the conclusion that it would be better to review the Reapportionment Plan during the summer, with any change not effective until after the next election.

Public Comment:

Scot Beaton, 655 Bolinger, stated that redistricting does not have to be done this year. He pointed out that both the current Districts and proposed reapportioned Districts do not geographically represent four quadrants of the city and make it difficult to describe what part of town a District represents.

Laurie Puscas, 1806 West Ridge, stated that she concurs with the Committee's recommendation to hold off on implementing redistricting at this time. She commented that voters might be confused and less likely to seek out the right Precinct. She noted that changing Districts once filings have been made creates a great hardship on those candidates who are running for office and have already expended funds on their campaigning efforts.

Council Discussion:

President Hooper requested that Clerk Leslie recap the Committee's activities and the Reapportionment process.

Jane Leslie, City Clerk, explained that normally in years past, Census data was received at a much later date, avoiding the election cycle immediately following the Census. This year, because of advances in technology, the City received data on May 6th, much quicker than ever before. The State sent notice that cities are to follow the Home Rule Cities Act, dictating that reapportionment must be complete by the August Primary. She commented that while this timeframe is very short, it is possible to make the deadline. She noted that the proposed Reapportionment Plan balances the population numbers, while not focusing on geographic areas. She explained that City Attorney Staran provided assistance related to other items.

President Hooper pointed out that Precincts cannot exceed 3,000 voters, necessitating a move from 29 to 32 Precincts in the proposed Plan.

Ms. Leslie stated that Precincts must contain observable boundaries and cannot exceed 2,999 voters. Since the enactment of the current Election Law, the City attempts to use major roadways as much as possible for Precinct boundaries. She explained that the City must also avoid conflicts with County Commission and State Representative boundaries and redrew its proposed changes after receiving the County's finalized boundary lines on May 22nd to avoid a split precinct.

President Hooper explained that if Council chooses not to act, the precincts would remain the same and everyone would vote in their previous Precinct.

Mr. Staran concurred, stating that the City would continue to conduct the 2011 election cycle based on existing districts and existing precincts.

President Hooper questioned when data regarding House and Senate Districts will come in.

Ms Leslie responded that this data will not come in until November.

President Hooper noted that the Clerk's Office has completed the Reapportionment Plan on its own without Council input, and no gerrymandering is involved. He pointed out that should Council not act on this proposed plan, there is no other plan it could adopt without it appearing political. He stated that the City's own Ordinance states that once Census figures are received, and not later than 30 days after State Law allows for Precinct Boundary Changes, City Council by resolution shall reapportion the four districts of the City from which the four City Council members are elected. He questioned whether Council should overlook its own Ordinance because another community has chosen to do so.

Mr. Staran explained that the driving force for Reapportionment is the Census. Beyond that, the Home Rule Cities Act controls what the City must state in its Ordinances. He commented that the Act has been in place for decades, when Census data took much longer to produce and was not provided in electronic, easy-to-use format. He noted that cities' Primary Elections were also held much earlier in the year and Census data did not come out in a mid-election cycle. He read excerpts from the Act, stating that the local legislative body, prior to the next General Municipal Election, occurring not earlier than four months following the date of the official release of the Census figures of each United States Decennial Census, shall apportion the wards of the City in accordance with that section. The State Elections Officials construed that to mean that Reapportionment must be completed prior to the Primary Election. He commented that the timeframe needed for ballot preparation and notification dictates that the Plan must be approved tonight in order for this to move forward. The County Election Official has urged the City to move forward if at all possible. He explained that with the exception of Pontiac, Rochester Hills is the only city in Oakland County facing this issue as most communities in Oakland County have done away with their primary elections. The communities in Kent County have made the decision that they cannot reapportion in time; the feedback they received in writing from the State Election Officials has indicated that if that is how these communities are going to construe their charter provisions, the State will not stand in their way. He mentioned that the City received a similar e-mail response back from the State Election Official, which stated that if Council is satisfied that under Charter and

Ordinance it does not want or need to approve a Reapportionment Plan before the Primary, the State will not have a problem with that. He commented that while this cannot be viewed as a strong statement of support from the State Election Official, the State is struggling with an old law in place since 1909, trying to apply it to the City's situation in 2011. He outlined three possible options:

- It is physically possible to be in strict compliance and approve the Reapportionment Plan tonight, recognizing the inconveniences and confusion it may create.*
- Approve something tonight; however, not put it into immediate effect, delaying implementation until January 1.*
- Not approving a plan tonight, with a recommendation for further study. This will have the effect of not having a Reapportionment Plan in place for the upcoming Primary and General Election.*

Mr. Klomp noted that things have changed, the City currently has the information, and it is prudent for Council to act. He noted that the Act is not set up to protect the politician; it is set up to protect the population. He is in favor of moving ahead to protect the voting rights of the citizens.

Mr. Yalamanchi stated that he concurs with the Committee's recommendation of not redistricting at this time, commenting that he wants to make sure there is no confusion. He suggested waiting until January 1, 2012.

Mr. Webber noted that technology is attempting to catch up with a 1909 State Law. He commented that he has discussed potential changes to State Law with State Representative Tom McMillin. He stated that he had a minority viewpoint on the Reapportionment Committee, commenting that he does not see where the City will get much more data between August and September; the Census data will remain the same and a decision could be made tonight. He pointed out that currently Districts 3 and 4 have more population than Districts 1 and 2. Changing Districts after the election would mean that redistricted voters will not have the opportunity to vote for the individual who will ultimately represent them. He stated that while there will be a need for much voter education, he is comfortable with moving forward.

Mr. Brennan concurred, stating he is in favor of taking immediate action. He commented that there is no evidence of gerrymandering and that Clerk Leslie did an outstanding job. He stated that the pros outweigh the cons.

Mr. Rosen stated that years ago the City had only a few precincts determined mostly by registered voters and not population. Starting in 1984, population numbers began determining District size. With the splitting of Precincts and Districts over the years to balance population, the boundaries have moved away from recognized quadrants. He noted that while striving to come up with a plan to satisfy the legal requirements, none of the resulting Districts are particularly compact. He commented that there could be harm in proceeding now and a much better plan could become apparent later, after a slow and deliberate approach. He questioned whether proceeding or not could be subject to a challenge by the voters.

Mr. Staran responded that a court challenge for either could be made within 30 days.

Mr. Yalamanchi questioned what the negative side is in not proceeding tonight.

Mr. Staran responded that it could be argued that the City would not be in compliance with State Law and City Ordinance. He stated that the primary overriding reason is to equalize population balances. He pointed out that the City now has official U.S. Census data that conveys that the City needs to do some redistricting. He commented that while not a major overhaul, the Districts are somewhat out of balance.

Mr. Yalamanchi questioned whether it could be approved, but not implemented until after the election.

Mr. Staran responded that the Home Rule Cities Act talks about reapportioning districts; however, it does not expressly use the word implementation. He cautioned that care should be exercised, noting that the Law is intended to provide for a fair election process and not set the stage for games.

Mr. Yalamanchi questioned whether residents will be notified and sent new Voter Registration Cards if this should proceed.

Ms. Leslie responded that whenever there is a change of Precinct or Precinct location, voters are all individually sent new Voter Identification Cards, along with a letter and a map of the Precinct location. She stated that everyone is notified.

Mr. Yalamanchi commented that residents may not pay attention to this and there would be no loss in patiently waiting for the election to be over.

President Hooper noted that the largest changes occur in his District, District 3. He pointed out that by delaying action, 4,800 voters will be voting for a District candidate that will not ultimately represent them. Every voter will be personally notified. He commented that while it would be good to have Districts actually represent four quadrants of the city, the population is not evenly divided into geographic quadrants and some manipulation is necessary. He stated that Clerk Leslie did the best job that could possibly be done; and the appropriate decision is to make the change now.

A motion was made by Brennan, seconded by Klomp, that this matter be Adopted by Resolution. The motion carried by the following vote.

Aye 4 - Brennan, Hooper, Klomp and Webber

Nay 2 - Rosen and Yalamanchi

Absent 1 - Pixley

Enactment No: RES0115-2011

Resolved, that the Rochester Hills City Council hereby approves and places into immediate effect the Council District Reapportionment Plan submitted by City Clerk Jane Leslie.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, June 20, 2011 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:07 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 July 18, 2011 Regular City Council Meeting.