



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, July 21, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:33 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, City Engineer
Keith Depp, Staff Engineer
Lance DeVoe, Park Ranger II
Sara Etienne, Youth Council Representative
Jane Leslie, City Clerk
Roger Moore, Professional Surveyor
Roger Rousse, Director of D.P.S./Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Ambrozaitis, to Approve the Agenda as Presented. The motion CARRIED by the following vote:

Approved as presented at the December 15, 2008 Regular City Council Meeting.

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

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, questioned the necessity of the required reporting as stated in the City's Request for Proposal (RFP) for Solid Waste. He cautioned Council about implementing a millage for the trash hauling, when they may need to approach the voters the following year with a Police or Road Millage.

Bill Bidwell, 2055 Avoncrest, began speaking about the City's Telecommunications Ordinance.

President Hooper gave Mr. Bidwell warnings regarding making personal comments during Public Comments.

Mr. Bidwell continued to speak and **President Hooper** stated Council would be taking a ten-minute recess.

(Recess at 7:38 p.m. to 7:44 p.m.)

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Sara Etienne, Rochester Hills Government Youth Council Representative, reported that the Youth Council has just finished its beautification project. She stated that the interviews of the candidates for next year's Youth Council have been completed. The selection process will be finalized this week and added the Youth Council's Swearing in Ceremony is on August 11th.

Mayor Barnett requested the City's residents be mindful of the construction schedule on the City's roads. He stated the construction schedules have been mailed to residents most affected so that they can adjust their travel routes accordingly. He informed City Council that the deadline for the solid waste proposals has passed and that there are six interested companies. The solid waste review committee will begin to move forward reviewing the material submitted by each of the prospective companies.

ATTORNEY MATTERS

None.

RECOGNITIONS

2008-0372 Proclamation in Recognition of Sam Kilberg for his athletic abilities, community involvement, and most importantly, his generosity in donating his time, talent and energy to provide assistance for our Michigan veterans.

Attachments: [Proclamation.pdf](#)

Mayor Barnett introduced Sam Kilberg and described the work that Sam has been doing for veterans suffering from Traumatic Brain Injury (TBI). Sam spoke about the upcoming Charity Baseball Tournament.

Presented.

WHEREAS, Sam Kilberg is a three year varsity baseball player, All District second baseman and Captain of the 2008-2009 Rochester High School baseball team; and

WHEREAS, Combining his love of baseball with his care and concern for veterans suffering Traumatic Brain Injury (TBI), Sam worked to plan and procure funding for a charitable baseball event to benefit the Brain Injury Association of Michigan/Veterans Program (BIAMI/Veterans); and

WHEREAS, On July 24-27, Sam will be holding the first Michigan Spikes Charity Baseball Tournament for the BIAMI/Veterans. Sam was able to arrange for Rochester Community Schools to donate the use of their three high school fields and Oakland University to donate the use of their field for the championship game; and

WHEREAS, Sam has obtained corporate sponsorship and has signed 10 teams to donate to and play in the BIAMI/Veterans games. He has also arranged for umpires to volunteer their time for the three days of play; and

WHEREAS, Sam has worked closely with Major Rick Briggs (retired Air Force) who is in charge of the BIAMI/Veterans program. Sam hopes to help Major Briggs continue his work to reach out to all veterans by providing additional financial support needed to insure programs are in place to help our veterans and their families.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Sam Kilberg for his athletic abilities, community involvement, and most importantly, his generosity in donating his time, talent and energy to provide assistance for our Michigan veterans.

2008-0381 Proclamation in Recognition for outstanding act of heroism in helping to save the life of a heart attack victim

Attachments: [Agenda Summary.pdf](#)
[Amon Hurst Proc.pdf](#)
[Christine Petracca Proc.pdf](#)
[Linda Spicer Proc.pdf](#)
[Roroy Roberts Proc.pdf](#)

Mayor Barnett read a Proclamation in Recognition for outstanding acts of heroism by Roroy Roberts, Amon Hurst, Christina Petracca and Linda Spicer for their CPR efforts during an emergency situation.

Presented.

WHEREAS, Roroy Roberts, in a calm and quick-thinking manner, came to the aid of a victim in a life threatening situation; and

WHEREAS, Roroy Roberts, together with fellow Meijer employees, helped save the life of a heart attack victim.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Roroy Roberts for his efforts and professionalism in saving Stephen Eckhardt's life during an emergency situation.

WHEREAS, Amon Hurst, in a calm and quick-thinking manner, came to the aid of a victim

in a life threatening situation; and

WHEREAS, Amon Hurst, together with fellow Meijer employees, helped save the life of a heart attack victim.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Amon Hurst for his efforts and professionalism in saving Stephen Eckhardt's life during an emergency situation.

WHEREAS, Christine Petracca, in a calm and quick-thinking manner, came to the aid of a victim in a life threatening situation; and

WHEREAS, Christine Petracca, together with fellow Meijer employees, helped save the life of a heart attack victim.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Christine Petracca for her efforts and professionalism in saving Stephen Eckhardt's life during an emergency situation.

WHEREAS, Linda Spicer, in a calm and quick-thinking manner, came to the aid of a victim in a life threatening situation; and

WHEREAS, Linda Spicer, together with fellow Meijer employees, helped save the life of a heart attack victim.

NOW, THEREFORE, BE IT KNOWN, that the Mayor and City Council of Rochester Hills hereby recognize Linda Spicer for her efforts and professionalism in saving Stephen Eckhardt's life during an emergency situation.

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.

2008-0337 Approval of Minutes - City Council Special Meeting - June 9, 2008

Attachments: [CC Min Special 060908 Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0237-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on June 9, 2008 be approved as presented.

2008-0338 Approval of Minutes - City Council Regular Meeting - June 9, 2008

Attachments: [CC Min 060908 Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0238-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 9, 2008 be approved as presented.

Passed the Consent Agenda

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

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

The following Consent Agenda Item was discussed and adopted by a separate Motion:

2008-0380 Request for Approval of a Possession and Use Agreement with the owner of Hamlin Road parcel number 11 (Gagliano Enterprises/Collex, 1998 Rochester Industrial Drive)

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

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

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

Nay 1 - Ambrozaitis

Enactment No: RES0234-2008

Whereas, City representatives have negotiated with the representatives of the owner of 1998 Rochester Industrial Drive (Hamlin Road parcel 11) to acquire highway, utility and temporary construction easements necessary for the Hamlin Road widening and improvement project between Crooks and Livernois Roads, and

Whereas, this has resulted in the negotiation of a proposed Possession and Use Agreement that would give the City immediate possession and use of the easements while the parties continue good faith negotiations over the amount of compensation to be paid to the owner for the easements.

Therefore, the City Council Resolves to approve the Possession and Use Agreement and authorizes the Mayor to execute the Agreement on the City's behalf.

It is Further Resolved that in accordance with the Agreement, the City Treasurer shall pay the owner the City's estimated compensation in the amount of \$9,757.00, less any taxes

and assessments.

ORDINANCE FOR ADOPTION

2008-0111 Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Article II, Blight Prevention and regulate building exterior and interior maintenance, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[071408 Resolution.pdf](#)
[031708 Agenda Summary.pdf](#)
[Ordinance 061207.pdf](#)
[Property Maintenance Ordinance Presentation](#)

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

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

Enactment No: RES0235-2008

Resolved, that an Ordinance to amend Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Article II, Blight Prevention and regulate building exterior and interior maintenance, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, July 28, 2008, the day following its publication in the Rochester Eccentric on Sunday, July 27, 2008.

2008-0303 Acceptance for Second Reading and Adoption - An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately .91 acre, known as Parcel No. 15-27-351-008 at 990 W. Auburn, at the northeast corner of Auburn and Livernois, from B-5, Automotive Service Business to B-1, Local Business, and to prescribe penalties for the violation thereof

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[Ordinance Amend.pdf](#)
[Map.pdf](#)
[Application packet.pdf](#)
[Staff Report 061708.pdf](#)
[Letter Jona 061008.pdf](#)
[PC Minutes 061708.pdf](#)
[071408 Resolution.pdf](#)

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

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi
Enactment No: RES0236-2008

Resolved, that an Amendment to Chapter 138, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately .91 acre, known as Parcel No. 15-27-351-008 at 990 W. Auburn, at the northeast corner of Auburn and Livernois, from B-5, Automotive Service Business to B-1, Local Business, and to prescribe penalties for violations thereof, is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, July 28, 2008, the day following its publication in the Rochester Eccentric on Sunday, July 27, 2008.

2008-0362 Acceptance for Second Reading and Adoption - An Ordinance to add new Division 6, Outdoor Watering, to Article III of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the outdoor watering of landscaping; repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance - Opt 1.pdf](#)
[Ordinance - Opt 2.pdf](#)
[Ordinance - Opt 3.pdf](#)
[Ordinance - final version.pdf](#)
[Resolution.pdf](#)
[072108 Ordinance \(Revised\).pdf](#)
[072108 Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[071408 Resolution.pdf](#)

Public Comment:

Chris Ferguson, 303 Bellarmine Drive, expressed concern regarding discrimination towards residents who have automatic sprinklers and the possible lack of monitoring residents who would be able to manually water their lawns.

Council Comment:

Mr. Rosen stated he would like to see this Ordinance be more flexible, allowing for things such as the repair of sprinklers, readjusting sprinklers and the occasional use on manual when a resident wants to water just one part of their lawn.

Mr. Yalamanchi referring to the comment made regarding discrimination, requested President Hooper to explain the broader reason for the creation of this Ordinance.

President Hooper explained that the City's Water and Sewer Board has been faced with double digit increases for the last couple of years. One option discussed to help reduce the impact of these increases would be to adopt an Ordinance shifting the automatic sprinkler usage from peak time

to off-peak times. He noted that the City of Detroit has identified midnight to 5:00 a.m. as the off-peak time and explained that Detroit utilizes peak time usage when setting rates. President Hooper stated that the intent is not to penalize anyone but rather to encourage residents with automatic sprinkler systems to water at night, during non-peak times. He also explained that another facet of this Ordinance is to encourage conservation and not promote consumption.

Mr. Yalamanchi asked if the language could be modified to regulate manual irrigation.

City Attorney Staran requested clarification as to what the Council members considered manual irrigation to be.

Mr. Rosen responded that rather than letting his sprinkler system run the whole cycle, running one zone for a short period of time is what he would consider to be manual irrigation.

City Attorney Staran commented that there will be some enforcement difficulties. Residents will have to be on the honor system to understand and abide by the Ordinance.

President Hooper reiterated that the intent was to be more of a Policy not to be punitive.

Mr. Rosen responded that he would like the City to set an example by watering from midnight to 5:00 a.m. He stated the residents will be more likely to abide by the Ordinance if it offered more flexibility.

Mayor Barnett requested Scott Cope to comment on the enforceability of this Ordinance.

Mr. Cope, Director of Building/Ordinance Compliance, commented that there would be enforcement issues, and suggested that this would be more of a Policy.

Mr. Yalamanchi stated that there are three reasons the rates go up: distance, elevation and peak hours. He surmised that because nothing can be done about distance and elevation, the City needs to manage its peak watering hours. He stated it is City Council's goal to encourage conservation. He suggested that residents not consider this a penalty, but look at it as a proactive step for the City. He inquired whether the language could be revised to reflect a graduated increase of penalty fees.

Mayor Barnett stated that the Ordinance currently reflects a graduated increase.

Mr. Cope suggested that the fee penalty issued also takes into consideration the amount of times the City has been through the process with an individual.

City Attorney Staran stated the fines associated with this Ordinance could be

handled one of two ways:

- Municipal Civil Infraction. The City develops a fine schedule and shares it with the Court. Typically the Court will show more leniency with a first offender than with a repeat offender.

- Codify a fee schedule as part of the Ordinance. First time offenders are educated and receive a warning, and then it moves up with increasing severity for repeat offenders.

Mr. Yalamanchi *stated he was in favor of incorporating the fee schedule into the Ordinance. He suggested a sunset provision be added for Council to review this Ordinance in three (3) years and identify if any revisions need to be made.*

President Hooper *asked if Section 116 gives the City that graduated structure.*

City Attorney Staran *responded that Section 116 does not spell out what it shall be, it gives the authority to have that type, it is more of a policy matter whereas the second alternative, puts the structure in the Ordinance as the City does with the False Alarm Ordinance.*

Mr. Yalamanchi *stated that if the City could incorporate that, he would appreciate that. He suggested that the City be compliant with the Ordinance as well. He noted one of things he wanted to put into practice was that any time ordinances were adopted, the City would incorporate sunset provisions to give City Council the opportunity to re-examine the Ordinance and determine if it was working. He stated that at that time, revisions could be made, if necessary.*

Mayor Barnett *stated that the City will comply with this Ordinance, however he explained that currently there is occasional watering at noon for approximately five (minutes) on the baseball fields to keep the dust down, as well as watering taking place on some medians where new seed is taking root.*

Mr. Webber *stated he was fine with adding more flexibility to the Ordinance and concurred with Mr. Yalamanchi's suggestion of adding a sunset provision.*

Mr. Rosen *concurred with revising the Ordinance language to indicate that watering is ideal between midnight and 5:00 a.m., but that no one should water during the peak shower, cooking and laundry times, which is 5:00 p.m. until 9:00 p.m.; and also to allow for manual irrigation, either by hose or sprinkler system.*

President Hooper *suggested that they postpone action on this item, and asked Council to e-mail any suggested language changes to Mr. Staran.*

Postponed.

UNFINISHED BUSINESS

2008-0342 Approval of the ballot language for the proposed City Charter Amendment to Require that a Councilmember or Council Candidate Shall Not Be in Default to the City to be placed on the November 4, 2008 General Election ballot

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[072108 Resolution \(Revised\).pdf](#)
[071408 Agenda Summary.pdf](#)
[071408 Resolution.pdf](#)
[063008 Agenda Summary.pdf](#)
[Charter Amendment Language.pdf](#)
[Proposal Language - Council not in default.pdf](#)
[Proposal Language - Judge Qualifications.pdf](#)
[Proposal Language - Council Felony.pdf](#)
[Proposal Language - Mayor Felony.pdf](#)
[Proposal Language - Mayor not in default.pdf](#)
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

Public Comment:

Paul Miller, 1021 Harding, stated that what the residents do not want is to end up excluding individuals who would be of value and service to the City from running for City Council.

Mr. Rosen asked if a super majority is required for this.

President Hooper responded yes, five votes would be needed and then directed Mr. Rosen's question to City Attorney Staran.

City Attorney Staran responded three-fifths is required, which would be five votes.

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0276-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 7.2, Qualifications, to provide that a Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority

granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.2, Qualifications.

2. Provisions of existing Section 7.2 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

Each Councilmember shall be a registered elector in the City and shall have been a resident of the City for one year immediately prior to the final date of filing of nominating petitions. A Council candidate shall be a resident of the District in order to represent a District and shall maintain residency in the District during the term of office.

3. As amended, Section 7.2 of the City of Rochester Hills Charter would read as follows:

Each Councilmember shall be a registered elector in the City and shall have been a resident of the City for one year immediately prior to the final date of filing of nominating petitions. A Council candidate shall be a resident of the District in order to represent a District and shall maintain residency in the District during the term of office. A Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 7.2. If adopted, a Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CITY CHARTER AMENDMENT TO
REQUIRE THAT A COUNCILMEMBER OR COUNCIL
CANDIDATE SHALL NOT BE IN DEFAULT TO THE CITY**

A proposal to amend the City Charter by modifying Section 7.2. This section sets forth the qualifications for City Councilmembers to hold office. If adopted, the amendment will provide that a Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City.

Shall the City of Rochester Hills Charter be amended to modify Section 7.2 to provide that a Councilmember or Council candidate shall not be in default of payment of any tax or assessment owed to the City?

Yes __
No __

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

2008-0373 Approval of the ballot language for the proposed City Charter Amendment to Provide a Procedure for the City Council to Judge the Qualifications of Members to be placed on the November 4, 2008 General Election ballot

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[072108 Resolution \(Revised\).pdf](#)

Council Discussion:

Mr. Yalamanchi inquired if it was necessary to have separate ballot language for this item and the preceding item, or if the two could be combined.

City Attorney Staran stated that the State law requires that Council can only address a single subject per ballot question, which is why there are all of the different resolutions instead of just one. He clarified that what Council is considering through this amendment to Section 7.5 is to provide at least a rudimentary procedure, notice and hearing, and a super majority vote.

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0277-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 7.5, Judge of qualifications of Members, to provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.5, Judge of qualifications of Members.

2. Provisions of existing Section 7.5 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts.

3. As amended, Section 7.5 of the City of Rochester Hills Charter would read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts. If the Council, after investigation and public hearing, determines by the affirmative vote of at least five (5) members of Council that a Councilmember is not eligible or qualified, under Section 7.2, above, to hold office, the Councilmember's office shall be deemed vacant.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 7.5. This section states the Council shall be the judge of the eligibility and qualifications of its own Members. If adopted, the amendment will provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CHARTER AMENDMENT TO
PROVIDE A PROCEDURE FOR THE CITY COUNCIL
TO JUDGE THE QUALIFICATIONS OF MEMBERS

A proposal to amend the City Charter by modifying Section 7.5. This section states the Council shall be the judge of the eligibility and qualifications of its own Members. If adopted, the amendment will provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

Shall the City of Rochester Hills Charter be amended to modify Section 7.5 to provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2?

Yes ___
No ___

8. The proposed Charter amendment shall be published in full together with the existing

Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

2008-0374 Approval of the ballot language for the proposed City Charter Amendment to Provide that Upon Felony Conviction, a Councilmember Forfeits Office to be placed on the November 4, 2008 General Election ballot

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

Council Discussion:

Mr. Rosen inquired in a situation such as this, who declares the office vacant.

City Attorney Staran explained that a felony conviction is a public record. The process would happen by operation of law under the Charter. It would not require Council to take a vote, but rather would be acknowledged by Council at a meeting. He stressed that this would only happen upon an actual felony conviction.

Mr. Rosen questioned if there were appeal rights for such convictions.

City Attorney Staran responded that this Charter amendment language is to maintain, even raise, the level of integrity of the Council. Upon conviction the office is forfeited and vacated regardless of the appeal process. However, should the conviction be overturned, the individual would be eligible to run for office again.

Mr. Brennan stated that if an individual has their professional license revoked, for whatever reason, it reflects on their character and fitness for duty but this has not been addressed here. He commented that this is why he is opposed to this process.

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0242-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to the City Charter to add Section 7.10, Felony Conviction, to provide that upon a Councilmember's conviction of a felony, the Councilmember's office shall be deemed forfeited and vacant.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City

of Rochester Hills Charter to add Charter Section 7.10, Felony Conviction.

2. Provisions of new Section 7.10 to be added to the City of Rochester Hills Charter if the proposed amendment is adopted would read as follows:

Upon a Councilmember's conviction of a felony, the Councilmember's office shall be deemed forfeited and vacant.

3. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by adding Section 7.10, Felony Conviction. If adopted, this new section will provide that upon a Councilmember's conviction of a felony, the Councilmember's office shall be deemed forfeited and vacated.

4. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

5. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

6. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CHARTER AMENDMENT TO
PROVIDE THAT UPON FELONY CONVICTION,
A COUNCILMEMBER FORFEITS OFFICE

A proposal to amend the City Charter by adding Section 7.10. If adopted, this new section will provide that upon a Councilmember's conviction of a felony, the Councilmember's office shall be deemed forfeited and vacated.

Shall the City of Rochester Hills Charter be amended to provide that upon a Councilmember's conviction of a felony, the Councilmember's office shall be deemed forfeited and vacant?

Yes ___
No ___

7. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

8. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

2008-0375 Approval of the ballot language for the proposed City Charter Amendment to Require that the Mayor or Candidate for Mayor Shall Not Be in Default to the

to be placed on the November 4, 2008 General Election ballot

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[07/21/08 Resolution.pdf](#)

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0278-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 8.2, Elections and term of office, to provide that the Mayor or candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.2, Qualifications.
2. Provisions of existing Section 8.2 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Mayor shall be elected to a four-year term. The Mayor shall be a registered elector and a resident of the City for at least one year immediately prior to the final date for filing nominating petitions. The term of office of the Mayor shall commence on the second Monday next following the date of the regular City election at which he or she was elected.

3. As amended, Section 8.2 of the City of Rochester Hills Charter would read as follows:

The Mayor shall be elected to a four-year term. The Mayor shall be a registered elector and a resident of the City for at least one year immediately prior to the final date for filing nominating petitions. The Mayor or a candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City. The term of office of the Mayor shall commence on the second Monday next following the date of the regular City election at which he or she was elected.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 8.2. This section sets forth the qualifications for Mayor. If adopted, the amendment will provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City.

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan

Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CITY CHARTER AMENDMENT TO
REQUIRE THAT THE MAYOR OR CANDIDATE FOR
MAYOR SHALL NOT BE IN DEFAULT TO THE CITY

A proposal to amend the City Charter by modifying Section 8.2. This section sets forth the qualifications for Mayor. If adopted, the amendment will provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City.

Shall the City of Rochester Hills Charter be amended to modify Section 8.2 to provide that the Mayor or a candidate for Mayor shall not be in default of payment of any tax or assessment owed to the City?

Yes ___

No ___

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

2008-0376

Approval of the ballot language for the proposed City Charter Amendment to Provide that Upon Felony Conviction, the Mayor Forfeits Office to be placed on the November 4, 2008 General Election ballot

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

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

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

Nay 2 - Brennan and Rosen

Enactment No: RES0241-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to the City Charter to add Section 8.6A, Felony Conviction, to provide that upon the Mayor's conviction of a felony, the Mayor's office shall be deemed forfeited and

vacant.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to add Charter Section 8.6A, Felony Conviction.

2. Provisions of new Section 8.6A, Felony Conviction, to be added to the City of Rochester Hills Charter if the proposed amendment is adopted would read as follows:

Upon the Mayor's conviction of a felony, the Mayor's office shall be deemed forfeited and vacant.

3. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by adding Section 8.6A. If adopted, this new section will provide that upon the Mayor's conviction of a felony, the Mayor's office shall be deemed forfeited and vacated.

4. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

5. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

6. The proposed amendment shall be submitted to the electors in the following form:

PROPOSED CHARTER AMENDMENT TO
PROVIDE THAT UPON FELONY CONVICTION,
THE MAYOR FORFEITS OFFICE

A proposal to amend the City Charter by adding Section 8.6A. If adopted, this new section will provide that upon the Mayor's conviction of a felony, the Mayor's office shall be deemed forfeited and vacated.

Shall the City of Rochester Hills Charter be amended to provide that upon the Mayor's conviction of a felony, the Mayor's office shall be deemed forfeited and vacant?

Yes ___

No ___

7. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

8. The canvass and determination of the votes on the proposed Charter amendment shall

be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

- 2008-0343** Approval of the ballot language for the proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office to be placed on the November 4, 2008 General Election ballot

Attachments: [Agenda Summary.pdf](#)
[Resolution.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[071408 Agenda Summary.pdf](#)
[071408 Resolution.pdf](#)
[Letter from Plante & Moran 063008.pdf](#)
[063008 Agenda Summary.pdf](#)
[Charter Amendment Language.pdf](#)
[Proposal Language - Chief Accountant.pdf](#)
[CoNSTRuCT Spreadsheet Excerpt.pdf](#)
[Accounting Responsibilities.pdf](#)

Public Comment:

Paul Miller, 1021 Harding Avenue, questioned if the hiring and firing authority would move from the Clerk's Office to the Mayor's Office as a result of this.

Council Discussion:

President Hooper responded that the hiring and firing policy would not change.

Mayor Barnett confirmed that the hiring and firing authority is already vested in his office.

Mr. Brennan requested clarification of this proposed language. He stated that he feels it is not accurately portrayed, as it appears that this function would be eliminated all together rather than moving it from one office to another.

President Hooper identified that the current language under the Mayor's duties is to prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City. The proposed language under the Mayor's duties is to prepare and administer the annual budget, maintain a system of accounts which conform to such uniform system as may be required by state law and keep the Council fully advised at all times as to the financial condition and needs of the City.

Mr. Yalamanchi concurred with Mr. Brennan's comments stating that he felt the language was not clear.

City Attorney Staran suggested that for the benefit of the residents, the ballot questions and the Charter language be put in a format similar to what the City does for Ordinances; underscoring and bold face the language that is being added, and the language being deleted will be denoted with a strike through. He agreed that it may be hard to identify the differences between the old and new sections because there are so many multiple subsections and stated this may be a way to make the

changes more apparent.

Mayor Barnett suggested changing the wording to read Clerk's Office and Mayor's Office rather than City Clerk and Mayor.

President Hooper asked if something would be wrong to add the word office into the language.

City Attorney Staran responded that the Charter specifically states the City Clerk as the chief accountant, not the Office of the Clerk, and likewise for the Mayor and the Mayor's Office. He cautioned that they have to be careful not to distort the Charter language from what it specifically is.

President Hooper asked if something would be wrong to add the word office into the language.

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

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

Nay 2 - Ambrozaitis and Rosen

Enactment No: RES0279-2008

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk, to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts and add to the duties of the Mayor to maintain a system of accounts which conform to such uniform system as may be required by state law.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk.
2. Provisions of existing Section 8.3 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

- .1 Maintain an office during normal business hours at a place provided by the Council;
- .2 Enforce all laws, and City ordinances and regulations;
- .3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.
- .4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

- .5 Authenticate by signature such instruments and proceedings as required by law or by the Council;
- .6 Prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City;
- .7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during the prior fiscal year;
- .8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;
- .9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;
- .10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;
- .11 Be the sole spokesperson for the administration of the City, except for the Clerk, Treasurer, and Assessor, insofar as their duties provided by law;
- .12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;
- .13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;
- .14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;
- .15 Exercise a veto of any ordinance or resolution of the Council, except those Council resolutions covered under Sections 7.8, 8.4 and 9.4.
- .16 Recommend to the Council personnel policies and procedures for the City.
- .17 Appoint Boards and Commissions of the City as provided by State law.

3. Provisions of existing Section 8.11 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:

- .1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.
- .2 Keep a record of all ordinances, resolutions and actions of the Council.
- .3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.
- .4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.
- .5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.
- .6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.
- .7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.
- .8 Certify by signature all ordinances and resolutions enacted or passed by the Council.
- .9 Countersign all warrants issued upon the Treasurer.
- .10 Be the chief accountant of the City and maintain a system of accounts which conform to such uniform system as may be required by State law.
- .11 Conduct elections in accordance with this Charter and State election law.
- .12 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.

.13 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

4. As amended, Section 8.3 of the City of Rochester Hills Charter would read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

- .1 Maintain an office during normal business hours at a place provided by the Council;
- .2 Enforce all laws, and City ordinances and regulations;
- .3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.
- .4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- .5 Authenticate by signature such instruments and proceedings as required by law or by the Council;
- .6 Prepare and administer the annual budget, maintain a system of accounts which conform to such uniform system as may be required by state law, and keep the Council fully advised at all times as to the financial condition and needs of the City;
- .7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during the prior fiscal year;
- .8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;
- .9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;
- .10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;
- .11 Be the sole spokesperson for the administration of the City, except for the Clerk, Treasurer, and Assessor, insofar as their duties provided by law;
- .12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;
- .13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;
- .14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;
- .15 Exercise a veto of any ordinance or resolution of the Council, except those Council resolutions covered under Sections 7.8, 8.4 and 9.4.
- .16 Recommend to the Council personnel policies and procedures for the City.
- .17 Appoint Boards and Commissions of the City as provided by State law.

5. As amended, subsection .10 would be deleted and subsequent subsections would be renumbered so that Section 8.11 of the City of Rochester Hills Charter would read as follows:

The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:

- .1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.
- .2 Keep a record of all ordinances, resolutions and actions of the Council.
- .3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.
- .4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.
- .5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.
- .6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.
- .7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.
- .8 Certify by signature all ordinances and resolutions enacted or passed by the Council.
- .9 Countersign all warrants issued upon the Treasurer.
- .10 Conduct elections in accordance with this Charter and State election law.
- .11 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.
- .12 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

6. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts which conform to such uniform system as may be required by state law will be added to the Mayor's duties.

7. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

8. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

9. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CHARTER AMENDMENT TO
ELIMINATE THE DUTY OF THE CITY CLERK TO
BE THE CHIEF ACCOUNTANT OF THE CITY AND TO ADD
MAINTENANCE OF A SYSTEM OF ACCOUNTS TO THE MAYOR'S DUTIES**

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts which conform to such uniform system as may be required by state law will be added to the Mayor's

duties.

Shall the City of Rochester Hills Charter be amended to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts, and to add maintenance of a system of accounts which conform to such uniform system as may be required by state law to the Mayor's duties?

Yes ___

No ___

10. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

11. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

NEW BUSINESS

2008-0267 Discussion regarding the management of the Deer Population in Rochester

Attachments: [Agenda Summary.pdf](#)
[Preliminary Deer Implementation Costs.pdf](#)
[091508 Agenda Summary.pdf](#)
[Proposed Deer Mgmt Implementation Plan.pdf](#)
[Deer Mgmt Proposal.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[Deer Mgmt Report 071408.pdf](#)
[060908 Agenda Summary.pdf](#)
[Presentation Outline.pdf](#)
[Additional Resources.pdf](#)
[Deer Charts.pdf](#)

PUBLIC COMMENT:

Marcia Cashad, 1697 Riverside Drive, stated that although she does have concern regarding the car-deer crashes, she is not in favor of killing any of the deer.

Ruth Cherri, 1156 Portsmouth, commented that she was in favor of a program that will reduce the number of deer.

Siegrid Stern, 1185 Concord, stated she was in favor of reducing the herd by a controlled hunt.

Lee Zendel, 1575 Dutton, responding to an article in the newspaper stating that the deer were here first, pointed out that so were moles and other nuisances that are gotten rid of. He noted that the deer in this City have become nuisances.

Michael Nykoruk, 1145 Concord, voiced his support of thinning the deer herd for safety reasons. He suggested Council consider taking care of the coyotes

at the same time.

Shawn Rasanen, 1220 Christian Hills, stated her support for controlling the deer population and commented that there are documented cases of Lyme disease in the Christian Hills area.

Tom Zelinski, 1127 Kingsview, pointed out that the deer population issue was created by getting rid of the deer's natural predators and developing the land, therefore, it is our responsibility to take care of this issue. He voiced his concern regarding the spread of Lyme disease and stated he was in favor of a controlled hunt.

Joyce Moore, 1180 Portsmouth, stated she has lived in the City for 40 years and has never seen such a progression in the birthrate of the deer. She stressed the fact that the deer do not display any fear of humans. She shared that her veterinarian had informed her that they have been seeing a large increase in Lyme disease in dogs.

Council Discussion:

Mr. Ambrozaitis asked Mr. DeVoe about the effectiveness of the large reflective mirrors.

Lance DeVoe, Park Ranger II and Environmental Education Center Coordinator, responded that other communities reported seeing a fifty to seventy percent reduction in deer the first couple of years utilizing large reflective mirrors, which then decreased in following years. He reported that the reflector system costs anywhere from \$7,000.00 to \$10,000.00 per mile and the cost would be approximately \$30,000.00 for a deer-proof fencing.

Mr. Ambrozaitis inquired if any State grants are available to help with this.

Mr. DeVoe responded that he was not aware of any grants. He clarified that the recommendations made to Council were done so realizing there is a financial component involved. However, if money was available, from a public safety standpoint, his recommendation would be to use the deer proof fencing along areas of road with a high concentration of car-deer accidents.

Mr. Ambrozaitis stated that he would support an Ordinance banning the feeding of deer and questioned whether Mr. DeVoe thought that would help.

Mr. DeVoe stated that such an Ordinance would definitely help and should be the first thing implemented.

Council discussed the pros and cons and guidelines of allowing bow hunting or utilizing sharpshooters, as well as other possible options such as education, signage, reflectors and fencing.

Mr. Brennan expressed concern regarding Oakland University's lack of interest in controlling the deer population.

President Hooper - stated that the goal is to reduce the herd not eliminate the herd and that the deer population is seven times what the City can support.

A motion was made by Webber, seconded by Pixley, that City Council receives the report and directs the Administration to draft individual implementation plans within thirty days for the six items listed in the report. The motion CARRIED by the following vote:

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

Nay 1 - Rosen

Enactment No: RES0366-2008

Resolved, that City Council receives the report and directs the Administration to draft individual implementation plans within thirty days for the following six items listed in the report:

1. Enact a citywide wildlife feeding ban ordinance to eliminate feeding stations for deer. This could deter deer from grazing on neighborhood vegetation on their way to these feeding stations and reduce the supplemental food supply that encourages population increases.
2. Provide an increased educational component on fencing options and repellants for homeowners to help them protect their property from deer damage. This could include packets of information, website information, programs at the Environmental Educational Center (EEC) or at homeowner association meetings, newspaper articles, etc.
3. Make improvements to the city's signage warning motorists of deer crossing areas that could potentially reduce deer-vehicle collisions.
4. Impose a three-year moratorium beginning October 1, 2008, on our bow-hunting ordinance and follow the MDNR guidelines for private property only. This could be used on a trial basis to determine its effectiveness. No hunting would be allowed on city property.
5. Continue to conduct a yearly flyover to count the deer population and evaluate the effectiveness of the programs.
6. Continue to monitor the deer-vehicle collisions in our community by using data from SEMCOG.

(Recess at 10:21 p.m. to 10:33 p.m.)

2008-0371 Request for Authorization to remove trees within a Tree Preservation Easement

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

Ed Anzek, Director of Planning and Development, introduced Dr. Bielkie, Mark Kadian, Esq., and Derek Stratelak of King and McGregor Environmental.

Mr. Kadian, speaking on behalf of Dr. Bielkie, explained that they were here to request City Council's authorization for the removal of trees within the tree preservation easement on Dr. Bielkie's property. He pointed out that they have been working with City staff over the past year relative to the process and

procedure to address the trees that had been previously removed from the Conservation Easement. He impressed upon Council the number of trees that Dr. Bielkie was prepared to replace, as well as the contribution to the tree fund to make up the difference in the overall caliper of trees.

Mr. Stratelak explained that last fall Dr. Bielkie contacted his firm to obtain their professional expertise and to assist in the process of restoring his property. He explained the plans being presented before Council and commented that they were able to take advantage of this opportunity to reestablish the tree canopy to an environment better than what was previously there. He indicated that this extensive plan was submitted to, and approved by, the Michigan Department of Natural Resources.

Discussion ensued among the Council members relative to their concern that they would be setting a precedent based on this situation. They expressed appreciation for Dr. Bielkie's attempt to restore the property, albeit after the fact.

A motion was made by Rosen, seconded by Ambrozaitis, to deny the request by Resolution. The motion CARRIED by the following vote:

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

Nay 2 - Hooper and Yalamanchi

Enactment No: RES0249-2008

Resolved, that the Rochester Hills City Council declines to authorize the tree removal within the Tree Preservation Easement granted to the City of Rochester Hills on April 28, 2004, as part of the Butler Ridge No. 2 Plat approval.

2008-0141 Request to Adopt the Amended Engineering Design Standards and Detail Sheets

Attachments:

[Agenda Summary.pdf](#)
[Memo Casey 071408.pdf](#)
[Cover Sheet.pdf](#)
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[CC Questions.pdf](#)
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President Hooper explained that this item has been before Council several times and has gone before the Mayor's Business Council subcommittee as requested.

Paul Davis, City Engineer, confirmed that the two standards: the proposed change from a ten-year to a twenty-five-year storm event, and the proposed changes to how fire flow rates are applied, have been brought before, and received approval from, the Mayor's Business Council subcommittee.

Mr. Pixley expressed his appreciation for the work the City's staff has done, as well as the opportunity given to the Mayor's Business Council to weigh in on this matter.

Mayor Barnett stated that the Mayor's Business Council was pleased to be asked for their professional input relative to this matter and shared their desire to be given this opportunity again in the future.

Mr. Rosen questioned if the twenty-five year storage requirement is for the county drains or for individual retention ponds such as for businesses and subdivisions.

Mr. Davis responded if a development discharges directly to a county drain, the county has jurisdiction and will require one hundred year storage volume, the twenty-five year storage requirement is for the remainder of the properties that do not have direct discharge to a county drain.

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

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

Enactment No: RES0245-2008

Whereas, the Rochester Hills City Council adopted the existing engineering design standards and specifications in February 2003. Materials and installation methods have since changed; and

Whereas, the Storm Water Management standards were completely rewritten in order to comply with the National Pollutant Discharge Elimination System (NPDES) Phase II rule; and

Whereas, other engineering design sections were reviewed and changes are proposed per the Engineering staff; and

Whereas, if a site plan is currently under review and is technically compliant, it will be grandfathered into the previously approved Design Standards; and

Whereas, future site plan submissions will be expected to follow the updated standards immediately after formal acceptance by City Council; and

Whereas, the Department of Public Service recommends that the Rochester Hills City Council adopt the proposed amendment of Engineering Design Standards and Detail Sheets; and

Now Therefore Be It Resolved that the Rochester Hills City Council adopts the Engineering Design Standards and Detail Sheets to become effective immediately.

2008-0346 Request for Purchase Authorization - DPS: Blanket Purchase Order for Road Salt in the amount not-to-exceed \$182,545.00; Detroit Salt Co., Detroit, MI

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

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

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

Enactment No: RES0246-2008

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order to Detroit Salt Co., Detroit, Michigan for the purchase of road salt in the amount not-to-exceed \$182,545.00 through July 1, 2009.

2008-0369 Request for Purchase Authorization - DPS/ENG: Increase Blanket Purchase Order for Underground Utility Repairs in the amount of \$76,000.00 for a new not-to-exceed total of \$131,105.10; DiPonio & Morelli Construction Company, Milford, MI

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

Roger Rousse, Director of DPS/Engineering stated the Crooks Auburn development was just over two years old. The two-year performance guaranty expired in October. The issue with the sewer line was identified in December requiring the City to make repairs. He stated that this is an example of why the City has purchased camera equipment to inspect sanitary sewers prior to the expiration of the two-year guaranty period for these projects.

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

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

Enactment No: RES0247-2008

Resolved, that the Rochester Hills City Council hereby authorizes the increase of the Blanket Purchase Order for underground utility repairs to DiPonio & Morelli Construction Company, Milford, Michigan, in the amount of \$76,000.00 for a new not-to-exceed total of \$131,105.10.

COUNCIL COMMITTEE REPORTS

Mr. Rosen reported that he and Mr. Yalamanchi participated in the Older Persons' Commission Board strategic planning and visioning process.

ANY OTHER BUSINESS

Mr. Yalamanchi inquired as to when they would received an update on the analysis report that had previously been requested on the property at Adams and Hamlin roads.

President Hooper stated Mr. Ed Anzek would be getting back to City Council with this information. He then reported that the July 28, 2008 meeting was cancelled and that the next meeting would be on Monday, August 4, 2008. He also stated that this would be the Mayor's presentation of the Budget and that City Council would have a special work budget sessions on Monday, August 18, 2008 and Monday, August 25, 2008 beginning at 5:30 p.m.

NEXT MEETING DATE - Regular Meeting - Monday, August 4, 2008 - 7:30 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:35 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*CHRISTINE A. WISSBRUN
Administrative Secretary
City Clerk's Office*

Approved as presented at the December 15, 2008 Regular City Council Meeting.