



# Rochester Hills

## Minutes

### City Council Regular Meeting

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

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

*Vision Statement: The Community of Choice for Families and Business*

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

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Monday, July 26, 2010

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:06 p.m. Michigan Time.*

## ROLL CALL

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

## Others Present:

*Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant to the Mayor  
Scott Cope, Director of Building/Ordinance Compliance  
Ron Crowell, Fire Chief/Emergency Management Director  
Paul Davis, City Engineer  
Derek Delacourt, Deputy Director of Planning  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
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 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

## PUBLIC COMMENT

**Alice Benbow**, 1582 Northumberland, stated that she would like to see the City form a committee to hold deputies accountable for their actions and dealings with victims, relating events which she alleged occurred.

**Shawn Cooper**, 3014 Baypoint Drive, commented that while it was discussed at a previous Council meeting that \$8 million could be borrowed from other internal City funds for water reservoir construction, the project estimates are at \$11 to \$14 million. He questioned where the difference in funding for the reservoirs would come from, and how the borrowed monies would be paid back to these City funds. He stated that he requested all Council members make a statement of their neutrality in consideration of water reservoirs, commenting that a statement is relevant due to the size of the expenditure required.

**Donna Kokitka**, 3370 Palm Aire Ct., stated that Council should give careful consideration to those residents who will be impacted by the location of water reservoirs. She commented that Rochester Hills does not have a water usage problem and given the current recession, government should not undertake an expenditure of this magnitude. She questioned whether there are plans for the development of soccer fields in Nowicki Park, commenting that sports fields should be located on the Tienken Road property near Rochester Adams High School, adjacent to all the other school sports fields.

**Siegfried Stern**, 1185 Concord, presented proposed language for a Tree Ordinance amendment to address diseased and dead trees on properties in Rochester Hills. She stated that the City should mandate that existing trees be protected and dead trees removed immediately to protect the structures around them. She commented that an Internet search of adjacent communities showed that many cities require the removal of dead trees.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** responded to Public Comments made with the following:

- In response to questions on water reservoir financing, he stated that one proposal for financing the Water Reservoir project is to borrow money from the City's internal funds and pay this money back with interest to the internal accounts from the Water and Sewer fund.
- He pointed out that the City's Ethics Ordinance is available for public review on the City's website.
- He stated that as he works in the construction industry, he knows most of the contractors and suppliers that the City does business with, and he may also do business with them. He stated that if he believes there is any potential for a conflict of interest, he discloses that fact. In no case does he participate in any of the City's public bidding or discuss any of the City's business with the individual contractors who bid on the projects.
- He stated that he is one-hundred percent sold on the financial merits of water reservoirs in Rochester Hills; however, he is not tied to any particular location and defers to his fellow Council members and the public. If better locations can be suggested, he is certainly open to those locations. He pointed out that the resolution passed by City Council listed selected locations with a priority ranking.

- In response to requests for a Tree Ordinance Amendment, he stated that the City removes dead trees on City property; and he would defer to the City Administration regarding a review of any Ordinance Amendment which would require property owners to remove trees on their own property. He noted that if the City were to introduce an Ordinance to mandate tree removal on private property, it could be deemed as another round of government intrusion into the rights of the private property owner.

**Mr. Pixley** commented that he has no financial interest or relationship with any contractor or subcontractor involved in the Water Reservoir Project.

**Mr. Brennan** stated that he has no financial or personal interest in the Water Reservoir Project. He stated that he is here as a Council Member with the best interests of 70,000 residents in mind.

**Mr. Klomp** stated that he discloses no connections or biases related to water reservoirs that may be constructed in Rochester Hills and is making his decisions based on what is best for the community. He announced that the Rochester Avon Recreation Authority would host a free family movie event at Bloomer Park on Tuesday, August 17, 2010 at 6:00 p.m. The event, "Park-It, Movies in the Park at Bloomer", will feature the film Cloudy with a Chance of Meatballs.

**Mr. Rosen** stated that he has no financial interest in the construction or operation of water reservoirs. He noted that if they are constructed, as a resident he hopes that he and all residents will save money on their water rates.

**Mr. Webber** encouraged everyone to vote in the Primary Election on Tuesday, August 3, 2010.

**Mr. Yalamanchi** stated that he does not have any financial interest or conflict with the Water Reservoir Project. He encouraged residents to make an informed decision and vote, noting that there are questions on the ballot for renewal millages for the Older Persons' Center, Local Roads, Oakland County Community College and the Oakland County Parks.

**Mayor Barnett** stated that he has no financial interest in the Water Reservoir Project or conflict of interest. He noted that in Council training, if a situation arises where a Council member feels there might be a conflict of interest, it is their responsibility to let the Council President know. If no conflict is mentioned, the general assumption should be that there is no conflict in existence. He noted that the City Attorney is asked to comment on potential conflicts. He stated that residents with questions or accusations regarding the actions of Oakland County Deputies should take them to the Oakland County Sheriff's Office (OCSO), as the City does not train deputies or have direct oversight of them. He noted that if items have documentation, the City can follow up on those items with the OCSO leadership. He pointed out that only a conceptual plan exists for Nowicki Park, developed with input by residents after the purchase of the park land. He commented that with the budget situation, unless a grant is secured or funding becomes available, nothing is currently planned for the Park. He mentioned that many sports fields are in City park facilities and are not associated with the schools and stated that it is important that the City provides recreational opportunities for those not involved in the school district. He made the following announcements:

- Informational brochures are available regarding the Local Roads question that is on the primary ballot.
- The Hamlin Road Roundabout is nearing completion.
- Progress is being made on the M-59 Widening Project. Traffic has been switched over to the other side of the freeway and completion is still geared for the end of the year.
- The Tienken Road Bridge project is a couple of weeks behind as difficulties were encountered. Hopefully, the bridge can still be completed before the beginning of the school year.
- The City's Purchasing Department received the 2010 Achievement of Excellence in Procurement Award from the National Purchasing Institute. This is the seventh consecutive year that the City has received this award; it is one of only six communities in the State of Michigan and 56 in the nation to receive this recognition.

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## PRESENTATIONS

2010-0307 Roundabout Presentation; City Administration, presenters

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

*Mayor Barnett stated that the City is approximately ten days to two weeks away from the opening of the first large roundabout in the community. He noted that this will be the seventh roundabout constructed in Rochester Hills and stated that another roundabout is planned for the northern portion of the City. He mentioned that Carmel, Indiana is a community that leads in roundabout experience with 65 and has a goal to eliminate all traffic signals by 2025.*

*Paul Davis, City Engineer, introduced a video highlighting a visit to Carmel by members of the City Administration to review their roundabouts and a video showing how traffic will navigate the roundabout lanes.*

*Following the videos, Mr. Davis discussed how the lanes of the new Hamlin Roundabout will merge to the two-lane roads on the north, south and east. He noted that both videos will be available on the City's website.*

### **Public Comment:**

*Greg Domka, 891 River Bend, commented that he was glad to see the City installing more roundabouts. He questioned how the educational program on their use will be rolled out to the City residents, noting that the first video displayed was not clear to him on how traffic would yield when entering the roundabout. He questioned the savings in installing a roundabout instead of a traffic signal.*

*Mr. Davis responded that vehicles entering the roundabout will have a sign to yield to the traffic in the roundabout and noted that traffic in the roundabout will have the right of way. He stated that the roundabouts incorporate splitter islands and dedicated crosswalks to accommodate pedestrians. Drivers will be required to yield to pedestrians within those crosswalks. He commented that the \$150,000 savings noted is between the installation of a roundabout versus the installation of a new traffic signal. He noted that roundabouts are required to be lit, and the*

*maintenance and energy usage of the lighting versus the cost of signal maintenance could be comparable.*

**Council Discussion:**

**President Hooper** questioned the roadway widening that is required for roundabout installation.

**Mr. Davis** responded that a roundabout has a larger footprint at the intersection; however, he noted that the number of right-of-way acquisitions needed for the Hamlin Road and Livernois intersection decreased when the design changed from a four-lane boulevard to a roundabout.

**Mayor Barnett** noted that the cost for the roundabout intersection was about \$800,000 less than the boulevarded intersection. He commented that Carmel had substantial interior landscaping for their roundabouts.

**Mr. Davis** noted that Carmel, Indiana owns their own roads and can do what they wish with their landscaping. Livernois is owned by the Road Commission for Oakland County (RCOC) and they decide what is acceptable for landscaping.

**Mr. Yalamanchi** questioned whether all Carmel's roundabouts are two-lane, what is proposed for the Tienken and Livernois Road intersection, and how the visually impaired or wheelchair-bound pedestrian will be accommodated. He commented that the City should be proactive and questioned whether the intersection at Auburn and Rochester Road has been reviewed for a possible roundabout.

**Mr. Davis** responded that Carmel has both single-lane and two-lane roundabouts. He noted that the proposed Tienken roundabout will be similar to the Hamlin Road Roundabout with two lanes. He reported that the RCOC is currently studying two cases regarding activated signals for roundabouts and will install one Hawk system and one rapid-flashing beacon signal at two existing roundabouts to test their effectiveness. The Michigan Manual for Uniform Traffic Control Devices does not currently require push-button activated signals at roundabouts. He noted that difficulties are being addressed on how vehicles exiting the roundabouts can be controlled for pedestrians. He commented that the Master Thoroughfare Plan did review the Auburn and Rochester Road intersection; however, he noted that both Auburn and Rochester Roads are owned by the Michigan Department of Transportation. Any improvements to that corridor will require the appropriate funding.

**Mr. Rosen** requested an explanation on the differences between roundabouts and traffic circles.

**Mr. Davis** responded that traffic circles function opposite to how a modern roundabout is designed. The roundabout slows traffic as it enters and flows approximately 15 to 25 miles per hour after the yield. Traffic entering yields to traffic inside the roundabout. A traffic circle provides a high-speed entry as traffic inside the circle must yield to those entering. He stated that nobody is currently constructing traffic circles as there are safety benefits realized from slowing vehicles down.

**Mr. Rosen** questioned roundabout safety in the event that a vehicle does not slow for the roundabout and becomes airborne. He commented that landscaping could stop a vehicle if it runs the roundabout. He expressed concern for the amount of land required for a two-lane roundabout and questioned whether an intersection such as Tienken and Livernois, with the bulk of traffic coming through only three directions, would function better with a one-lane roundabout.

**Mr. Klomp** questioned how the lighting of roundabouts is determined. He noted that a power outage would not paralyze traffic like an intersection would with no functioning traffic lights. He requested an explanation of an "unbalanced roundabout". He noted that he travels through two roundabouts on his way to work which function very efficiently; however, he stressed that many residents are still not comfortable with them.

**Mr. Davis** responded that lighting requirements follow American Association of State Highway and Transportation Officials (AASHTO) guidelines. He noted that roundabouts are not always the solution, and each intersection is reviewed on a case-by-case basis. He commented that when one through-road has significantly more traffic than the other, it is most likely not a location feasible for a roundabout. He pointed out that Tienken and Livernois will benefit from a roundabout because of the heavy left-turn demands at that intersection and noted that the RCOC's consultant believes there are benefits to a two-lane roundabout at that location.

**President Hooper** questioned whether signage will be placed at all four entry points for the roundabouts. He mentioned that Carmel's roundabouts do not appear lighted.

**Mr. Davis** responded that all entry points will have signage and stated that Carmel chose to have limited lighting for their roundabouts.

**Mayor Barnett** commented that the informational video on Carmel, Indiana has been forwarded to the RCOC for their input and stated that the Administration hopes to have roundabout design that will be reflective of the community.

**President Hooper** stated that he attended the Tienken Road Widening Informational Meeting held last week and will see that the City does everything possible to ensure bicycle and pedestrian safety. He questioned whether the RCOC could use Hamlin and Livernois as a test case for the safety systems.

**Mr. Davis** stated that the Hamlin Road Roundabout design included changes to allow the incorporation of a Hawk system at a future date. He mentioned that at some point after study, the decision could be made to upgrade and incorporate the system.

**Presented.**

## **ORDINANCE FOR ADOPTION**

**2010-0289** Acceptance for Second Reading - an Ordinance to amend Sections 118-98 and Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to eliminate the Noncontiguous Historic District identified as 1585 South Rochester Road, Parcel No. 15-23-300-035 (Formerly 15-23-300-001), and repeal conflicting Ordinances

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Suppl Noncontiguous District Map.pdf](#)  
[Suppl Presentation 071210.pdf](#)  
[Suppl Resolution 071210.pdf](#)  
[071210 Agenda Summary.pdf](#)  
[Final HDSC Report.pdf](#)  
[SHPO Review Ltr 032310.pdf](#)  
[SHPO Staff Comments.pdf](#)  
[Minutes PC 030210.pdf](#)  
[Minutes HDSC 021110.pdf](#)  
[WWRP Ltr 070110.pdf](#)  
[Finnicum Brownlie Arc Ltr 063010.pdf](#)  
[Staff memo HDSC 061010.pdf](#)  
[Draft FINAL HDSC Report 051810.pdf](#)  
[1585 History.pdf](#)  
[HDSC Memo 050710.pdf](#)  
[Resolution CC 041210.pdf](#)  
[Agenda Summary 041210.pdf](#)  
[Memo HDSC Summary 030310.pdf](#)  
[Memo HDSC Museum 102909.pdf](#)  
[Ltr Kidorf Comments 020810.pdf](#)  
[Resolution CC 092809.pdf](#)  
[Minutes HDSC 111209.pdf](#)  
[Minutes CC 092809.pdf](#)  
[Minutes HDSC 121009.pdf](#)  
[Preliminary Report 112509.pdf](#)  
[Museum Documentation.pdf](#)  
[WWRP Ltr 082809.pdf](#)  
[Tab A Exterior Photos.pdf](#)  
[Tab B Survey Sheets.pdf](#)  
[Tab C Survey Report Excerpt.pdf](#)  
[Tab D Finnicum Brownlie Credentials.pdf](#)  
[Tab E Finnicum Brownlie Ltr 080609.pdf](#)  
[Tab F Rewold Restoration Report.pdf](#)  
[Tab G Restoration Scope of Work.pdf](#)  
[Tab H 2007 Water Bills.pdf](#)  
[Tab I Interior Photos.pdf](#)  
[Tab J JDC Minutes Excerpt 110807.pdf](#)  
[Tab K Incident Reports.pdf](#)  
[Tab L 1805 S Rochester Prelim Report.pdf](#)  
[120209 HDSC Memo.pdf](#)  
[110409 MDOT Rochester Widening History.pdf](#)  
[100209 HDSC Memo CC Motion.pdf](#)  
[092809 Agenda Summary.pdf](#)  
[Resolution.pdf](#)

***President Hooper*** noted that this is the Second Reading for Adoption of the Ordinance Amendment to delist the property at 1585 S. Rochester Road.

**Public Comment:**

***Kim Barno***, 891 River Bend, stated that in light of the fact that public records reveal that political contributions were made to Mr. Brennan's recent campaign for Oakland County Probate Court by individuals involved with this delisting, she

felt that he should withdraw from voting on this item. She further stated that if Council Member Brennan were to abstain from voting, the potential was there for a three-to-three tie. She requested that if Mayor Barnett were asked to break this tie, that he would vote against the delisting.

**Carol Donovan**, 1394 Springwood Lane, stated that Council's July 12, 2010 four-to-three vote to delist was free-reign for the developer to tear the house down. She noted that the Historic Districts Study Committee (HDSC) and the State Historic Preservation Office (SHPO) recommended against delisting. She commented that Council is doing a disservice by allowing the developer to state he will do nothing with the house if it is not delisted, stating that the City's Ordinance is straightforward in requiring a duty to maintain and repair the property. She pointed out that Mr. Gilbert should have been asked why he bought the property ten years ago if no adaptive reuse for the structure existed.

**Martha Black**, 2408 Jackson, requested Council table the delisting until August 30 to allow the community to gather money to put the house back into repair. She questioned why the house was not incorporated into the Planned Unit Development (PUD) from the onset, stating that it is too important of a resource to let go and could bring revenue to the City. She suggested that the home could be incorporated into the storefronts, creating a Mackinac Island-style of development. She stated that she knows of an attorney and an accountant who are interested in the project.

**Alice Benbow**, 1582 Northumberland, stated that there is a conflict of interest. She displayed campaign contribution sheets pointing out several individuals who have made political contributions. She commented on the City Attorney's contract as well, noting that he receives more than the City of Birmingham's attorney. She stated that spot-zoning was being allowed and that Council ignored the HDSC's recommendation.

**Paul Miller**, 1021 Harding, stated he was disappointed to see this item come for a second reading, and questioned whether Council would demolish all vacant foreclosed homes and rezone all current vacant residential property to commercial. He commented that he wholeheartedly supports Ms. Black's suggestion to give the community time to preserve the home. He stated that the property has already been listed for sale as commercial vacant property.

#### **Council Discussion:**

**President Hooper** requested the City Attorney discuss what would occur if a three-three tie vote resulted.

**City Attorney John Staran** responded that a three-three vote would result in no decision and the matter would not be approved. He noted that the Mayor does not have a vote.

**President Hooper** stated that all campaign contributions are reported and are online for any candidate in Oakland County. He stated that campaigns are expensive to run, and he appreciated anyone that contributed to his campaign; however, contributors are not buying his vote. He commented that if this



*Second Reading is successful, he believed the applicants would be more than happy to have someone buy the home. He requested that the applicant come forward to comment on his immediate plans for the property.*

**William Gilbert**, G&V Investments, stated that there is no timetable to do anything with the house. He commented that the couple who previously expressed interest in purchasing the home undertook a three- to four-week investigative process. He stated that he would agree tonight, if requested, to wait several months before proceeding to see if there is a grassroots effort that will come forward; however, he did not believe there was any possibility for a million dollars to be raised in a short period of time. He pointed out that G&V Investments received only one Demolition by Neglect notice several years ago, addressed those concerns, and has received nothing since to indicate that they have not been in compliance. He stated that he has contributed to many campaigns across political lines and to many Council members over the past thirty years.

**Mr. Rosen** commented that as he had stated at a prior meeting, he did receive a campaign contribution from the applicant's attorney, John Gaber; and noted that Mr. Gaber also contributed to his opponent. He stated that a campaign contribution does not sway his judgment and pointed out that he supported the HDSC's recommendation. He pointed out that preservation of the house influenced his vote on the PUD.

**Mr. Brennan** stated that he is a Candidate for the Oakland County Probate Court and has had a fund raiser event. He noted that the reporting date for contributions pre-primary was due this past Friday and is online through the Michigan Secretary of State. He stated that there was no express or implied agreement that if someone attended his fund raiser, he would look favorably on them. He commented that he wants to maintain the integrity of the office and has no intention of disqualifying himself from this item or rescinding his vote. He stated that there are many citizens and business people in the community who are glad to support good, credible people to run for office. He noted that the contributions mentioned were all within the law and were not in violation of any rule. He stated that it is his belief that Council made the right decision in voting for delisting.

**Mr. Klomp** stated that he knows Mr. Gilbert and stated that he was allowed to put a campaign sign up on G&V-owned property. He commented that when he took the position on City Council, he intended to vote his conscience. He commented that he respects the HDSC's professional opinion; and as an elected official, he does not see a reason to go against their report. He commented that the City needs to continue to respect one another to be respected themselves.

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

**Aye** 4 - Brennan, Hooper, Pixley and Webber

**Nay** 3 - Klomp, Rosen and Yalamanchi

Enactment No: RES0175-2010

**Resolved**, that an Ordinance to amend Sections 118-98 and Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to eliminate the Noncontiguous Historic District identified as 1585 South Rochester Road, Parcel No. 15-23-300-035 (Formerly 15-23-300-001), and repeal conflicting Ordinances is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 6, 2010, the day following its publication in the Rochester Post on Thursday, August 5, 2010.

- 2010-0291** Acceptance for Second Reading - an Ordinance to adopt new Chapter 79, Special Events, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate and require a permit for special events as defined in the Ordinance, repeal conflicting Ordinances and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance \(Revised\).pdf](#)  
[071910 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071910 Resolution.pdf](#)  
[Resolution.pdf](#)

**Mr. Rosen** stated that he is not in favor of allowing sidewalk displays outside of stores, mentioning specific locations where merchandise is on the sidewalk year-round. As such, he would not support this Amendment.

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

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

**Nay** 1 - Rosen

Enactment No: RES0176-2010

**Resolved**, that an Ordinance to adopt new Chapter 79, Special Events, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate and require a permit for special events as defined in the Ordinance, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 6, 2010, the day following its publication in the Rochester Post on Thursday, August 5, 2010.

- 2010-0292** Acceptance for Second Reading - an Ordinance to Amend Section 66-37 of Article II of Chapter 66 Municipal Civil Infractions, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the first repeat violation rates, repeal inconsistent or conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071910 Agenda Summary.pdf](#)  
[071910 Resolution.pdf](#)  
[Resolution.pdf](#)

**Mr. Yalamanchi** requested a clarification on the violation steps before a fine is assessed.

**Scott Cope**, Director of Building/Ordinance Compliance, noted that a \$70 fine is not assessed until the third step in the violation process. Each violation goes through the steps; should a new or different violation occur, the process begins again at the first step.

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

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

Enactment No: RES0177-2010

**Resolved**, that an Ordinance to Amend Section 66-37 of Article II of Chapter 66 Municipal Civil Infractions, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the first repeat violation rates, repeal inconsistent or conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 6, 2010, the day following its publication in the Rochester Post on Thursday, August 5, 2010.

**2010-0293** Acceptance for Second Reading - an Ordinance to Amend Section 134-178 of Article VI of Chapter 134 Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations for signs permitted on office, professional and research premises, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071910 Agenda Summary.pdf](#)  
[071910 Resolution.pdf](#)  
[Resolution.pdf](#)

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

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

Enactment No: RES0178-2010

**Resolved**, than an Ordinance to Amend Section 134-178 of Article VI of Chapter 134 Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations for signs permitted on office, professional and research premises, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 6, 2010, the day following its publication in the Rochester Post on Thursday, August 5, 2010.

**2010-0294** Acceptance for Second Reading - an Ordinance to amend Section 84-16 of Article I of Chapter 84 Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update Zoning Ordinance reference, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071910 Agenda Summary.pdf](#)  
[071910 Resolution.pdf](#)  
[Resolution.pdf](#)

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

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

Enactment No: RES0179-2010

**Resolved**, than an Ordinance to amend Section 84-16 of Article I of Chapter 84 Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update Zoning Ordinance reference, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, August 6, 2010, the day following its publication in the Rochester Post on Thursday, August 5, 2010.

## NEW BUSINESS

**2010-0304** Appointment of Youth Members to the 2010/2011 Rochester Hills Government Youth Council (RHGYC)

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

**Mr. Pixley** summarized the interview process, noting that the Interview Committee consisted of himself, Jane Leslie, City Clerk, Leanne Scott, City Council Coordinator, and current Rochester Hills Government Youth Council (RHGYC) outgoing members Sara Etienne and Jenna Clarkson. He stated that thirty applicants applied for the RHGYC this year and that the selection encompasses a broad cross-section of the community, with districts, schools and grades represented.

**Mr. Rosen** commented that it is not inappropriate for Mr. Brennan to vote on the motion; stating that it should be considered an honor for him to have his son recommended for the RHGYC.

**Mr. Brennan** stated that he is honored to have his son serve as an RHGYC member.

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

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

Enactment No: RES0180-2010

**Resolved**, that the Rochester Hills City Council hereby concurs with the recommendation of the Rochester Hills Government Youth Council (RHGYC) Interview Team and Waives Article II, Membership and Terms, Section 1.a. of the RHGYC Bylaws and Rules of

Procedure to allow the appointment of fifteen (15) members to the RHGYC for the 2010/2011 term;

**Be It Further Resolved**, the Rochester Hills City Council concurs with the recommendation of the RHGYC Interview Team and appoints the following students to the RHGYC for the 2010/2011 term beginning September 1, 2010 and ending August 31, 2011:

<b>Name</b>	<b>High School</b>	<b>Council District</b>
Trip Brennan	Rochester HS	2
Aly Difilippo	Rochester HS	1
Scott Difilippo	Rochester HS	1
Amith Diwakar	International Academy	4
Kaitlyn Forbes	Notre Dame Prep	2
Kelsey Jackson	Stoney Creek HS	2
Susanna Jang	Adams HS	2
Sean Kosecki	Rochester HS	4
Eric LaRose	Notre Dame Prep	3
Harvey Li	International Academy	1
Laisa Magucha	Rochester HS	1
Sresht Rengesh	Avondale HS	1
Rachel Schlagel	Rochester HS	3
Scott Schlagel	Rochester HS	3
Michelle Thorpe	Adams HS	2

**2010-0288** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for emergency underground utility repairs and/or related services in the amount not-to-exceed \$340,000.00 through December 31, 2012; DiPonio & Morelli Construction Company, Milford, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Proposal Tabulation 1.pdf](#)  
[Proposal Tabulation 2.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that he works in the construction industry and knows individuals that work for this firm; however, he had nothing to do with the bid process and has no financial interest in the recommended firm, nor any of the competitors that bid on the project. As such, he sees no reason to recuse himself from voting on this item.

**Roger Rousse**, Director of DPS/Engineering, stated that every three years, a contract is issued to a contractor who can perform emergency repairs in the City. He noted that Diponio & Morelli Construction Company has been used in this capacity for the past few years and been found to provide efficient and professional service.

He listed several repair projects the City had to undertake last year:

- Fair Oak sewer repair
- Spring Hill Plaza sewer repair
- Crooks/Auburn development sewer repair
- Hamlin/Livernois sewer repair
- Avon Road water main repair

*He stated that DiPonio & Morelli is offering additional services for grouting, manhole repairs and sewer lead repairs. So far this year, their services have been utilized at Crooks and South Boulevard.*

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

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

Enactment No: RES0181-2010

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to DiPonio & Morelli Construction Company, Milford, Michigan for emergency underground utility repairs and/or related services in the amount not-to-exceed \$340,000.00 through December 31, 2012.

**2010-0305** Request for Adoption of Charitable Gaming License Policy

**Attachments:** [Agenda Summary.pdf](#)  
[Charitable Gaming License Policy.pdf](#)  
[Resolution.pdf](#)

**Mr. Yalamanchi** stated that he wished to thank City Attorney Staran and Leanne Scott, City Council Coordinator, for working with him in developing a draft Charitable Gaming License Policy for City Council's consideration.

**Mr. Webber** thanked Mr. Yalamanchi for his efforts in bringing a draft policy forward, and questioned what has been required by the City and the State in the past for approval.

**John Staran**, City Attorney, stated that part of the process of approval by the State for a Charitable Gaming License is a resolution of recognition of non-profit status from the local community. He stated that the State does not provide any guidance to the local community and places the burden on the community, who is most familiar with the requesting organization, to advise the State in issuing the license. He stated that the draft policy includes approximately ninety percent of the information that the State requires for the license application process, and noted that the draft policy incorporates a few additional items of information which Council has requested over the past year or more.

**Mr. Webber** questioned whether the policy is more of a guideline in terms of what the applicant is required to provide and will not limit Council's action if not every item is provided. He noted that most organizations applying are trying to do great work in the community and he would not like to see a request denied on a simple technicality. He questioned whether the City is raising the requirements higher than necessary.

**Mr. Staran** responded that the draft policy is intended to provide guidance and will not limit Council. More so, an organization that might be denied will be allowed to reapply as the requirements are satisfied.

**Mr. Pixley** questioned whether Item 1D in the draft policy relating to asset distribution to the City upon dissolution of an organization is necessary.

**Mr. Staran** responded that this statement of asset distribution is required by State Law. He reviewed the items in the draft which go above what is required by State Law:

- Item 1J: A resolution from the Board of Directors of the organization authorizing the application for a gaming license. This is to ensure that the Board of Directors of the organization are aware of the application and the individuals coming before Council with their request are authorized by the organization to do so.
- Item 3: Some standards/criteria are included to assist Council and govern their decision.

He stated that the remainder of the draft policy includes information that the State currently requires.

**Mr. Pixley** questioned Item 1E and questioned whether the City could request a Form 990 versus having the organization submit a copy of the check register, and whether the City could ask for a current 501(C)(3) Status.

**Mr. Staran** stated that Item 1E mirrors State Law language. He stated that the organization should supply some type of reliable revenue and expense operating statement.

**Mr. Klomp** questioned whether the adoption of a policy would create an arbitrary element to the approval process where an applying organization submitting all the information has grounds to say they have a right to receive the approval.

**Mr. Staran** responded that the intent is to have a policy as to what information the City will require and provide some criteria for determination. The policy itself does not determine whether someone is approved or not, and approval will be left entirely to Council's discretion.

**Mr. Rosen** questioned the list provided of the approvals granted in the past and whether these organizations are still in existence.

**President Hooper** noted that there is no process to track the approval once granted.

**Jane Leslie**, City Clerk, noted that once approved, the resolution is sent on and the organization applies for the license through the State. Organizations receiving the Charitable Gaming Licenses are limited to the number of events they can have each year, and they must continue to meet the criteria set by the State.

**Mr. Rosen** commented that the City is bestowing a badge of legitimacy on these organizations in granting approval and stated that the draft policy is good because it goes a long way to guiding Council as to what is legitimate and what is not.

**Mr. Yalamanchi** noted that the Internal Revenue Service added additional requirements for non-profit organizations in 2007. For example, non-profits must have three board members. The State is looking at the City of Rochester Hills and noting their approval; once granted, these events can be held anywhere in the state. The City should let the non-profit know what its expectation is of them and make it known to them that the City follows a standard policy and does not make its decisions in an arbitrary manner.

**Mr. Webber** stated that he will support the adoption of a policy and commented that he would assume that requests will not reach Council's agenda until all the criteria for submission are met; however, he noted the requirement of information regarding age and viability of the organization and commented that he is uncomfortable in making judgment on the viability of an organization.

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

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

Enactment No: RES0182-2010

**Whereas**, from time to time, the Rochester Hills City Council receives requests from local civic organizations who, in connection with charitable gaming license applications, ask the City Council to pass a resolution recognizing the organization as a nonprofit organization operating in the community; and

**Whereas**, to guide and assist the City Council in making informed, thoughtful and consistent determinations concerning such requests, the City Council desires to establish a policy governing the handling and determination of requests from local civic organizations for resolutions of recognition in support of their charitable gaming license applications.

**Therefore, Be It Resolved**, that the Rochester Hills City Council hereby adopts the Charitable Gaming License Policy as presented.

## COUNCIL COMMITTEE REPORTS

*None.*

## ANY OTHER BUSINESS

**Mayor Barnett** addressed a comment made earlier in the meeting by an individual that the City Attorney is paid more than double what the City of Birmingham's attorney is made, noting that research revealed that Birmingham pays \$543,000 per year for City Attorney services, approximately sixty percent more than Rochester Hills does.

## NEXT MEETING DATE

*Regular Meeting - Monday, August 9, 2010 - 7:00 PM*



## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 9:25 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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

*Approved as presented at the September 27, 2010 Regular City Council Meeting.*