



# Rochester Hills

## Minutes

### City Council Regular Meeting

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://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."***

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Monday, July 18, 2011

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.*

## ROLL CALL

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

### Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Alan Buckenmeyer, Parks Operations Manager  
Scott Cope, Director of Building/Ordinance Compliance  
Bob Grace, Director of MIS  
Kevin Krajewski, Network Administrator/Deputy Director of MIS  
Eric LaRose, Rochester Hills Government Youth Council Representative  
Jane Leslie, City Clerk  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Webber, seconded by Pixley, that the Agenda be Approved as Amended to remove Legislative File 2011-0316 Request to Approve the Transfer of all rights to renewal of the escrowed 2010 Class C licensed business located at 1488 N. Rochester Road from Rochester Tienken Investment, LLC to Bank of America (Step 1) and to approve the transfer of the escrowed 2010 Class C licensed business from Bank of America to Bar Louie Rochester LLC (Step 2). The motion carried by the following vote:**

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

## PUBLIC COMMENT

**Jeff Matis**, Oakland County Board of Commissioners, District 12, reported the following:

- Oakland County has begun its budget process for 2012.
- The County is going out for bids for webcasting and televising County Commission meetings.
- County Directories are now available here at City Hall for residents.

**Lee Zendel**, 1575 Dutton Road, stated that the seven-year financial outlook for the City presented at the last Council meeting included projections based on assumptions of where taxable values will trend. He mentioned a recent article which highlighted two divergent views of the housing market, and he commented that taxable values may still fluctuate wildly. He suggested that future forecasts also include a worst-case scenario along with the expected projections to allow Council to see what might happen should a worst-case occur.

**Don Hughes**, 3744 Bald Mountain Road, Auburn Hills, stated that the Sierra Club of Rochester's Ecos Group is an all-volunteer organization focusing on protecting the Great Lakes. Comprised of residents of Rochester Hills and many other communities, the group partners with City DPS staff to stencil storm drains to discourage the dumping of waste. He reported that nearly 2,000 drains have been stenciled to date, including 1,200 in Rochester Hills. He announced that the group will meet at the Clinton River Watershed's office on Avon Road on Saturday, July 23rd at 10:00 a.m. to stencil drains. He invited interested residents to join them.

**Melinda Hill**, 1481 Mill Race, announced that the Friends of the Clinton River Trail are busy preparing for this year's Fall Classic, scheduled for Saturday, September 17th. She stated that the annual event helps to fund amenities for the trail, and includes a 5K Walk or a five to 40 mile Bike Ride, with lunch and a t-shirt for all registrants. She noted that an online registration link is available at [www.clintonrivertrail.org](http://www.clintonrivertrail.org).

**Steve McGarry**, 2164 Clinton View Circle, questioned why the City does not strive to use Michigan businesses, noting that property tax payments are processed in Chicago, Illinois, and an agenda item tonight proposes to award a contract for website development to a Kansas firm. He suggested the City use rounds of bidding similar to General Motors to promote keeping business within Michigan.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** announced that the League of Women Voters will host a debate for candidates for City Council District 2, City Council At-Large and Mayoral on Wednesday, July 20th, at 7:00 p.m., in the City Hall auditorium.

**Mr. Pixley** commented that he was pleased to see Mr. Webber's return. He encouraged everyone to exercise caution in the extreme temperatures.

**Mr. Brennan** expressed his congratulations for a successful Festival of the Hills. Referring to an article in the Oakland Press that reported that he contacted the Sheriff's Office regarding the destruction of campaign signs on his front lawn, he displayed pieces of the vandalized signs and commented that this activity is not becoming of Rochester Hills and he hopes that the vandalism will stop.

**Mr. Webber** commented that breaking an ankle has been a humbling experience for him. He apologized for missing the June 20th meeting, noting that he did watch the meeting on cable. He expressed his thanks to everyone who helped him during his recuperation.

**Eric LaRose**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC is wrapping up its activities for the 2010-2011 year with its last meeting today. New members will be sworn-in during the August 8th City Council Meeting. He stated that the group is completing its work on a promotional video, which will be ready for the August 8th meeting.

**Mayor Barnett** reported that the Festival of the Hills was a fantastic event, with close to a record crowd and no incidents. He noted that fewer than five complaints were received. He announced that \$70,000 was raised from the community, with \$17,000 from first-time sponsors. Over 70 residents included donations for the Festival with their water bill payments, raising \$2,000. He stated that expenses were approximately \$60,000. He expressed his thanks to those who helped at the event. He made the following announcements:

- Rochester Hills Parks are enjoying record attendance this year.
- The Rochester Hills Public Library Bookmobile will visit City Hall every other Wednesday, from 11:00 a.m. to noon, allowing residents and City employees to take advantage of library services. The next visit is scheduled for July 27th.
- Road Project Updates:
  - \* The Crooks Road/M-59 Interchange construction is right on schedule. Hard closure of the intersection has been moved to the first week in September.
  - \* The Adams Road Resurfacing Project begins tomorrow, encompassing Adams Road from South Boulevard to Auburn Road.
  - \* The Walton Boulevard Rehabilitation Project is on schedule to be completed this coming Fall. Work has now moved to the center section of the roadway.
  - \* Work on Raintree is scheduled to begin on July 27th and should be completed by fall.

He mentioned that it has been a battle to get the word out regarding the City's Outdoor Watering Ordinance, which limits the use of inground irrigation systems to the hours of midnight to 5:00 a.m. He reported that the City's peak use thus far this year occurred at 5:00 a.m. on July 11th, where usage topped 32 million gallons. He noted that the City's contract maximum with the Detroit Water and Sewerage Department is 37 million gallons; and commented that while still under that maximum, usage is increasing. He pointed out that last year's peak occurred at 4:00 a.m.; and this year, the peak has shifted one hour later to 5:00 a.m.

*In response to Public Comment requesting a push to utilize Michigan firms, he explained that tax payment processing was previously done through LaSalle Bank in Michigan. As LaSalle became Bank of America, Michigan operations closed and processing moved to Chicago. He noted that Bank of America processes tax payments for between \$6,000 to \$8,000; while other firms returned bids of \$70,000. The decision was made to continue with Bank of America. He pointed out that the City's Purchasing Ordinance requires the award of contracts to the lowest responsive responsible bidders, and commented that other bidding methods often disincentivize bidders and ultimately result in a higher price.*

## ATTORNEY MATTERS

***City Attorney John Staran had nothing to report.***

## CONSENT AGENDA

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

**2011-0298** Approval of Minutes - City Council Regular Meeting - June 6, 2011

**Attachments:** [CC Min 060611.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0129-2011

***Resolved***, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 6, 2011 be approved as presented.

**2011-0315** Approval of Minutes - City Council Regular Meeting - June 20, 2011

**Attachments:** [CC Min 062011.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0130-2011

***Resolved***, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 20, 2011 be approved as presented.

**2011-0311** Request for Purchase Authorization - BLDG/FAC: Increase to Blanket

Purchase Order for Uninterrupted Power Supply (UPS) Maintenance and Repair in the amount of \$15,000.00 for a new not-to-exceed amount of \$40,000.00; Gruber Technical Inc., Phoenix, AZ

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

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0131-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Gruber Technical Inc., Phoenix, Arizona for Uninterrupted Power Supply (UPS) Maintenance and Repair in the amount of \$15,000.00 for a new not-to-exceed amount of \$40,000.00.

### **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** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

### **The following Consent Agenda Item was discussed and adopted by separate Motion.**

**2011-0308** Request for Purchase Authorization - MIS: Blanket Purchase Order for website design and hosting in the amount not-to-exceed \$35,000.00; CivicPlus, Manhattan, KS

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

#### **Public Comment:**

***Jordan Kotubey, 1685 Ridgecrest, questioned whether a new website is required at this time. He commented that it appears that the recommendation is not for the lowest bidder, and stated that he cannot see an appreciable difference in the sample websites.***

***Bob Grace, Director of MIS, responded that over a five-year period, the cost for moving to CivicPlus will be only \$900 per year more than the current website. He mentioned that Revize is the City's current website vendor and stated that it is the Administration's opinion that CivicPlus has more to offer both now and in the future. From a five-year perspective, including hosting, capacity and maintenance, it is recommended to move to CivicPlus.***

***Mr. Yalamanchi questioned which bidder provides better content management and is expected to provide the best response to problems and concerns that may arise.***

***Mr. Grace responded that the move to CivicPlus will allow the ability to embed***

*videos and will make it easier for calendar and content management. He explained that currently, old pages are not completely deleted, and obsolete pages and data can still be accessed through bookmarks. He stated that it is the Administration's opinion that CivicPlus will respond better.*

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

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

Enactment No: RES0132-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to CivicPlus, Manhattan, KS for website design and hosting in the amount not-to-exceed \$35,000.00 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.

## PUBLIC HEARINGS

**2011-0297** Discussion regarding a Proposed Charter Amendment Concerning Use and Disposition of City Parks and Open Spaces

**Attachments:** [Agenda Summary.pdf](#)  
[Staran Letter 071211.pdf](#)  
[Charter Amendment 070111 Revision.pdf](#)  
[CC Minutes 062011 \(Draft\).pdf](#)  
[Public Hearing Notice.pdf](#)  
[062011 Agenda Summary.pdf](#)  
[Proposed Charter Amendment.pdf](#)  
[Presentation.pdf](#)  
[Suppl Presentation \(Revised\).pdf](#)  
[GSAB Minutes 032211 \(Excerpt\).pdf](#)  
[Staran Letter 061511.pdf](#)  
[Proposed Charter Amendment \(with Changes\).pdf](#)

**President Hooper** stated that in response to a citizen request for Council to consider a draft Charter Amendment for placement on the November General Election Ballot concerning the use and disposition of parks and green spaces, an agenda item was prepared for discussion at the June 20th Regular City Council Meeting. Subsequent to that meeting, an administrative committee consisting of three residents, three members of the Administration, and three Council Members met to review the proposed language and prepare a revised Charter Amendment acceptable to all committee participants for review at tonight's Public Hearing.

**John Staran**, City Attorney, reported that the initially-proposed Charter Amendment language was modeled fairly closely after a charter provision for the City of West Linn, Oregon. He noted that a number of questions and concerns arose during the committee's discussion which included the Amendment's length and the meaning of various terms it contained. Through a collective effort among City staff and participating residents, a new draft Amendment was prepared adding

new Section 11.8 - Parks and Open Spaces to the City Charter. He stated that the revised proposed Charter Amendment is a little more than a half-page in length and is much simpler, without detracting or diminishing from the primary objective to have public input in the form of an election on any project or proposal that is going to involve the sale, transfer or conversion of use of a City park or open space. He commented that the terminology is clearer, provides a process for parks and open spaces to be designated, and specifies that any change in that designation would require a vote of the people. He stated that existing uses are clarified, such as the Velodrome and Pine Trace Golf Course, and would continue to be considered lawful uses of the property they are currently situated on. He pointed out that Paragraph .3 is simply an affirmation that properties purchased with funding from the Green Space Millage are to be permanently preserved.

**Mr. Rosen** stated that he wished to thank the participants for a very spirited and forthright discussion. He commented that the proposed revised Charter Amendment relies on the well-known concept of use in the planning and zoning world, rather than a detailed list on what is and is not covered. He mentioned that the committee concluded that the proposed Amendment would not have any effect on the operations of the Parks and Recreation Department, and would not affect the strategic direction as contained in the Parks and Recreation Master Plan. It also appears very unlikely that it would affect the future operation of Pine Trace, the Velodrome or any of the other parks. He commented that it further appears that under the proposed Charter Amendment, the Velodrome would have been approvable by City Council without a vote. He stated that it could be argued either way whether Pine Trace would have gone to an election; however, if it did, it would have a good case for passage.

**President Hooper Opened the Public Hearing at 7:38 p.m.**

**Lee Zendel**, 1575 Dutton, stated that putting land away for parks purchased over twenty years ago that may not be developed as typical parks for 25 or 50 more years is not what the taxpayers expect. He commented that Council should be against a proposed Charter Amendment unless it includes a 15-year sunset provision that mandates that 35 years from purchase, the lands must either be developed as functioning parks or a future Council would have the right to determine what, if anything, to do with the land.

**Thomas Ryan**, 3626 Hollenshade Drive, stated that the residents want the question of adding the protection of parks and open spaces into the Charter to be put to a vote of the people, reaffirming the right to self-government. He requested Council support the placement of the proposed Charter Amendment on the November ballot by initiatory petition.

**Gary Uhl**, 3508 Wedgewood Drive, stated that at the June 20th meeting, Council Members expressed concerns that the language of the proposed Charter Amendment would inhibit City and Parks Administration. He explained that since then, he, Steve McGarry and Peggy Fisher, worked along with Mayor Barnett, Council Member Rosen, City staff and the City Attorney to draft a simpler and more concise Amendment that conveys the intent of the original proposal. He requested

*that Council endorse an initiatory petition for the Charter Amendment to be placed on the November ballot and not vote to place the proposal on the ballot.*

**Susan Bowyer**, 2145 Cumberland, commented that the residents want a mandated voice in any decision that significantly changes the recreation and conservational characteristics of parks and open spaces. The proposed Charter Amendment will preserve City-owned parks and open spaces in order to protect quality of life, enhance property values and maintain family neighborhoods, and will not place any undue restrictions on grant applications, road improvements or current park uses. She requested Council endorse the residents' initiatory petition.

**Steve McGarry**, 2164 Clinton View Circle, stated that the Home Rule Cities Act leaves the residents no choice but to circulate petitions to ensure the proposed Charter Amendment is placed on the November ballot. He pointed out that while the deadline for an initiatory petition is August 10th, should Council vote to place the proposal on the ballot, it could replace or rescind the proposal before the August 30th deadline. He noted that a proposal approved by Council must be reviewed by the Governor's office and Council must address any objections. A proposal by initiatory petition, however, would go on the ballot as submitted.

**Peggy Fisher**, 3508 Wedgewood Drive, commented that the Charter Amendment will prevent future conflicts between Council and the residents such as that which occurred during consideration of the proposed Water Reservoir Project, and stated that citizens need only be convinced of a project's merits for its approval. She stated that the proposed Amendment will not impede grants, road improvements, or current park uses, and will ensure Council's improved communication with constituents. She requested Council endorse the initiatory petition for the November ballot.

**Gordon Duda**, 340 Silvervale Drive, stated that citizens should be given the opportunity to vote on a Charter Amendment that will provide a formal structure on matters that affect neighborhoods, home values and quality of life. He requested Council endorse the initiatory petition to protect parks and open spaces.

**Dee Hilbert**, 3234 Quail Ridge Circle, commented that people choose to reside in Rochester Hills because it is a great place to live, with its parks, trails, bike paths and green spaces. She stated that the proposed Charter Amendment will ensure that City-owned parks and open spaces are protected for recreational use unless approved by voters. She requested Council endorse the initiatory petition.

**Chuck Slattery**, 3130 Palm Aire Drive, expressed support for the proposed Charter Amendment, commenting that he finds it surprising that Council has the authority to change the use of park land without input from the residents. He stated that eleven homeowners' associations are participating in the initiative.

**Paul Miller**, 1021 Harding, expressed his support for the proposed Charter Amendment, and stated that in his view, the residents' original language was fairly clear. He questioned how much protection properties purchased with the Green Space Millage currently have and whether repurposing a green space property is possible.

**Seeing No Further Public Input, President Hooper Closed the Public Hearing at 8:01 p.m.**

**President Hooper** questioned whether a sunset provision could be included in any Charter Amendment.

**John Staran**, City Attorney, responded that if it is Council's desire, it is certainly possible to add a sunset provision.

**President Hooper** questioned whether Council could pass an Ordinance that would subvert the use of properties purchased by the Open Space Millage.

**Mr. Staran** responded that it could not. He explained that the properties purchased with funds from the Green Space/Open Space Millage are required to be permanently preserved. He stated that the revised Charter Amendment reaffirms that those properties are to be permanently preserved and are not subject to a vote of the electorate.

**President Hooper** requested clarification of the difference between the residents' initial request to place the proposed Charter Amendment on the ballot and their request tonight for a resolution of support.

**Mr. Staran** explained that a Charter Amendment may be placed on a ballot either by initiatory petition or by an affirmative vote of at least five Council members. He commented that tonight, the residents in attendance are requesting Council allow the initiatory petition process to proceed with Council's endorsement. If residents submit petitions with the requisite number of signatures validated by the City Clerk, the matter would then go on the ballot, subject to a review by the Governor's Office.

**President Hooper** questioned whether both proposals would appear on the ballot if Council approved a ballot question and the residents also submitted a petition.

**Mr. Staran** responded that if the language was not identical, both proposals would appear. Since the questions deal with the same subject matter, the proposal commanding the most votes would be the one that prevails. Should Council accept a proposed Charter Amendment word-for-word identical to the initiatory petition language, one question would appear.

**President Hooper** questioned whether the proposed Charter Amendment in any way conflicts with or dissuades the opportunity of using publicly-owned grants.

**Mr. Staran** responded that it really should not. He commented that while that was an initial concern with the complexity of the initially-proposed language, over the last three weeks the committee has had the opportunity to consider that at length. Although it presents an extra step to proceed to a vote, it should not disqualify or prevent the City from obtaining a grant. Should a project fall within this Charter Amendment, a vote would have to take place before any grant would be approved. He mentioned that it is unlikely that any grant program would be involved in the case of a conversion of use, sale, transfer or lease of a property.

**President Hooper** questioned whether the proposed language would present a conflict should the City wish to enter into public/private partnerships.

**Mr. Staran** responded that while not necessarily in conflict, it would add an extra step to the process. He noted that the language would not affect existing public/private arrangements, such as Pine Trace and the Velodrome, and those uses would not be subjected to a vote. If, however, a new potential public/private partnership was presented, such as another Velodrome-type use, golf course or recreational development that would be privately run, it is probable that those uses would be subjected to a vote of the electorate before being implemented. He mentioned that the Velodrome's current structure would not require a vote as its structure is more of a management agreement; however, it is fairly clear that Pine Trace would require a vote if proposed today.

**President Hooper** questioned whether the proposed Charter Amendment would be in conflict whatsoever with the Rochester Avon Recreation Authority's (RARA) use of City parks or would restrict RARA in any way.

**Mr. Staran** responded that it is very unlikely as RARA is a recreational arm of the Cities of Rochester Hills and Rochester; and their Charter, purpose and mission is recreational in nature. He stated that most of RARA's facilities and any use that RARA would make of the City's parks would fall within the category of being related or incidental to public recreation; and, therefore, allowable without a vote.

**President Hooper** questioned how raising additional revenues might be affected, such as placing advertising on park properties.

**Mr. Staran** responded that advertising itself is not a use. Using the examples of advertising on baseball backstops or tennis courts, he commented that while these uses may come under the scrutiny of the City's Sign Ordinance, they would not be considered a conversion of use. He stated that a proposal for a billboard, however, would most definitely fall under this Charter Amendment, as it could be considered a conversion of park property for what is unmistakably a commercial use unrelated to recreation or conservation.

**Council Discussion:**

**Mr. Rosen** requested a clarification of the deadlines for initiatory petitions or Council-approved ballot questions.

**Mr. Staran** responded that petitions must be submitted by August 10th, 90 days prior to the election. The City Clerk has a 45-day period to investigate and validate petitions. The ballot question would need to be submitted to the County for printing by August 30th. Council would have until August 29th to approve a ballot question, which would be submitted to the County by August 30th.

**Mr. Rosen** noted that while August 10th becomes a hard-date for initiative petitions, there is a 19-day window between August 10th and August 30th where Council could change its proposal.

**Mr. Staran** confirmed that Council could change its proposal during that time.

**Mr. Rosen** questioned whether the Clerk could narrow two identical questions down to one ballot proposal.

**Mr. Staran** responded that while he was not aware of any instance where that has happened, it is a common sense statement that this could be done. He stated that it seems imprudent to submit two identical ballot questions.

**Mr. Rosen** commented that having two proposals would confuse voters and dilute both proposals.

**Mr. Staran** concurred, stating that it would be difficult to understand the proposals unless one took time to educate themselves on the various nuances of each.

**Mr. Rosen** expressed concern about simply endorsing one set of language; commenting that two different proposals could result. He stated that if Council chooses to go in one direction with certainty, it should go with the initiatory petitions. Should the residents be able to obtain the signatures needed, that proposal would then appear, giving voters a clear choice.

**Mr. Klomp** commented that he is comfortable with the proposed revised Charter Amendment. He questioned whether Paragraph .3 adds anything to the integrity of green space properties.

**Mr. Staran** noted that Paragraph .3 is a one-sentence reaffirmation to further strengthen the notion that green space is to be permanently preserved. He stated that it adds further clarification that the proposal does not replace, substitute or otherwise modify the existing protection of the original millage and the properties it purchased.

**Mr. Klomp** commented that including this paragraph does nothing to strengthen properties acquired with the Green Space millage and stated that its inclusion could confuse the voters. He commented that as a serving member of the Green Space Advisory Board (GSAB), he is in favor of everything that can protect green space; however, he pointed out that the GSAB felt the language in the Millage is sufficient and including this paragraph is pointless and unnecessary.

**Mr. Webber** stated that he is comfortable with the language and is ready to provide either an endorsement or vote to place the proposal on the ballot.

**Mr. Rosen** commented that he had always thought that park land purchased with taxpayer funds would remain a park; however, the events of the past year indicate that this is not the case and the City is legally unrestrained in what it can do with park land. He stated that it is not right for the City to ask voters to approve a millage to purchase park land and then be free to change its use. He noted that

*requiring voter approval to change the use of a City-owned park is simply giving the voters the opportunity to change their minds about the use of their money and fills a gap in the rules with a common-sense approach. He reiterated that the proposed Charter Amendment relies on the concept of use in the Planning and Zoning world, rather than a detailed list of what is or is not covered. He pointed out that the Amendment would not require a vote for any park in the Master Recreation Plan and would not have an effect on park operations. He noted that under this approach, Council would determine whether a proposed use qualifies as a park use or would require a ballot question. If it requires a vote, Council and the City can then explain it to the voters and the voters will recognize it as a good use and approve it. He stated that he wants to see this on the ballot in November and proposed that Council should endorse the proposed Amendment in its entirety as included in the agenda packet, commenting that the goal is to have one ballot proposal.*

**Mr. Brennan** stated that it is his opinion that the current system is working. He commented that Council is charged with having vision and being proactive; and it is Council's job to present proposals for consideration. He pointed out that the Water Reservoir Project was an example of trying to reduce water rates for 70,000 residents of the City. Public hearings and debates were held, and at the end of the day, the proposal was voted down. He mentioned that the controversy surrounding deer also came to a resolution, and that consideration of original proposals for Tienken Road to be five lanes or a boulevard resulted in a three-lane design. He commented that Paragraph .3 is unnecessary. He stated that Charter Amendments are very risky and he will not support this proposal.

**Mr. Pixley** stated that his decision to vote against proceeding with the Water Reservoir Project was based on his view that it may not be appropriate to use park property. He mentioned that he expressed concern at the June 20th meeting that the process to consider a Charter Amendment was being rushed and Council at this point may not understand the unintended consequences. He noted that in the past, Charter Amendments went through a lengthy process with much discussion. He commented that while he supports the idea in spirit, he cannot support the proposed Charter Amendment. He stated that Council should not endorse a petition.

**Mr. Rosen** noted that he is requesting Council endorse the language itself as presented in the packet; not endorse the petition.

**President Hooper** pointed out that there currently is no money available for the development of any park lands either in the next three years, nor in the foreseeable future. He stated that there is no imminent use that would trigger this Amendment, and it is unnecessary to push this to the November ballot. He commented that in general he supports the proposed Amendment; however, he is troubled by its potential effect on public/private partnerships. He stated that it is his belief that these partnerships are the future of park development in the State of Michigan. He mentioned that Council should take time, as it did in bringing forward prior Charter Amendments, to ensure there are no unintended consequences. He noted that Mr. Rosen's motion to endorse the proposed language does not place the Charter Amendment on the ballot; therefore, a simple majority vote would be sufficient.

*Mr. Yalamanchi commented that he supported the efforts and does not believe the proposed Amendment will prohibit the City from anything it is already doing.*

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

**Aye** 4 - Klomp, Rosen, Webber and Yalamanchi

**Nay** 3 - Brennan, Hooper and Pixley

Enactment No: RES0133-2011

**Resolved**, that the Rochester Hills City Council endorses the Rochester Hills City Charter Proposed Amendment, Section 11.8 - Parks and Open Spaces, in its entirety as included in tonight's agenda entitled "Charter Amendment 070111 Revision.pdf".

**(Mr. Yalamanchi exited at 8:43 p.m. and re-entered at 8:45 p.m.)**

## ORDINANCE FOR INTRODUCTION

**2011-0317** Acceptance for First Reading - An Ordinance to repeal Article II of Chapter 130, Planning, and replace it with New Article II, Planning Commission, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, Et Seq., of the City of Rochester Hills Planning Commission, provide for the composition of the Planning Commission; provide for the powers, duties and limitations of the Planning Commission; repeal any Ordinance or parts of Ordinances or Resolutions in conflict with this Ordinance and prescribe a penalty for violations

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

*Ed Anzek, Director of Planning and Economic Development, explained that Public Act 33 of 2008, the Michigan Planning Enabling Act, requires City Council to repeal the Ordinance which created the Planning Commission and replace it with a new Ordinance that complies with all requirements of the Act.*

*Mr. Rosen questioned what changes will pertain to the structure and operation of the Planning Commission.*

*John Staran, City Attorney, stated that three minor changes apply to the Planning Commission:*

1. *The new State Law allows one Planning Commissioner to be a nonresident.*
2. *A Secretary as well as the Chairperson of the Planning Commission must be*

*elected from the Planning Commission. A staff member can still serve as Recording Secretary.*

*3. Public Hearings are now a requirement for plat reviews. While Planning Commission meetings were always held as open meetings, Public Hearings were not previously held for plat reviews.*

**A motion was made by Webber, seconded by Pixley, 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 repeal Article II of Chapter 130, Planning, and replace it with New Article II, Planning Commission, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, Et Seq., of the City of Rochester Hills Planning Commission, provide for the composition of the Planning Commission; provide for the powers, duties and limitations of the Planning Commission; repeal any Ordinance or parts of Ordinances or Resolutions in conflict with this Ordinance and prescribe a penalty for violations is hereby accepted for First Reading.

## NEW BUSINESS

**2011-0309** Appointment of Youth Members to the 2011/2012 Rochester Hills Government Youth Council (RHGYC)

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

*Mr. Pixley stated that it has been a pleasure to serve as Council Liaison to the Rochester Hills Government Youth Council (RHGYC), and mentioned that he has always been outspoken about the quality of the individuals who are members of the RHGYC. He reported that a selection committee consisting of himself, City Clerk Jane Leslie, Leanne Scott, City Council Coordinator, and two graduating RHGYC members, Kaitlyn Forbes and Rachel Schlagel, met in June over a two-day period to review applications and interview the 27 qualified applicants. He explained that interviewees were subjected to a rigorous question-and-answer session to determine why they wish to be on the RHGYC and whether they understand the importance of membership. He noted that the interview team met many proactive, bright and energetic young people that live in our community; and the 15 members selected provide a balanced representation of schools, Council Districts and age groups.*

**A motion was made by Pixley, 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: RES0134-2011

**Resolved**, that the Rochester Hills City Council hereby concurs with the recommendation of the Rochester Hills Government Youth Council (RHGYC) Interview Team and Waives Article II, Membership and Terms, Section 1.a. of the RHGYC Bylaws and Rules of Procedure to allow the appointment of fifteen (15) members to the RHGYC for the 2011/2012 term.

**Be It Further Resolved**, that the Rochester Hills City Council concurs with the

recommendation of the RHGYC Interview Team and appoints the following students to the 2011/2012 term beginning September 1, 2011 and ending August 31, 2012:

<u>Name</u>	<u>High School</u>	<u>Council District</u>
Pranita Balusu	Rochester HS	1
Scott Difilippo	Rochester HS	1
Amith Diwakar	International Academy	4
Farha Hanif	Rochester HS	4
Susanna Jang	Adams HS	2
Sean Kosecki	Rochester HS	4
Eric LaRose	Notre Dame Prep	3
Laisa Magucha	Rochester HS	1
Jacqueline Markey	Adams HS	2
Nicholas Michetti	Brother Rice HS	3
Edward Schodowski	Rochester HS	4
Scott Schlagel	Rochester HS	3
Michelle Thorpe	Adams HS	2
Francesca Tiberio	Adams HS	1
Ashish Tripathi	Adams HS	2

**2011-0316** Request to Approve the transfer of all rights to renewal of the escrowed 2010 Class C licensed business located at 1488 N. Rochester Road from Rochester Tienken Investment, LLC to Bank of America (Step 1) and to approve the transfer of the escrowed 2010 Class C licensed business from Bank of America to Bar Louie Rochester, LLC (Step 2)

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

**Removed from Agenda at the request of the Applicant.**

**2007-0221** Request for Approval of an Extension of the Tentative Preliminary Plat for Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, until April 20, 2012, Gwen Bismack, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Letter Bismack 050311.pdf](#)  
[Map.pdf](#)  
[Site Plans.pdf](#)  
[Minutes PC 060711.pdf](#)  
[041210 Agenda Summary.pdf](#)  
[Memo Anzek 06-01-11.pdf](#)  
[Letter Mosher 04-13-11.pdf](#)  
[Minutes PC 2005-2010.pdf](#)  
[Minutes PC 030210 \(draft\).pdf](#)  
[Memo Anzek 022510.pdf](#)  
[Letter Mosher 021510.pdf](#)  
[Minutes PC 042109.pdf](#)  
[Letter Mancini 041509.pdf](#)  
[041210 Resolution.pdf](#)  
[053008 Agenda Summary.pdf](#)  
[PC Minutes 050608.pdf](#)  
[Letter Mancini 032808.pdf](#)  
[Agenda Summary 042507.pdf](#)  
[Resolution 042507.pdf](#)  
[PC Minutes 040307.pdf](#)  
[Letter Mancini 031207.pdf](#)  
[060908 Resolution.pdf](#)  
[PC Minutes 071806.pdf](#)  
[PC Minutes 031505.pdf](#)  
[PC Minutes 021505.pdf](#)  
[PC Minutes 020105.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, stated that the applicant submitted a request for an extension of the tentative preliminary plat for the Grace Parc Subdivision. He noted that the development was taken back by the bank in late 2010, and was subsequently purchased by Mr. and Mrs. Bismack. He noted that they intend to bring the proposed development into compliance with the Engineering Standards adopted by the City several years ago.

**President Hooper** questioned whether granting an extension to the approval of the tentative preliminary plat conflicts in any way with the Ordinance Amendment accepted tonight for First Reading.

**Mr. Anzek** responded that any conflicts with the proposed Ordinance Amendment will be addressed when the development reaches the Preliminary Final Plat stage.

**Mr. Yalamanchi** noted that the applicant is not in attendance and questioned whether Council should proceed.

**John Staran**, City Attorney, responded that Council may proceed without the applicant in attendance.

**Mr. Yalamanchi** questioned whether the request for extension was made by the applicant after the expiration date for plat approval.

**Mr. Anzek** noted that the applicant is in good standing with the City and made the request prior to the expiration date.

**Mr. Rosen** questioned whether the plat approval had lapsed.

**Mr. Anzek** responded that it did not.

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

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

Enactment No: RES0135-2011

**Resolved**, that the Rochester Hills City Council hereby approves an Extension of the Tentative Preliminary Plat until April 20, 2012 for Grace Parc Subdivision, located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, One Family Residential, Parcel Nos. 15-34-402-057 & -066.

**2011-0307** Request for Purchase Authorization - BLDG: Increase to Blanket Purchase Order for Fire Suppression and Fire Alarm Plan Review and Inspection Services in the amount of \$20,000.00 for a new not-to-exceed amount of \$45,000.00 through December 31, 2011; Fire Safety Consultants, Inc., Elgin, IL

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

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

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

Enactment No: RES0136-2011

**Resolved**, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for Fire Suppression and Fire Alarm Plan Review and Inspection Services to Fire Safety Consultants, Inc., Elgin, Illinois, in the amount of \$20,000.00 for a new not-to-exceed amount of \$45,000.00 through December 31, 2011.

## COUNCIL COMMITTEE REPORTS

### Police and Road Funding Technical Review Committee (PRTC):

**Mr. Webber** reported that the PRTC met to discuss various funding opportunities for Police Services and the Police Millages that expire in 2013, and are working toward developing recommendations to present to Council. He noted that the PRTC wants to engage the residents in discussions this fall as they did at homeowners' association meetings in the spring. The next meeting of the PRTC will be on Thursday, July 21st at 6:00 p.m. at City Hall.

### Older Persons' Commission (OPC):

**Mr. Yalamanchi** reported that the OPC Board is reviewing the Interlocal Agreement to identify various portions of the Agreement that are contradictory to OPC's current practices. He pointed out that while the Agreement specifies

*that any proposed expenditure in excess of \$3,000 must go to all three communities for approval, this is not done. He stated that if the OPC is recognized as an independent entity, it should have the authority to approve its own budget. He stated that as elements of noncompliance with the Interlocal Agreement are identified and changes are proposed, they will be brought to Council for discussion.*

**Rochester Area Youth Assistance (RAYA):**

*Mr. Klomp reported that RAYA is selling raffle tickets for a Chevy Cruze. Tickets for the drawing, which will be held in October, are \$20. He noted that all proceeds beyond the price of the vehicle will go to RAYA to support youth in the community. Tickets will be available at several upcoming area events, including the Art and Apples Festival.*

## ANY OTHER BUSINESS

*Mayor Barnett distributed copies of a survey of residents conducted by the Oakland University Public Affairs Research Laboratory, highlighting several areas:*

- Satisfaction is high for both Police Services and contact with City employees.*
- Nine out of ten surveyed expressed their willingness to spend between \$1 and \$50 to maintain roads.*
- Feedback on roundabouts in the community was positive by a margin of three-to-one.*
- Only four percent of the survey participants responded that they are dissatisfied with the City's Single Waste Hauler Program.*
- Ninety-six percent of the respondents indicated that they are happy to live in Rochester Hills. This is the highest ranking in the City's history.*
- In 1997, a survey found that only 19 percent of residents also worked in Rochester Hills. This year's survey found that 48 percent of the respondents live and work here. This underscores the importance of creating jobs in the community.*

*He stated that the Administration will be using the survey results as a tool to ensure that the City's priorities are aligned with its residents. He displayed a map which highlighted the various areas where the respondents live.*

*Mr. Pixley questioned whether this map was included in the survey document.*

*Mayor Barnett responded that the map was not included; however, he would forward a copy to Council.*

## NEXT MEETING DATE

*Regular Meeting - Monday, July 25, 2011 - CANCELLED; Regular Meeting - Monday, August 8, 2011 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 9:05 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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

*Approved as presented at the August 8, 2011 Regular City Council Meeting.*