



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, January 25, 2010

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Absent 1 - Ravi Yalamanchi

Others Present:

Bryan Barnett, Mayor
Tara Beatty, Chief Assistant to the Mayor
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Sara Etienne, Rochester Hills Government Youth Council Representative
Mike Hartner, Director of Parks and Forestry
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Rachel Schlagel, Rochester Hills Government Youth Council Representative
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services
Kelly Winters, Deputy Director of Building/Ordinance Compliance

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

Absent 1 - Yalamanchi

(Mr. Yalamanchi entered at 7:02 p.m.)

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

PUBLIC COMMENT

Leonard Raffler, 921 W. Auburn Road, related difficulties he had experienced regarding the City's assessment of his garage.

Scot Beaton, 655 Bolinger, expressed concern that the City might consider property located on John R Road for a water storage facility. He commented that this area is residential and a water storage tank would be out of scale for this area, an eyesore and a detriment to property values. He requested Council consider a site elsewhere within District 4, suggesting Bloomer Park or a light-industrial area.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper noted that no decisions have been made regarding the construction or possible locations for water reservoirs, and commented that the Feasibility Study is currently under review by the Water and Sewer Technical Review Committee. He requested that Mr. Raffler's concerns regarding his property assessment be referred to the Administration, noting that he has brought this issue before Council a number of times.

Mr. Pixley announced that the Fire and Ice Festival will be held in downtown Rochester this coming weekend and the Auburn Hills State of the City Address will be held on Wednesday, January 27, 2010.

Mr. Brennan stated that Council will look for water reservoir locations that are in the best interests of the residents of the city. He suggested that residents can submit any ideas for proposed sites for the reservoirs.

Mr. Webber stated that in the months ahead, he will be taking an active approach with the Michigan Municipal League Executive Committee and will be bringing some resolutions back for Council to consider lending support. He announced that the annual football game between the City and the City of Rochester will be held on Saturday, February 6, 2010, at 1:00 p.m.

Mayor Barnett made the following announcements:

- He traveled to Washington, DC last week; and while there, he met with Michigan's representatives in the House and the Senate to discuss the pressing

need to help find funding for the Avon Road Bridge repairs. He commented that State Representative McMillin is working on locating funding for the bridge repairs as well. While in Washington, he and other mayors from across America met with President Obama, Vice President Biden, and Treasury Secretary Timothy Geithner to discuss how the economy affected cities.

- He invited Mr. Raffler to contact him to set up a meeting with City Staff, to once again see what could be done to address his assessing concerns.
- The City completed the bond refunding process which will result in a savings to the City of over a half-million dollars. In the refunding process, the City's bond rating was reaffirmed at AA-plus, which puts the City in the top quartile of cities.
- Netherlands-based Addcomp recently located a Technical Center in Rochester Hills. Dan Casey, Manager of Economic Development, met with company leadership almost a year ago about their desire to establish a Michigan presence.
- Last week over a dozen LFAs (Larceny from Autos) occurred in the area near Adams High School. A common theme in these break-ins was an open and obvious GPS-System mounted on the dash. Residents are advised to lock vehicles and remove items of high value.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2010-0037 Presentation of the Rochester Hills Government Youth Council Bi-Annual Report to City Council

Attachments: [Agenda Summary.pdf](#)

*The bi-annual report of the Rochester Hills Government Youth Council (RHGYC) was presented by **Rachel Schlagel**, RHGYC Chairperson, and **Sara Etienne**, RHGYC Vice-Chairperson.*

Ms. Schlagel reported that many new members have joined the veteran RHGYC members this year. She mentioned the projects and activities undertaken this year to date by the RHGYC:

- Provided manpower at the finish-line for the Brooksie Way Half-Marathon
- Welcomed and seated attendees at the City Council Oath of Office Ceremony
- Helped out with games and crafts at the City's Holiday Family Fun Night
- Walked in the Rochester Hometown Christmas Parade

Ms. Etienne outlined the future plans for the RHGYC:

- Attend the Michigan Municipal League's Youth Day in Lansing to learn about State Government and lead a Mock Council
- Provide assistance at the Mayor's State of the City Address
- Help out at the City's Festival of the Hills

- Continue their Beautification Project of the garden outside City Hall
- Conduct Voter Registration Drives in the local high schools

Mr. Schlagel noted that the RHGYC will be working on a video to be shown at the local high schools to promote awareness of the RHGYC and the upcoming 5k Run/Walk. She announced that this year's 5k will be held on June 19, 2010 at Bloomer Park. RHGYC members also initiated a Haiti Relief Project and are selling pins in Haiti's colors to raise money for American Red Cross relief efforts.

Ms. Etienne stated that RHGYC members continue to attend the City's Technical Review Committees and Council meetings.

Mr. Pixley stated that he cannot say enough about what a wonderful asset the RHGYC is to the City and commented that RHGYC members are incredible, dedicated young leaders who do amazing things in the community.

Presented.

RECOGNITIONS

2010-0033 Proclamation in Recognition of Danielle Mullis for her outstanding achievements as a track cycling athlete

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

Mayor Barnett introduced Danielle Mullis and read the proclamation. He noted her many accomplishments and commented that she is 12 years old.

Danielle Mullis thanked everyone who helped her train at the Velodrome and thanked her parents for their support.

See Also Legislative File 2010-0034.

Presented.

Whereas, Danielle Mullis began track cycling at the International Velodrome at Bloomer Park during the summer of 2008 along with her father and brother; and

Whereas, Danielle Mullis won her third track cycling Gold Medal and the USA Stars and Stripes Jersey in the Omnium Points during the USA Cycling Junior Track National Championships held at the LA Velodrome on July 4, 2009; and

Whereas, Danielle has also won the Gold Medal in the 500 Meter Standing Start Time Trial with a personal best time of 43.685 seconds. She went on to win both the 1 and 2 Kilometer Scratch Races to complete the gold medal sweep for her age group; and

Whereas, Danielle is the second person to become a U.S. National Track Champion in the last 12 months from the Velodrome at Bloomer Park.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Danielle Mullis for her outstanding track cycling records and

congratulate her on a job well done.

- 2010-0034** Proclamation in Recognition of Tom O'Rourke for his outstanding achievements as a track cycling athlete

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

Mayor Barnett introduced Tom O'Rourke and pointed out that he is 75 years of age. He read the proclamation listing his many accomplishments in cycling and noted that he took 46 years off of racing before returning to the sport.

Dale Hughes, of the Velodrome at Bloomer Park, stated that he was very proud of the accomplishments of Ms. Mullins and Mr. O'Rourke, noting that they have won four gold medals, national and world championships. He commented that another rider who trains at the Velodrome lives in Windsor and went on to win the Canadian National Championships. He introduced Luke Mullis and Nick Council, in attendance, who placed in the top-ten at the Junior National Championships; and Luke Cavender, also in attendance, who placed fifth two years ago at Nationals.

Tom O'Rourke commented that training and the great facility the Velodrome provides make a difference and stated that three years ago he decided to participate in the Michigan Senior Olympics on a borrowed bicycle.

See also Legislative File 2010-0033.

Presented.

Whereas, Tom O'Rourke was a member of the 1952 U.S. Cycling Team that participated in the Summer Olympics in Helsinki, Finland; and

Whereas, Tom is a national and international champion in skiing - a sport he began at age 22; and

Whereas, Tom is racing once again at the Rochester Hills Velodrome where he recently set the world record for his 75+ age group; and

Whereas, in October 2009, Tom broke his own world best time to take the gold medal in the men's 75+ 500-meter time trial. In his first Masters World Championship, Tom clocked a time of 42.81 to break his record of 43.11 which was set earlier this year at the USA Cycling Masters Track National Championships in Colorado Springs.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize and applaud Tom O'Rourke for his outstanding track cycling records and for his lifelong achievements as a world-class athlete.

PUBLIC HEARINGS

- 2009-0571** Request for Approval of the Transfer of IFT #2007-447 from Ovonyx Technologies, Inc. to Ovonyx, Inc.

Attachments: [Agenda Summary.pdf](#)
[Letter Connolly 011110.pdf](#)
[011110 Agenda Summary.pdf](#)
[Letter Connolly 120709.pdf](#)
[Application - Transfer.pdf](#)
[011110 Resolution.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Dan Casey, Manager of Economic Development, stated that Ovonix, Inc. of California has applied for a transfer of the Industrial Facilities Exemption Certificate originally approved in 2007 for Ovonix Technologies, Inc. He explained that Ovonix, Inc., through a corporate merger and elimination of the subsidiary Ovonix Technologies, will be assuming all responsibilities of the Agreement. He noted that State Law specifies that this request for transfer must be approved by Council.

President Hooper Opened the Public Hearing at 7:39 p.m.

Seeing no public input, President Hooper Closed the Public Hearing at 7:40 p.m.

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

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

Enactment No: RES0016-2010

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

Whereas, the Industrial Development District was established on September 12, 2007 and is that property located at 2956 Waterview Dr., also known as Parcel Number 15-30-376-022, Rochester Hills, Michigan, more particularly described as follows:

T3N, R11E, SEC 30 ROCHESTER HILLS CORPORATE CENTER SUB LOT 4 EXC SLY 27 FT., ALSO ALL OF LOT 5 5-18-95 FR 012 & 013; and

Whereas, Industrial Facilities Exemption Certificate #2007-447 for Ovonix Technologies, Inc. was originally approved on September 12, 2007 for a period of six (6) years for personal property only; and

Whereas, Ovonix, Inc. applied for the transfer of Certificate #2007-447 on December 8, 2009; and

Whereas, A Public Hearing regarding this request was held at City Council's Regular Meeting of January 25, 2010 in which the taxing authorities, applicant and public were given an opportunity to be heard; and

Whereas, Pursuant to Section 10 of the Development Agreement entered into by Ovonix Technologies, Inc. and the City of Rochester Hills on September 19, 2007, Ovonix, Inc. as heir to Ovonix Technologies, Inc. assumes all of its requirements, rights and

responsibilities under the Agreement; and

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

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

Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the transfer of IFT Certificate #2007-447 from Ovonyx Technologies, Inc. to Ovonyx, Inc. for the remaining period of four (4) years for personal property only; and

Be It Further Resolved, that the City Clerk is directed to forward a certified copy of this Resolution to the State Tax Commission.

ORDINANCE FOR INTRODUCTION

2010-0040 Acceptance for First Reading - an Ordinance to amend Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various city services, and to repeal conflicting Ordinances

Attachments: [012510 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[012510 Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that this proposed Ordinance Amendment adjusts fees in a number of areas. He noted that most of the adjustments are related to the Building Department and include fee adjustments for Electrical, Plumbing, Mechanical, Fire Suppression and Fire Alarms. He stated that these adjustments are in addition to those made in June of last year, and represent an approximate increase of 26 percent. He commented that these fees have not been updated for 10 to 14 years and noted that the proposed amounts are based on evaluation of the type of work done and the staff time required.

Jane Leslie, City Clerk, stated that Cemetery fees are reflective of the new

Cemetery Chapel, with the opening and closing fees for Perpetual Care. She noted that other fee adjustments are for paper and digital copy formats to make them uniform. She explained that adjustments to Emergency Services fees include a Treat Without Transport fee for emergency services rendered on-site where no transport to a medical facility is needed.

Council Discussion:

Mr. Yalamanchi questioned whether there is duplication of any fee adjustments made last year.

Mr. Cope responded that adjustments made in 2009 were for Building Permits, Plan Reviews and Inspections and these fee adjustments are in the Trades areas.

President Hooper requested further elaboration on the fees for Voter Lists.

Ms. Leslie responded that generally, when individuals ask for voter information, they are asking for results from various elections. She explained that the system can either combine these results as one report, or produce them individually, and noted that this clarification was not previously in the Ordinance. She stated that for consistency of all reports requested, a new fee of \$10.00 will be charged for each individual report, even if the information can be produced on one CD.

Mr. Brennan questioned the increase in the fee for a Temporary Certificate of Occupancy (C of O), noting that it will rise from \$50.00 to \$250.00.

Mr. Cope responded that historically, the Building Department must do a great deal of follow-up work to have a Temporary C of O changed to a Full C of O. He noted that the intent is to cover costs for follow-up work to be done, including addressing all Code Compliance issues which may be encountered.

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

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

Resolved, that an Ordinance to amend Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various city services, and to repeal conflicting Ordinances, is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2009-0572 Acceptance for Second Reading - an Ordinance to amend Section 58-58 of Article III of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit the burning of leaves, prescribe a penalty for violation of open burning regulations, and to repeal conflicting Ordinances

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[011110 Agenda Summary.pdf](#)
[Crowell Memo.pdf](#)
[011110 Resolution.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0017-2010

Resolved, that an Ordinance to amend Section 58-58 of Article III of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit the burning of leaves, prescribe a penalty for violation of open burning regulations, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, February 5, 2010, the day following its publication in the Rochester Post on Thursday, February 4, 2010.

NEW BUSINESS

2010-0036 Request to Authorize the Mayor and the City Clerk to execute a ten-year agreement with The Velodrome Non-Profit Corporation for the continuing management and operation of the Velodrome located at Bloomer Park

Attachments: [Agenda Summary.pdf](#)
[2010 Velodrome Agreement.pdf](#)
[2010 Velodrome Agreement-Exhibit A.pdf](#)
[Resolution.pdf](#)

Mike Hartner, Director of Parks and Forestry, stated that this is the first extension of a successful working arrangement with the Velodrome Non-Profit Corporation and Dale Hughes. He commented that he was proud of the Velodrome and proud of the impact it had on Bloomer Park. He noted that 1999 park attendance was approximately 83,000. With the Velodrome and its attraction of bike riders, last year's park attendance was almost 200,000.

President Hooper questioned who the City's representative is for the Board of Directors for the Velodrome Non-Profit Corporation. He commented that a representative to that Board should be appointed by Council.

Dale Hughes, Director, Velodrome Non-Profit Corporation, responded that Mr. Hartner has been the City's representative.

Mr. Hartner stated that originally, the representative was appointed by the Mayor.

Mr. Rosen commented that the Velodrome is one of few true win-win partnerships. He questioned the lifespan of the track.

Mr. Hughes responded that it could be expected that a lifespan of the undercarriage would be 20 years, and 10 years for the surface. He noted that the Velodrome is expected to have a longer life than originally anticipated and would most likely need resurfacing near the end of the next ten years. He stated that the Velodrome Non-Profit Corporation is responsible for building and operating the Velodrome, and all funding runs through the Community Foundation of Greater Rochester. He noted that spectator fees run the facility.

Mr. Yalamanchi questioned whether the non-profit's sole purpose is the operation of the Velodrome and whether the Velodrome Non-Profit Corporation files a tax return, a Form 990, or issues an annual report. He stated that the Agreement should include a specific end date of December 31, 2020.

Mr. Hughes responded that the non-profit's sole purpose is the Velodrome and since all funds go through the Community Foundation, a tax return is not required. He explained that the Community Foundation provides a report for the Mike Walden Velodrome Fund.

Public Comment:

Lee Zendel, 1575 Dutton, questioned whether financial reports dictated in the Agreement have been filed; and if they are not necessary, why language requiring reports is in the Agreement.

Mr. Hughes responded that as the Corporation has no bank account, no financial reports are required. He explained that should the Corporation find a need to open a bank account, it should have the option to do so, which would then require these reports. He stated that the Velodrome receives recognition from around the world and has riders with global exposure; and a goal is to find rider sponsorship.

Mr. Pixley commented that the City is fortunate to have the Community Foundation involved and pointed out that this is an example of how the Foundation serves the community.

A short video was played of Velodrome competition and training activities.

A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution with the agreement ending December 31, 2020. The motion CARRIED by the following vote:

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

Enactment No: RES0018-2010

Whereas, on October 23, 1999, the parties entered into a certain Bloomer Park Velodrome Development and Management Agreement (supplemented later by an Addendum entered into on June 17, 2002) to have a superior community recreational facility in the form of a velodrome bicycle riding and racing track constructed and operated at Bloomer Park on a not-for-profit basis so that the residents of Rochester Hills and the general public would benefit from and be proud of it, and the construction and operation of which would not require expenditure of CITY funds; and

Whereas, the initial 10-year term of the October 23, 1999, Agreement has expired; and

Whereas, Section 1.3 of the October 23, 1999 Agreement provided that upon mutual agreement, the parties could extend the initial term of the Agreement; and

Whereas, the parties mutually desire and agree to extend the Agreement in accordance with this Bloomer Park Velodrome Management Agreement.

Resolved, that the Rochester Hills City Council hereby approves the ten-year Bloomer Park Velodrome Management Agreement between the City of Rochester Hills and The Velodrome Non-Profit Corporation for the period of 2010 through December 31, 2020, and further authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

2009-0480 Request for an Extension of the Mechanical and Electronic Amusement Device License for Game Over Lounge, located at 1524 E. Auburn Road, Suite 50, in accordance with the City of Rochester Hills Code of Ordinances, Section 10-151

Attachments: [Agenda Summary.pdf](#)
[Bldg Dept Memo 011310.pdf](#)
[120709 Agenda Summary.pdf](#)
[Game Over application.pdf](#)
[Bldg Dept Memo 110409.pdf](#)
[Ordinance.pdf](#)
[120709 Resolution.pdf](#)
[Resolution.pdf](#)

Mr. Constantin Carstea, owner of the Game Over Lounge, thanked those Council members who stopped by to view his operation over the past weekend. He stated that the response from teens was positive and that he has been working with administrators at neighboring Reuther Middle School.

Council members expressed their concerns relative to the mature ratings of many of the games available to teens, noting that many of the games are violent and allow online communication. It was also noted that the layout of the interior does not provide privacy between playing stations, allowing individuals to view other playing screens accessing Mature-rated games.

They then questioned the following:

- The average age of the business' clientele.
- How the permission slip process functions and how parents give permission for underage players to play certain games or participate in live contact with other gamers. Concern was expressed about the potential for forged permission slips.
- Whether players are allowed in the facility without a reservation.
- How parties are conducted.
- Whether a chaperone is always in attendance.
- What the business' emergency plan is in the event of a fire or tornado disaster.
- Whether any Ordinance violations or disruptive events requiring police intervention have occurred since the business opened.

Mr. Carstea responded with the following:

- The business' customer base is 13 years of age and older, with the average customer being 15 to 17 years.
- Teens must bring a permission slip signed by a parent, including a picture ID of the parent signing the slip, specifying the level of game allowed and whether live contact is permitted. He noted that only audio contact is allowed.
- A webcam can be accessed by parents to observe their teen.
- Walk-in clientele without permission slips can only play limited games and have no online access. The level of access is set through an account set up for each patron.
- The building is rented out for the exclusive use of parties by reservation.
- A staff member chaperone is always present.
- In the event of an emergency, service is disrupted to all stations.
- No calls to police have occurred since the business opened.
- He is willing to work with Council to address any concerns.

Scott Cope, Director of Building/Ordinance Compliance, stated that Ordinance staff are compiling potential changes to the Ordinance specific to concerns expressed and to address advances in video gaming. He reported that Ordinance staff have not entered the building since it opened; however, no exterior concerns have been encountered.

City Attorney John Staran noted that the temporary extension is in no way a guarantee or warranty that Council would allow the operation to continue in its present form if an adopted amended Ordinance prohibits it. He stated that Council has the full latitude to adopt an Ordinance in whatever form deemed appropriate.

A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution to approve the 90-day extension to expire April 30, 2010. The motion CARRIED by the following vote:

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

Nay 1 - Brennan

Enactment No: RES0019-2010

Resolved, that the Rochester Hills City Council hereby approves the 90-day extension of the Mechanical Amusement Device License requested by Mr. Constantin Carstea, owner, Game Over Lounge, located at 1524 E. Auburn Road, Suite 50, Rochester Hills, MI 48307 to expire on April 30, 2010.

2010-0029 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for geotechnical engineering, construction inspection and materials testing services in the amount not-to-exceed \$113,340.00 through December 31, 2010; Testing Engineers and Consultants, Inc., Troy, MI

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

President Hooper stated that while he works in the construction industry and knows the parties involved, he has no connection to this contract and does not see a need to recuse himself.

Roger Rouse, Director of DPS/Engineering, stated that each year, the City contracts out geotechnical engineering materials testing. This year, Testing Engineers and Consultants, Inc., (TEC) is the preferred consultant.

President Hooper questioned the one-year agreement with option for a two-year extension, and how long the prices would be held.

Mr. Rouse responded that the contract contains an option for a two-year extension and noted that this will be the first year the City contracts with TEC. He stated that a contract will specify that prices are locked in for the five years.

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

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

Enactment No: RES0020-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for geotechnical engineering, construction inspection and materials testing services to Testing Engineers and Consultants, Inc., Troy, Michigan in the amount not-to-exceed \$113,340.00 through December 31, 2010.

2010-0035 Request for Purchase Authorization - CLERKS: Increase Blanket Purchase Order for Citywide Records Storage and Retrieval in the amount of \$1,574.09 for a new not-to-exceed amount of \$25,574.09; Iron Mountain Records Management, Inc., Warren, MI

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

Jane Leslie, City Clerk, noted that this request is for an extension to the current blanket purchase order and will complete off-site records storage for 2009. She reported that the City has approximately 3,500 cubic feet of off-site storage and the records are also managed, retrieved and delivered by Iron Mountain. She stated that as a result of the adoption of the Records Retention Schedule, records were removed that are no longer required by law to be retained and stored; and this removal led to excessive destruction costs. She commented that the City has put out a Request for Proposal (RFP) for off-site records storage including imaging and microfilming services. She noted that while the City has the cubic footage available to store records, retention requirements must be complied with and the building itself would have to be adapted for this use.

Mr. Webber questioned whether the City could move to digital records.

Ms. Leslie responded that the State does allow the use of digital imaging as record retention; however, it simply tends to be cost prohibitive in the long-term. Mitigation plans require electronic conversion within five to seven years when systems are replaced. The RFP issued includes imaging-on-demand. She stated that the City is quite digitally- and electronically-managed; citing Assessing and

Building records, the Asset Management System, and the JDEdwards Financial Software. She commented that the City's paper records include items that are required to be stored in that format.

Mayor Barnett pointed out that there is a great level of security required for the City's documents, noting that some records must be physically kept at least ten miles away from the City. He commented that some component of off-site storage will always be a part of the City's records management.

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

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

Enactment No: RES0021-2010

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order to Iron Mountain Records Management, Inc., Warren, Michigan in the amount of \$1,574.09 for a new not-to-exceed amount of \$25,574.09.

2009-0255 Discussion relative to the Police and Road Funding Technical Review Committee recommendations

Attachments: [Agenda Summary.pdf](#)
[121409 Agenda Summary.pdf](#)
[Spreadsheet sorted by CC Ranking.pdf](#)
[Spreadsheet sorted by Area.pdf](#)
[Spreadsheet sorted by Timing.pdf](#)
[Spreadsheet sorted by No Action Needed.pdf](#)
[081009 Agenda Summary.pdf](#)
[Replacement Millage Ballot Question \(Rev 072809\).pdf](#)
[072709 Agenda Summary.pdf](#)
[Final Spreadsheet Strgly Rec 2009.pdf](#)
[Final Spreadsheet Strgly Rec 2009 In Process.pdf](#)
[Final Spreadsheet 2010+.pdf](#)
[Road Debt Schedule \\$1.6 million.pdf](#)
[Replacement Millage Ballot Question \(072209\).pdf](#)
[071309 Agenda Summary.pdf](#)
[062909 Agenda Summary.pdf](#)
[Final Report to Council.pdf](#)
[Suppl 01-25-10 Preliminary Millage Forecast #2.pdf](#)
[Suppl 01-25-10 Mayor's memo w attachments.pdf](#)

President Hooper recapped the findings of the Police and Road Funding Technical Review Committee and summarized Council's decision to defer discussion of potential millage language until after the 2009 elections.

Public Comment:

Lee Zendel, 1575 Dutton, commented that seven times during the past 20 years, voters have been asked if they wanted to pay more taxes to take care of the City's streets and noted that the overwhelming majority said no. He stated that during the same period of time, both police proposals for additional millages, not renewals, were defeated the same way. He stated that while he supports additional millage to allow for additional deputies, with the decline in taxable values and high unemployment rate, this is not the time for ballot millage proposals.

Council Discussion:

Mr. Brennan stated that while he is mindful of the pros and cons of having a proposal on the ballot, ultimately the public will decide. He commented that he favors a renewal millage proposal on the August 2010 ballot for road maintenance for a ten-year period to maintain a certain level of services to the residents.

Mayor Barnett handed out excerpts of the 2009 City of Rochester Hills Public Opinion Survey, noting residents' feelings on roads and police services. He questioned whether Council would consider requesting the City Attorney provide a proposal to combine these two highly-identified community priorities.

Mr. Webber commented that a ballot proposal that does not raise the overall millage rate would help, but would not be a cure-all. He stated that whether Council decides to focus on police, roads, or both, the language needs to be absolutely crystal-clear. He mentioned that a ballot proposal was only one of 22 recommendations by the Police and Road Funding Technical Review Committee.

Mr. Yalamanchi referenced the Preliminary 2011-2010 Millage Rate Estimated Forecast #2, distributed to Council previously by Mr. Sawdon, commenting that he supports a proposal to address roads, as zero dollars are budgeted for 2012 and 2013 for Local Roads reconstruction. He stated that he preferred Option E2, noting that this option would allow neighborhoods the opportunity for Special Assessment Districts. He questioned whether a graduated millage could be incorporated to capture future expiring millages and stated that a ballot proposal should clearly state that the City will use the funds for Local Roads. He suggested possible steps for a graduated amount and commented that a long-term plan should be in place, rather than three or four years. He stated that the City should explore changing the Charter to address road funding.

John Staran, City Attorney, replied that he is not aware that a graduated millage would be prohibited.

President Hooper noted that a graduated Residential Streets Millage was placed on the ballot in 2005, but did not pass.

Mr. Zendel offered that a recent millage proposal in Berkley for school construction could be reviewed.

Mr. Rosen stated that the long-term plan for the City should be for relative independence for Police Funding as for Fire, pointing out that two to three mills is needed. He commented that any proposal will replace an expiring millage with a new one. He stated that while prior road millages failed, the City has continued to provide the services to the public. He pointed out that it is clear that the City needs a long-term solution to fund Police. He commented that even though the August State Primary might lead to a lower voter turnout than November, any millage proposal would most likely bring out the voters.

President Hooper noted that \$5.1 million is transferred into Roads and \$3.8 million into Police from the General Fund for the 2010 Budget, and \$3.5 million to Roads and \$4.5 million to Police for the 2011 projected budget. He commented that the time to fix the funding issues in the Charter would be when the Police 1 and Police 2 millages expire in 2014.

Mr. Pixley commented that a longer term than four years should be considered. He stated that while a millage for funding Police Services might resonate more with the voters than Roads, both are supplemented from the General Fund. He commented that if Council's consensus was a proposal to address Roads, he would be in agreement.

Mr. Brennan stated that a proposal would not be a legislative tax increase and this should be clear in the drafting of the ballot language. He commented that as certain millages are being eliminated, the voters are being asked to replace them to keep the millage rate at the same level and maintain the great level of services in the City. He stated that the intent is to keep and attract residents and businesses to the city and commented that roads are more tangible to voters than police. He cited results contained in the Public Opinion Survey that stated that the three most serious problems facing the City today are declining City revenues, residential street maintenance and reconstruction, and traffic congestion. As such, he would suggest the millage proposal for this year be directed to Roads.

Mr. Webber commented that this year's August ballot would contain Gubernatorial primary races for both parties, along with State Senate and County Commission seats and stated that this election could generate much interest. He pointed out that additionally, a ballot proposal in August would provide information from a budgeting standpoint that could be used in developing the 2011 Budget. He mentioned that he would caution that a ballot proposal to address Local Roads would not help alleviate traffic congestion concerns.

Mr. Yalamanchi stated that he would propose a motion to draft ballot language for the August ballot taking Option E2 from the Agenda Summary into consideration, noting that the language would be for a graduated millage based on information contained in the Estimated Millage Forecast #2, for a ten-year duration specifically for roads, and state that the total millage will not exceed the current 9.7060 millage rate.

Mr. Klomp stated that he could support such a motion, commenting that a proposal targeting Roads would have a better chance with voters, and noting that the goal is to improve home values.

Mr. Rosen stated that he could not support such a motion, as a graduated millage would essentially make it more than a replacement millage, and commented that it is his opinion that the August ballot would be a mistake. He stated that he would limit the millage to 0.3545 in the November election and commented that as long as the residents are informed that this was an expiring tax, the common sense of the people would support it.

Mr. Yalamanchi suggested several graduated steps that could be incorporated in the millage proposal and noted that it would let the residents know that the Council has a long-term plan for funding Roads.

Mr. Webber commented that he would like to see the draft ballot language in writing before supporting a graduated millage and stated that he might wish to see a simpler option of the replacement of the 0.3545 millage.

A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution to direct the City Attorney to draft ballot language based on Option E2, with a graduated millage rate as per the Millage Rate Estimated Forecast #2, with the total millage rate not to exceed the current overall millage rate, for the August ballot, for a ten-year period of time. The motion CARRIED by the following vote:

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

Nay 1 - Rosen

Enactment No: RES0022-2010

Resolved, that the Rochester Hills City Council directs the City Attorney to draft ballot language based on Option E2, with a graduated millage rate as per the Millage Rate Estimated Forecast #2, with the total millage rate not to exceed the current overall millage rate, for the August ballot, for a ten-year period of time.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Mayor Barnett provided information to respond to questions raised during Any Other Business at the January 11, 2010 meeting:

- After Administration's investigation and review of the possibilities of providing city-wide leaf collection services, it is estimated that providing this service would cost approximately \$125 per resident. He suggested that entire neighborhoods could get together to contract for this service separately from a private contractor.*
- A request could be made for a formal speed study of the Historic District area on Tienken Road; however, there is currently an 18 to 24 month delay for the Michigan State Police to validate speed studies. The Administration recommends not proceeding with this request until the bridge in the Historic District is replaced.*
- Information was provided as to ticket counts and fines assessed for False Alarms. False alarms have decreased by 888 since the Ordinance was adopted in 2007. It was noted that providing a specific breakdown of residential versus commercial false alarms would require a significant amount of work.*

Mr. Yalamanchi stated that he would like to have a rough estimate of the number of residential versus commercial alarms. He questioned whether there is an appeals process for tickets and fines.

Mayor Barnett responded that the False Alarm Officer has some latitude in assessing the fines, and there have been no issues to date where there has been a need for an appeals process.

Mayor Barnett stated that he received a telephone call from Brent Bair, Executive Director of the Road Commission for Oakland County (RCOC), indicating that the RCOC received information regarding the initial review of the Tienken Road Environmental Assessment (EA) from the Michigan Department of Transportation and the Federal Highway Administration. No major issues were found with the EA and 37 minor issues were noted. It was the opinion after the initial review that these minor items, which might include drainage or setback concerns, could be addressed. He reported that the RCOC is anticipating a Public Hearing in April and commented that a time for public feedback on the EA would be set before the Public Hearing date. He commented that the three-lane alternative is not seen as a significant major hurdle.

NEXT MEETING DATE

Monday, February 1, 2010 - CANCELLED; Monday, February 8, 2010 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:08 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the (insert date, or dates) Regular City Council Meeting.