



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, October 19, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:00 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:

*Bryan Barnett, Mayor
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Susanna Jang, Representative, Rochester Hills Government Youth Council
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

Sean Donovan, 1394 Springwood Lane, inquired when the recommendations by The Deer Management Advisory Committee (DMAC) would be on City Councils' Meeting Agenda. He urged City Council to approve and implement the recommendations by the DMAC as soon as possible to take advantage of the positive impact during the deer/vehicle crash (DVC) season. He

commended Oakland County for the placement of deer awareness signage along roads throughout the City and Oakland University for cutting the brush at the intersection of Adams and Avon Roads for clearer visibility.

Monique Balaban, 1487 North Livernois, stated her differing opinion regarding the Southeast Michigan Council of Governments' (SEMCOG) Deer/Vehicle Crash statistics for Rochester Hills. She encouraged the approval and implementation of the recommendations by the DMAC and suggested that the City's residents take a more deer-tolerant position by making use of deer deterrent gardening products.

Alice Benbow, 1582 Northumberland, shared that she had attended the Older Persons' Commission (OPC) Candidate Luncheon and expressed her concern about the OPC staff's promotion of some of the candidates. She indicated that the OPC is a non-profit organization and should not tolerate political discussions by the OPC staff with the patrons at the luncheon. She urged local government officials and residents to pursue more in-depth research regarding the use of the Swine Flu Vaccines.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper, in response to the DMAC questions under the Public Comment portion of the City Council Meeting, stated that City Council has received the Deer Management Advisory Committee's report and the Administration is currently putting together an implementation plan based on DMAC's recommendation to present to Council for approval.

Mr. Brennan announced the Annual Brookwood Subdivision's Make A Difference Day Flea Market on Friday, October 23, 2009 from 4:00 p.m. to 8:00 p.m. There is a Four Dollar (\$4) entrance fee and on Saturday, October 24, 9:00 a.m. to 4:00 p.m., admission is free. He stated that the proceeds from this flea market would go to the Baldwin Soup Kitchen, the Michigan Chapter of National Multiple Sclerosis Society, Juvenile Diabetes Research Foundation International, Paint a Miracle and the Women's Fund of the Community Foundation of Greater Rochester.

Mr. Ambrozaitis congratulated The Rochester Girls Golf Team for winning the 2009 Division 1 State Championship.

Mr. Yalamanchi commented on the great success of The Brooksie Way Half Marathon and 5k Event and requested the Mayor to address the numerous residents' noise complaints regarding the Oakland County Sheriffs Office (OCSO) helicopter during the Event.

Ms. Susanna Jang, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC will be assisting with the City's Holiday Family Fun Night and is in the process of outlining project plans for the year.

Mayor Barnett reported on the following:

- He stated that the Brooksie Way Half Marathon, held on October 4, 2009, was very successful and complaints were greatly reduced this year. In response to Mr. Yalamanchi's question about the noise complaints from the OCSO's helicopter, he stated that the OCSO had anticipated approximately 15,000 attendees for the race and aided in the rolling road closures as the race moved throughout the City. The OCSO's overtime was paid for by the participants' entry fees and that he would follow up with the Committee regarding the helicopter noise complaints.
- He commented that the City Administration is moving forward to raise car/deer vehicle awareness and had proclaimed October as Vehicle/Deer Crash Safety Awareness Month. He noted there has been installation of higher retro-reflectivity signage around the City, as well as the large sign posted in front of City Hall on Avon Road to raise motorist alertness to deer crossing the road.
- The Stonewall Pumpkin Festival, held on October 17, 2009, was attended by 4,500 people, 1,900 pumpkins were purchased, 15 organizations provided volunteers and approximately \$18,000.00 was raised.
- The Michigan Municipal League awarded the City of Rochester Hills with the Most Improved Award for the City's 63% improvement of work site safety resulting in the reduction of \$100,000.00 in the premium cost for the next year. He congratulated the City's Safety Committee for not only making the City a safer place to work but at a great cost savings advantage to the City.
- The City of Rochester Hills was reported in Crain's Detroit Business publication as the recipient of an award from the University of Michigan's College of Business for its entrepreneurial efforts for small business growth and retention. He reported that Rochester Hills was the only Oakland County City to be awarded and thanked Dan Casey and his team for their efforts to attract businesses to the City.

ATTORNEY MATTERS

None.

RECOGNITIONS

2009-0401 Proclamation in Recognition of October as Vehicle/Deer Crash Safety Awareness Month

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

Mayor Barnett read the proclamation in recognition of October as Vehicle/Deer Crash Safety Awareness Month.

Presented.

Whereas, the City of Rochester Hills, with its natural beauty, is home to many deer and abundant wildlife; and

Whereas, vehicle/deer crashes are a year-round concern that deserves the attention of the motoring public; and

Whereas, the City of Rochester Hills has established a Deer Management Advisory Committee which serves to review, evaluate and recommend to City Council a solid and effective deer management policy for today and into the future; and

Whereas, through the hard work and dedication of the Deer Management Advisory Committee, efforts are being made to caution motorists of the increased prevalence of deer activity, and subsequent risk of crashes, during the fall mating season; and

Whereas, the City of Rochester Hills is making every effort to keep our motorists safe while maintaining the unique and treasured natural beauty Rochester Hills is known for.

Now, Therefore, Be It Resolved, that the Mayor and City Council of the City of Rochester Hills, hereby proclaim October 2009 as Vehicle/Deer Crash Safety Awareness Month, and encourage all citizens to drive cautiously and carefully, and to be aware of the possibility of deer crossing the roadways.

2009-0426 Proclamation in Recognition of the Military Community Covenant

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

Mayor Barnett read the following proclamation and introduced Captain Brad Caton, the new Pontiac Company Commander of the United States Army and a new resident of Rochester Hills who explained the necessity of strong community support aiding in the transition of soldiers returning from active military duty to civilian life in their home communities.

Presented.

Whereas, the Community Covenant Program is a formal commitment of support by state and local communities to Active, Guard and Reserve Soldiers and their families, and

Whereas, the Community Covenant Program is designed to foster and sustain effective state and community partnerships with the Army to improve the quality of life for soldiers and their families, both at their current duty stations and as they transfer to other states; and

Whereas, the strength of service members comes from the strength of their families, and the strength of families is supported by the strength of the community; and

Whereas, the strength of the community comes from the support of employers, educators, civic and business leaders and its citizens; and

Whereas, it is vitally important that local communities across America be aware of and recognize the sacrifices of soldiers and their families; and

Whereas, while Community Covenant is an Army program, it extends to the other Military Services as well, recognizing that many community efforts support all service members and their families regardless of the uniform they wear; and

Whereas, the City of Rochester Hills recognizes with sincere appreciation the commitment and sacrifices service members and their families are making every day.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills

declare their commitment to building partnerships that support the strength, resilience, and readiness of service members and their families, and hereby support the signing of the Military Community Covenant in partnership with Oakland County and local government officials.

CONSENT AGENDA

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

2009-0357 Approval of Minutes - City Council Special Meeting - August 17, 2009

Attachments: [CC Spec Mtg Min 081709.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0273-2009

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 17, 2009 be approved as presented.

2009-0358 Approval of Minutes - City Council Special Meeting - August 24, 2009

Attachments: [CC Spec Mtg Min 082409.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0274-2009

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 24, 2009 be approved as presented.

2009-0131 Request for Purchase Authorization - DPS/GAR: Increase Blanket Purchase Order for crack sealant material in the amount of \$18,640.40 for a new not-to-exceed amount of \$73,640.40; National Highway Maintenance Systems LTD., LLC, Akron, Ohio

Attachments: [Agenda Summary.pdf](#)
[033009 Agenda Summary.pdf](#)
[Tabulation.pdf](#)
[033009 Resolution.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0280-2009

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order to National Highway Maintenance Systems LTD, LLC, Akron,

Ohio in the amount of \$18,640.40 for a new not-to-exceed amount of \$73,640.40 through November 30, 2009.

- 2009-0389** Request to grant Detroit Edison an overhead easement for the Hamlin Road Relocation Project, for Parcel No. #15-28-226-025

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0275-2009

Resolved, that the City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, MI 48309, hereby grants to Detroit Edison, an overhead easement No. #30141457, for the Hamlin Road Relocation Project, City File #E92-023, Parcel No. #15-28-226-025.

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

NOMINATIONS/APPOINTMENTS

- 2009-0075** Request to correct the term of appointment of Kurt Dawson to the Economic Development Corporation from an expiration date of March 31, 2009 to an expiration date of March 31, 2015

Attachments: [Agenda Summary.pdf](#)
[022309 Agenda Summary.pdf](#)
[Dan Casey CQ.pdf](#)
[Kurt Dawson CQ.pdf](#)
[Bruce Kingery CQ.pdf](#)
[Samuel Seabright CQ.pdf](#)
[022309 Resolution.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0276-2009

Resolved, that the Rochester Hills City Council hereby confirm a correction to the term of appointment of Kurt Dawson to the Economic Development Corporation from an expiration date of March 31, 2009 to an expiration date of March 31, 2015.

- 2009-0402** Request to Confirm the Mayor's reappointments of Allen Decker and Gary Nicks to the Construction/Fire Prevention Board of Appeals for three (3) year

expiring December 31, 2012

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

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

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

Enactment No: RES0277-2009

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointments of Allen Decker and Gary Nicks to the Construction/Fire Prevention Board of Appeals for three (3) year terms expiring December 31, 2012.

NEW BUSINESS

2009-0435 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Rochester Hills Lions Charities, Inc.

Attachments: [Agenda Summary.pdf](#)
[Lions Club Memo.pdf](#)
[IRS Nonprofit.pdf](#)
[Lions Bylaws.pdf](#)
[Articles of Incorporation.pdf](#)
[Lions 990EZ.pdf](#)
[Schedule A.pdf](#)
[Resolution.pdf](#)

Mr. Keith Kennedy, Director of the Rochester Hills Lions Club, introduced himself and **James Banaszek**, Treasurer. He stated that they were present to answer any questions that City Council may have.

Mr. Webber asked if there was a specific fund raiser event regarding the application for the Charitable Gaming License.

Mr. Kennedy responded that they have not planned a specific fund raising event but knew that the license application process with the State of Michigan could be long.

Mr. Yalamanchi thanked Mr. Kennedy and Mr. Banaszek for providing Form 990 for Council's review and requested that the City should require the submission of an organization's Form 990 as part of the application for a Charitable Gaming License.

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

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

Enactment No: RES0278-2009

Resolved, that the request from Rochester Hills Lions Charities, Inc. located at 2706 Norton Lawn, Rochester Hills 48307, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

2009-0419 Request for Purchase Authorization - DPS/ENG: Contract award to complete a Water Reservoir Feasibility Study (Phase I) in the amount not-to-exceed \$49,950.00; Tetra Tech, Inc., Detroit, MI

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

President Hooper announced that he works in the construction industry, has no financial interest in the Project and has not participated in the Request For Proposal process. He stated he would not recuse himself from this matter unless a Member of City Council objects.

Mr. Roger Rousse, Director of DPS/Engineering, stated that in the year 2000, the City experienced a very high water consumption year resulting in a number of complaints about low water pressure in the northwest quadrant of the City. Consequently, the City conducted a fire flow study which identified five areas of water pressure weakness for fire fighting purposes. In 2003, the City experienced a multiple day water system failure due to the failure of the Detroit Water and Sewerage Department (DWSD) System and resulted in the initial proposal of this Project. He reported that preliminary feasibility studies were conducted to determine if large scale water expense cost savings could be beneficial to the City's residents. The Project was approved in November 2005 and then rescinded for consideration of finalizing the City's 30-year contract with DWSD. Earlier this year, the City's contract with DWSD was approved by City Council and the City Administration is returning to City Council, upon the recommendation of the Water and Sewer Technical Review Committee, to consider this Project once again. He stated this proposal is for Tetra Tech, Inc. to conduct a Water Reservoir Feasibility Study to identify potential locations, cost estimations, and to identify potential return on investment benefits. He stated that this is Phase 1 of the Project and that once the Study has been completed, the City Administration would report to City Council with its recommendations regarding the construction of water reservoirs in the City. He then opened the discussion for any questions.

Council Questions:

- Would payment for the Feasibility Study be from the Water and Sewer Fund and if so, how much is the capital reserve account balance.
- Does the City's thirty-year contract with DWSD lock-in the costs and rates for peak and non-peak water usage periods.
- Would the Feasibility Study provide a cost basis for maintenance of any proposed types of water reservoirs.
- Will the Water and Sewer Technical Review Committee review the Feasibility Study results and make a determination for recommendation of proceeding to Phase II before City Council.
- Can any improvements be made to the City's current pumping station capabilities to increase the volume and pressure.

- Why has Tetra Tech, Inc. selected over the other eleven submittals.

Mayor Barnett responded that there is a balance of \$17,900,000.00 in the capital reserve account.

Mr. Rousse stated that the results of the Feasibility Study will be brought before City Council and representatives from DWSD will be present to answer questions regarding the City's 30-year contract rates as related to peak and non-peak water usage and any potential benefits of constructing water reservoirs in the City. He stated that the City's Water and Sewer Technical Review Committee has been involved throughout the contract approval process. He responded that evaluations of initial construction costs and ongoing maintenance costs of the type of water reservoir would have to be part of the considerations of the Feasibility Study. He further responded that the City's pumping stations have been upgraded to the fullest capacity and cannot be adjusted further. He stated that Tetra Tech, Inc. had negotiation experience relative to DWSD, project experience similar in size and complexity to the needs of the City, and presented a fair and reasonable cost rate.

Public Comment:

Scot Beaton, 655 Bolinger Street, commented on the present economic climate and questioned the cost expenditure of conducting a feasibility study regarding water storage. He expressed his doubts as to the stability and existence of the DWSD into the year 3000 and suggested that the construction of water reservoirs in the City would not result in any cost savings to the residents.

Council Comments:

President Hooper expressed interest in reviewing the results of the Feasibility Study and stated that such a report would assist the City Administration and City Council in the determination as to the feasibility of construction of water reservoirs in the City.

Mr. Pixley concurred commenting that because so many of the City's residents are struggling to pay high water bills, the Feasibility Study seems to be a reasonable investment that could produce many answers to the numerous questions regarding the future of water usage rates.

Mr. Rosen commented that stricter enforcement of the City's watering ordinance to control the City's peak usage times and the use of reminder letters to encourage residents to adhere to the watering ordinance would be a cheap and easier cost saving opportunity. He questioned how water reservoirs could have provided the City's residents with water during the power failure in 2003.

Mr. Rousse explained that the City first included notices in the residents' water bills and currently sends out reminder letters regarding the water restrictions in the water ordinance, but no residents have been cited. He then described the City's Supervisory Control and Data Acquisition (SCADA) System which has control valves in the system and can be manually manipulated by City

technicians to direct water from the reservoirs to critical needs areas like nursing homes and hospitals.

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

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

Nay 1 - Ambrozaitis

Enactment No: RES0279-2009

Resolved, that the Rochester Hills City Council hereby authorizes the award of a contract to Tetra Tech, Inc., Detroit, Michigan to complete a Water Reservoir Feasibility Study (Phase I) in the amount not-to-exceed \$49,950.00 and further authorizes the Mayor to execute a contract on behalf of the City.

COUNCIL COMMITTEE REPORTS

Zoning/Sign Board of Appeals:

Mr. Brennan reported that the Zoning/Sign Board of Appeals reviewed a presentation consolidating three businesses' signage into a single sign at the intersection of Crooks and Star Batt Roads.

MR-42E Noise Barrier/Sound Wall:

President Hooper reported that the MR-42E Noise Barrier/Sound Wall Committee had their first meeting on October 13, 2009 and have scheduled the next two meetings for November 10, 2009 and December 8, 2009.

- 2009-0474** Motion to Accept and Agree with The Deer Management Advisory Committee's recommendations to not use lethal methods for deer population control through July 31, 2011

Attachments: [Deer Management Implementation Plan.pdf](#)

Mr. Ambrozaitis requested that City Council discuss and vote on the portion of the Deer Management Advisory Committees' (DMAC) Recommendations that would eliminate lethal methods of deer control. He stated it was his understanding that there is a donor willing to donate money to the City toward implementation of the DMACs' Recommendations.

Mayor Barnett suggested that the anonymous donor's conditions differ from the DMACs' Recommendations and invited Ms. Monique Balaban to clarify the conditions.

Ms. Balaban discussed the anonymous donor's desire to donate \$20,000.00 for use by the City for the installation of non-lethal methods for deer management but with specific conditions.

City Council requested that Ms. Balaban submit a written letter with the conditions for the donation for review by City Administration, City Council and City Attorney Staran.

It was the consensus of City Council to table this motion and to schedule it for placement on City Council's next Meeting Agenda to allow ample time for notification of the DMAC Members and residents.

Tabled.

ANY OTHER BUSINESS

Mr. Yalamanchi requested if further brush clearing could be performed on the east side of Avon Road. He thanked the Safety Committee for the reduction of the City's insurance premium costs and requested that the Safety Committee be recognized for this achievement.

Mayor Barnett responded to Mr. Yalamanchi's request that the brush clearing is in conjunction with the City's two-year commitment with Oakland County's Weekend and Weekday Alternative for Misdemeanants Program. He stated that the requested area is on the list, however, he is not sure when that would be cleared.

NEXT MEETING DATE

Regular Meeting - Monday, October 26, 2009 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:53 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 January 11, 2010 Regular City Council Meeting.