



Rochester Hills

Minutes - Draft

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, December 15, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:31 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
Dan Casey, Manager of Economic Development
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Derek Delacourt, Deputy Director of Planning
Aly DiFilippo, Rochester Hills Government Youth Council Representative
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Julie Jenuwine, Director of Finance
Pam Lee, Director of Human Resources
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made that the Agenda be Approved as Amended changing Legislative File 2008-0560 to reflect Nomination/Appointment for one (1) Citizen Representative to the Trailways Commission for a four-year term to expire December 31, 2012; adding Legislative File 2008-0679, Nomination/Appointment for one (1) Citizen Representative (alternate) to the Trailways Commission for a four-year term to expire December 31, 2012; amending Legislative File 2008-0676 to reflect a Request for Authorization to appoint a representative petitioner on behalf of the City of Rochester Hills in the MDEQ Stormwater Permit Contested Case; adding Legislative File 2008-0676, Request for Authorization for the engagement of Secrest Wardle Law Firm to represent the City in the MDEQ Stormwater Permit Contested Case; and moving Legislative File 2008-0669, Discussion pursuant to Councilman Yalamanchi's request that amendments to the Fiscal Year 2008 Budget, excluding Capital Expenditures, be presented with offsetting reductions in the Operating Budget, to follow Legislative File 2008-0661, 2008 4th Quarter Budget Amendment/Appropriations. The motion CARRIED by the following vote:

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

PUBLIC COMMENT

Upon the request of Mr. William Black, Council consensus was to allow three minutes thirty seconds for each public comment.

William Black, 2408 Jackson Drive, Rochester Hills, Michigan stated he was opposed to deer culling and requested that any culling action scheduled be postponed. He suggested a committee be formed consisting of both elected officials and citizens to review this decision, as well as alternatives.

Bill Bidwell, 2055 Avoncrest, expressed his concern with the events that occurred at the July 21, 2008 Regular City Council meeting where broadcast of his public comment regarding a proposed cellular tower at West Middle School was terminated. He also stated that any videos of Council meetings should not be edited. He commented regarding the fact that funds were found to hire an Assistant to the Mayor during a contracted economy.

Kevin Finn, 820 Dunedin, stated that he was not in favor of deer culling and requested that Council look at a more sustainable solution. He stated he would volunteer his time to serve on a committee to study this issue.

Martha Black, 2408 Jackson, stated she understood concerns over car-deer accidents; however, she does not favor a culling operation. She commented that the deer will eventually migrate north into more rural areas and requested Council suspend any culling plans. She stated that she is gathering signatures and would present a petition to Council at a later date.

Joseph Podvin, 825 Dunedin, stated he was not in favor of sharpshooters culling the deer herd and expressed his concern that snipers or sharpshooters should not be used within the City except in times of terrorism. He related suggestions for alternatives and stated a coalition of volunteers, civic organizations and SEMCOG should be involved.

Craig Bauman, 2440 Jackson Drive, stated that he moved to Rochester Hills ten years ago because of open spaces and wildlife and commented that he believes in the preservation of wildlife. He requested Council support a proposal which does not include deer culling.

Deanna Hilbert, 3234 Quail Ridge, commented that her property adjoins the Clinton River and she has noticed that the deer herd has decreased significantly this year most likely the result of disease. She requested Council re-evaluate the deer population, rather than begin a culling activity.

Alice Benbow, 1582 Northumberland Drive, stated that she wished to be included on a Citizens Advisory Committee for Police. She questioned why City e-mail was being used with respect to precinct delegate information on Oakland County's election website.

Pat Somerville, 3250 Walton Boulevard, commented that she was against Council's ban on deer feeding and also against any deer culling.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper responded to Ms. Benbow's comment stating that there is no separate Citizen Advisory Committee on Police and that the existing committee was the Police and Road Funding Technical Review Committee.

Mr. Brennan wished everyone a great and safe holiday.

Mr. Ambrozaitis wished everyone a Merry Christmas. He stated that these are tough economic times and that the City will get through the difficulties.

Mr. Pixley extended his holiday wishes, and encouraged everyone to identify a designated driver and celebrate responsibly. He thanked President Hooper for his leadership this year.

Mr. Rosen commented that he had been contacted seeking his support for a helmet law modification in Michigan, and stated that he could not support such a helmet law. He expressed his holiday wishes.

Mr. Webber also expressed his holiday wishes. He stated that he appreciated the tone of the public comment and was willing to review proposals for deer population control. He commented that any committee convened should include those both for and against culling, as he has had contact from those on both sides of this issue.

Mr. Yalamanchi stated that he would support a committee to evaluate the recommendations for deer population control.

Aly DiFilippo, Rochester Hills Government Youth Council (RHGYC) Representative, stated that the Youth Council would be caroling at Mercy Bellbrook on Friday, December 19, 2008. She stated that the RHGYC was in

the planning stages for a "senior prom", a 5K Run/Walk, and would attend the Michigan Municipal League conference in March.

Mayor Barnett related the following:

- *The Mayor's office has been tallying recent phone calls on the deer issue and received four calls for culling, and six calls against culling; twelve e-mails in support of culling and eleven e-mails against culling. He commented that this continues to be a relatively split issue.*
- *In response to Ms. Benbow's question, he stated that he uses a separate personal e-mail address for precinct issues and if his office e-mail was on any website, it was listed in error and he would have it corrected.*
- *The Mayor thanked Council for a fantastic year and stated it had been a great year of cooperation.*
- *He announced City Hall's shortened work schedule for next two holiday weeks and stated that residents should note these shortened hours when planning to make tax payments prior to the end of the calendar year.*
- *Regarding the Single Trash Hauler for Rochester Hills, he cautioned residents to not pay any current haulers, other than Allied Waste, for service after March 31, 2009. He stated that the City's website includes a phone number for residents to call if they have questions.*
- *He announced that the Harding Road property has been purchased with Green Space monies and is now in the City's bank of accessible public properties.*

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

CONSENT AGENDA

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

2008-0653 Approval of Minutes - City Council Special Meeting - July 21, 2008

Attachments: [CC Min Special Meeting 072108.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0415-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on July 21, 2008 be approved as presented.

2008-0654 Approval of Minutes - City Council Regular Meeting - July 21, 2008

Attachments: [Resolution.pdf](#)
[CC Min 072108.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0416-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 21, 2008 be approved as presented.

2008-0460 Approval of Minutes - City Council Special Meeting - August 4, 2008

Attachments: [CC Min Special Meeting 080408.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0417-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 4, 2008 be approved as presented.

2008-0461 Approval of Minutes - City Council Regular Meeting - August 4, 2008

Attachments: [CC Min 080408.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0418-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 4, 2008 be approved as presented.

2008-0462 Approval of Minutes - City Council Regular Meeting - August 11, 2008

Attachments: [CC Min 081108.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0419-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 11, 2008 be approved as presented.

2008-0662 Request for Adoption of a Street Resolution to place newly constructed Sierra Boulevard, Columbia Drive, Monterey Lane, Donaldson Road and Shortridge Ave. (Hickory Ridge of Rochester Hills) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

Attachments: [Agenda Summary.pdf](#)
[Hickory Ridge RH Street Map.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0420-2008

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore be it Resolved,

1. That the said streets described as:

Sierra Boulevard, Columbia Drive, Monterey Lane, Donaldson Road and Shortridge Ave. as depicted in the condominium subdivision plan of "Hickory Ridge of Rochester Hills", as recorded in Liber 39289, Pages 410 through 425, Oakland County Condominium Subdivision Plan No. 1938, to the Master Deed of Country Club Village of Rochester Hills, Oakland County Records. Being located within Section 34, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and

3. That said streets are certified as public streets and are for public street purposes, and

4. That said streets are accepted into the City Local Street System, and

5. That said streets are open for traffic on October 29, 2008 and have been constructed according to City standards.

Passed the Consent Agenda

A motion was made by Brennan, 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 separate Motion:

2008-0665 Request for Purchase Authorization - DPS/FAC: Blanket Purchase Order for local, POTS, Centrex and circuits telecommunication services in the amount of \$65,000.00; AT&T Global Services, Lansing, MI

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

Mr. Yalamanchi questioned whether this item concerned 911 lines only and asked how many years were included.

Roger Rousse, Director of DPS/Engineering stated that this purchase request was for one year and included the City's local and 911 lines. He stated that the City receives its long distance through the Michigan CTA Cooperative.

Mr. Rosen questioned whether 911 Service was now entirely through Oakland County.

Mayor Barnett stated that the 911 Call Center itself is now with Oakland County and asked Chief Crowell to address the 911 Service the City does provide.

Ron Crowell, Fire Chief/Emergency Management Director, stated that the City is considered a secondary public safety answering point for 911 Service. In the event that a call comes in for fire or EMS, the call is transferred back to the Fire Department for dispatch.

Mayor Barnett stated that this part of the 911 Service is still required to be provided by the City.

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

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

Enactment No: RES0421-2008

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order to AT&T Global Services, Lansing, Michigan for local, POTS, Centex and circuits telecommunication services in the amount not-to-exceed \$65,000.00 through December 31, 2009.

PUBLIC HEARINGS

2008-0661 2008 4th Quarter Budget Amendment / Appropriations

Attachments: [Agenda Summary.pdf](#)
[2008 - 4Q BA \(Expense Summary\) \(II\).pdf](#)
[2008 - 4Q BA \(Category Breakdown\) \(II\).pdf](#)
[2008 - 4th Qtr Budget Amendments \(II\).pdf](#)
[2008 - 4Q BA \(RARA\).pdf](#)
[2008 - 4Q BA \(OPC\).pdf](#)
[2008 - Budget Adjustments .pdf](#)
[2008 - 4th Qtr Proposed Budget Summary.pdf](#)
[Public Hearing Notice -.pdf](#)
[Resolution.pdf](#)

Julie Jenuwine, Director of Finance, summarized the Fourth Quarter Budget Amendment request, and shared that it is her expectation that when the auditors visit the City in the spring of 2009, the numbers might look even more favorable.

Budget Summary:

- The Operating Budget is projected to decrease \$2.6 million across all funds.
- Capital is proposed to decrease \$5.6 million.
- Transfers have increased \$300,000, net of all funds, due to a surplus in the Fire

Operating Fund transferring to the Fire Capital Fund.

- *The Fourth Quarter Budget relative to the Current Budget (Third Quarter Budget) is reduced by nearly \$8 million.*
- *This summary excludes contributions to Fund Balance.*
- *The original Budget of \$121 million was increased to \$132 million in the Third Quarter. The proposed Budget for the Fourth Quarter is \$124.3 million, a six percent reduction.*
- *The final-to-original Budget represents a 2.7 percent increase, broken down by the following summary:*
 - * *\$3.7 million dollars to Capital Projects*
 - * *\$1.7 million through the Major Road Fund*
 - * *\$1.2 million to Green Space for the purchase of the Harding Road property*
 - * *\$1.3 million carried over from 2007 to 2008 from the DPS Facility*
 - * *\$750,000 due to purchase of five dump trucks in the Fleet Fund*
- *Operating costs have decreased \$2.2 million from the original Budget.*
- *The General Fund decrease from Third Quarter is \$764,040. The current Budget would take approximately \$900,000 from Fund balance. This proposed Budget will contribute \$780,000 to Fund Balance.*
- *Cable Franchising Revenues are increased. Prior estimates of this revenue were low due to County estimates.*
- *Interest income in the General Fund is increased. Prior estimates were lower and these figures have been adjusted back up.*
- *Expenditures have been reduced as a result of vacancies in numerous departments.*
- *The transfer over to the Drain Fund has been reduced due to reduced operating costs of this Fund.*
- *The General Fund Budget is proposed to be \$20,760 over the original General Fund Budget; however these numbers could come in lower at the end of 2008.*

Summary of Individual Funds:

- *Major Road Fund: The Operating Budget for the Major Road Fund is expected to come in \$87,450 less than the Current Budget, with a decrease of \$2,356,460 in capital. This Capital reduction is a result of the timing of the Hamlin Road Right-of-Way Reimbursement and the net effects of some utility costs and relocation reimbursement.*
 - * *Crooks Road Boulevard increased \$700,000 due to condemnation that Oakland County performed that was not anticipated in earlier Amendments*
 - * *Hamlin Road Right-of-Way is projected to be \$1.2 million by the end of the year. Construction is budgeted for next year*
 - * *Operating costs are decreased. There was less catch basin cleaning and a reduction in services and wages in the Traffic area*
- *Local Street Fund shows a decrease of \$52,410 in the Operating Budget, due to less Forestry staff working toward local street efforts, less catch basin cleaning and the carryover of the Sidewalk Replacement Program to 2009.*
- *Fire Department Fund:*
 - * *Proposed Operations decreased \$179,790*
 - * *Increase in the transfer amount to the Fire Capital Fund by \$326,190, meaning operating revenues have been in excess of expenditures.*
 - * *Operating Expenditures and personnel costs have come in less than the budgeted amount*

- * With the additional transfer of \$326,190, there will be a total transfer of approximately \$650,000 to the Fire Capital Fund for 2008*
- Special Police Fund:*
 - * An additional \$33,310 is proposed for Operating Expenses*
 - * The False Alarm Ordinance is bringing in significant revenues. There was no prior history for projections for this revenue*
 - * \$28,710 will be put into Fund Balance for contingencies*
 - * An Accounting Adjustment is proposed to add extra days of overtime to the Special Police Fund for this fiscal year to align invoice and billing more closely with actual days*
- Perpetual Care Fund is contributing less to Fund Balance than anticipated due to less interest income and fewer sales of cemetery lots.*
- Pathway Maintenance Fund shows a slight increase in Operating Costs due to the net effect of adding more personnel costs due to ADA transition evaluation. This evaluation is being deferred to Fiscal Year 2009.*
- The Tree Fund shows a decrease in interest. Operating costs are projected to decrease due to fund balance to balance.*
- Green Space Fund is projected to increase by \$157,000. This increase is projected to be due in total to capital.*
- All Debt Funds show less interest income than originally budgeted.*
- Fire Capital Fund is proposed to decrease \$280,000 from the current budget. Two ambulances will be carried over to Fiscal Year 2009.*
- Pathway Fund is proposed to decrease \$783,900 due to numerous carryovers of projects. Two projects result in increased costs: the John R Right-of-Way and the Walton Pathway ADA Compliance.*
- Water Department has decreased \$671,990 and Sewer Department has decreased \$567,070 due to a decrease in personnel, elimination of positions and shifting of work to Major Roads and Pathways. Commodity Charges are anticipated to be less due to low water and sewer disposal sales for the year. Detroit's water sales are down twenty-five percent.*
- Water and Sewer Capital Fund adjustments consist of the following:*
 - * Increase of \$234,570 due to depreciation for the new DPS Facility*
 - * Capital decreased \$2,406,300 due to the reduced sanitary sewer rehabilitation program for this year and a postponement of the Washington Road Sewer Main Extension, adjustment to the Shadow Woods Sewer Lining Program, carryover of half of the Brewster Watermain Project and the majority of the Austin Drive Watermain Extension to next year.*
- Facilities Fund shows an operating decrease of \$70,170 due to a reduction of anticipated electric costs and fewer repairs and maintenance. This is also a decrease in capital due to reductions in window replacement projects for Station No. 4 and the Fire Station Exhaust System.*
- MIS Fund shows a decrease of \$187,690 due to fewer CPUs purchased, less web development, less web posting and less AS-400 Maintenance. Capital is proposed to decrease \$123,990 due to carryover of a portion of the Asset Management System, some of the Document Management System projects, and a reduction in the Office Suite Update, and a slight decrease in the Financial System enhancements done.*
- Fleet Fund is decreased in the operating area by \$150,000 due to book entries for depreciation. Capital Costs are proposed to decrease due to a utility tractor for the Parks Department that is being carried over. The Oakland County Sheriff's received a CERT Grant and purchased a trailer for \$5,800. This figure*

is being added in for a new total budget number of \$3,749,150.

- Insurance Fund is being increased by \$244,860 but this is offset by a Net Asset Distribution received from the MMRMA. The Net Asset Distribution of \$200,000 is being transferred to Fund Balance, necessitating raising the total expenditures to \$844,000 to adjust for this transfer. The City will also contribute \$50,000 less to the Self Insurance Retention Fund.

- The LDFA is estimated to decrease \$35,000 in the operating area. Capital expenditures are projected to decrease \$470,000 due to a carryover of the Technology Park Infrastructure Project. The LDFA Concrete Slab Replacement was transferred to the Major Road Fund.

- The Smartzone received additional contributions from Avondale Schools than projected. This funding is passed through to the OU INCubator.

President Hooper opened the Public Hearing at 8:47 p.m.

Deanna Hilbert, 3234 Quail Ridge, expressed her concerns for the future of the community, stating that the City should do all it can to ensure that core services will be provided. She commented on Beaumont Hospital's recent efforts to cut costs.

Ed Baron, 3310 Greenspring Lane, stated that the City needs to be proactive in cutting costs. He questioned what the City expenditures are on legal fees.

President Hooper asked Ms. Jenuwine to review legal expenditures.

Ms. Jenuwine stated that of the City's legal fees, \$300,000 is for general City Attorney services, and \$130,000 is for the blanket for the Labor Attorney. Pension Attorney costs run roughly \$5,000 per year. She stated that specialized attorneys used during projects are capitalized with the projects.

Seeing no further public input, President Hooper closed the public hearing at 8:53 p.m.

Council Discussion:

Mr. Brennan questioned whether Detroit Water and Sewer Department (DWSD) rates would increase as a result of Detroit's revenues being down.

Ms. Jenuwine responded that rates were expected to increase due to DWSD's fixed costs and massive loss of revenues this past summer. The Detroit City Council did not approve rates until late in the summer and as a result, the rates did not take effect until late in the year. She cautioned that rates could again increase significantly, but stated that these increases are expected to be less due to the watering ban instituted earlier in the year.

Mr. Ambrozaitis questioned whether Council would see another Budget adjustment.

Ms. Jenuwine replied that a January amendment would be forthcoming to carry over to 2009.

Mr. Ambrozaitis noted that even though the Budget is decreased from the Third Quarter, is it still an increase from the original Budget. He cited some expenditures that could have been eliminated to save costs, such as the purchase of pumpkins, anniversary pins, and paper products from Gordon Food Service. He commented that the City needed to prepare for the worst if any of the following three potential scenarios were to occur: a prolonged deflation cycle; a short-term deflationary cycle followed by a slower inflationary cycle; or a long-term deflationary cycle with a quicker inflationary cycle.

Mayor Barnett stated that there were decreases in operational expenses. He commented that Council gave approval of the Green Space purchase of Harding Road and that the Austin Road project expenditure saved 200 jobs. He requested Council consider not just that the bottom line was going up, but consider each component that increased.

Mr. Rosen questioned whether the decrease in operating expense of \$2.6 million was due to personnel decreases. He further questioned whether any of the expenditure decreases would be added back for next year.

Ms. Jenuwine responded that the decreases were in personnel and supplies and that only a small portion could possibly be added back next year, citing expenditures for studies as an example. Otherwise the decrease would go to Fund Balance.

Mr. Rosen questioned whether the Capital decrease would be spent in 2009 and whether expenditures were only being postponed on the Capital side.

Ms. Jenuwine stated that a good portion would be expended in 2009. She cited the Hamlin Road reduction for the right-of-way would most likely not be carried over, as those figures were coming in less than anticipated.

Mr. Yalamanchi questioned the following:

- When the DPS building began incurring depreciation.
- Whether there would be a benefit to do the Facilities Fund Allocation for the General Fund replacement in 2008.
- Whether the City incurred Sheriff's Department costs for the Brooksie Way events.
- Whether any further work toward a Tree Fund Endowment had taken place.
- Whether the City might see any rate reductions for Water and Sewer.

Responding to Mr. Yalamanchi's questions, **Ms. Jenuwine** stated:

- The DPS facility was completed in the winter of 2008 and that depreciation begins as of the date that it was placed into service.
- The Facilities Fund allocation for the General Fund was slated for the 2009 Budget. If this would be done in this year, there would be less revenues going over to that fund for replacement. She stated it might not be possible to do for this year.
- Costs for the Brooksie Way event were in the regular overtime for the Police Fund.

Ms. Jenuwine stated that revenues are decreasing and commodity costs have

decreased as well. She stated the City still has sufficient monies to pay DWSD, but that the City would see no decrease in rates.

Responding to Mr. Yalamanchi's inquiry, **Mayor Barnett** stated that Mr. Hartner has been investigating the possibility of a Tree Fund Endowment.

Mr. Pixley thanked Ms. Jenuwine for the level of detail presented. He questioned the commission paid on the sale of fire trucks.

Ms. Jenuwine stated that the City paid a five percent commission through the Mitten Site network. This commission is added to the bid price to the buyer.

President Hooper noted the additional vehicle purchase in the Older Persons Commission (OPC) budget.

Marye Miller, Executive Director of the Older Persons Commission, explained that OPC received a \$50,000 donation to purchase a vehicle for the Adult Day Care Program for field trips.

Mr. Brennan questioned whether it was common to see a six percent decrease in the Fourth Quarter. He stated that the increase in capital expenditures was an investment in the City.

Ms. Jenuwine stated that City budgets have seen these reductions in the past relative to current budget.

Mr. Webber questioned whether the City receives reimbursement for election costs.

Jane Leslie, City Clerk, stated that the City does not receive reimbursement for the General Election.

Mr. Webber commented that the City has made reductions, showing a lighter workforce by 11 positions and finding other efficiencies.

Mayor Barnett stated that the City is hearing the warnings on economic conditions and is closely monitoring everything. He stated that the City will have more in fund balance on January 1, 2009, than it had on January 1, 2008, which is significant in this brutal economy.

A motion was made by Brennan, 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: RES0422-2008

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, in accordance with Section 19 of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act the City Council may permit the Mayor to execute adjustments to the budget within limits;

Whereas, the Public Hearing for the proposed 2008 4th Quarter Budget Amendments was noticed on November 20, 2008; and

Whereas, the proposed 2008 4th Quarter Budget Amendments were available for public viewing beginning on December 5, 2008; and

Whereas, at its December 15, 2008 meeting City Council held a Public Hearing on the proposed 4th Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2008 fund totals as amended:

101 - General Fund	\$27,079,590
202 - Major Road Fund	\$10,402,590
203 - Local Street Fund	\$ 6,632,750
206 - Fire Operating Fund	\$ 8,347,810
207 - Special Police Fund	\$ 8,683,220
211- Perpetual Care Fund	\$ 61,000
214 - Pathway Maintenance Fund	\$ 691,630
232 - Tree Fund	\$ 85,000
244 - Drain Maintenance Fund	\$ 2,319,660
299 - Green Space Fund	\$ 1,277,750
313 - Street Improvements Debt Fund 2001	\$ 230,470
314 - SAD Street Improvements Debt Fund 2001	\$ 228,800
325 - Street Improvement Debt Fund 2002	\$ 403,360
331 - Drain Debt Millage Fund	\$ 2,152,950
337 - SAD Street Improvements Debt 1994	\$ 187,280
338 - SAD Street Improvements Debt 1995	\$ 182,990
391 - 1998 Refunding Debt Fund	\$ 444,500
392 - 2002 Refunding Debt Fund	\$ 1,118,200
402 - Fire Capital Fund	\$ 1,250,210
403 - Pathway Construction Fund	\$ 863,570
420 - Capital Improvement Fund	\$ 534,200
592 - W&S Operating Fund	\$27,517,190
593 - W&S Capital Fund	\$ 7,575,440
631 - Facilities Fund	\$ 5,025,020
636 - MIS Fund	\$ 2,075,230
661 - Fleet Equipment Fund	\$ 3,749,150
677 - Insurance Fund	\$ 844,860
848 - LDFA Fund	\$ 1,898,910
851 - SmartZone	\$ 258,350
808 - Rochester Area Recreation Authority	\$ 2,230,300
820 - Older Persons Commission	\$ 4,454,229

Now, Therefore, Be It Resolved, the Mayor is authorized to administratively adjust the operating budget line-items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment.

NOTE: Fund totals include contributions to fund balance

President Hooper moved Legislative File 2008-0669 from New Business to directly follow Legislative File 2008-0661.

2008-0669 Discussion pursuant to Councilman Yalamanchi's request that amendments to the Fiscal Year 2009 Budget, excluding Capital Expenditures, be presented with offsetting reductions in the Operating Budget

Attachments: [Agenda Summary.pdf](#)
[092208 CC Synopsis Excerpt.pdf](#)

Mr. Yalamanchi stated that a decrease in revenue should be accompanied by a decrease in costs. He stated that requests for increased costs should also include the possibility of cuts from elsewhere in the Budget to maintain the original budget amount. He expressed concern for the impact of the number of capital projects that were being moved to 2009.

Mayor Barnett expressed his concern that the application of this policy would be difficult, and stated that the City has a desire to not see the budget go higher than what was approved in the beginning of the year.

Julie Jenuwine, Director of Finance, stated that there were instances where this policy could prove difficult, including increased fees to the City or overtime needed; and operational difficulties could be encountered especially when complying with imposed Federal mandates where there is no revenue stream supplied to offset. She stated that volatile fuel costs, a heavy snow season, or a labor contract that might be settled to a level not anticipated could also cause difficulties. She expressed that the Administration's largest concern is cutting something that is a priority to City Council.

Ed Anzek, Director of Planning and Development, stated that his Department is one that lives off of the General Fund. He gave the example of the Hamlin/Adams site and stated that the City did not know the proximity of toxins in-ground to City property. As the 381 Work Plan went through its process, the City was in the middle of the 2008 budget. It was suggested that economies of scale could be realized by doing the testing at that time, and the Administration came to Council for a budget amendment to do this testing. If this testing had to be submitted with an operational cut, the Administration would have been looking at a layoff. He stated his Department does not have a capital- or purchase-heavy department. He also commented that the Budget was submitted in May of 2008 for 2009.

Roger Rousse, Director of DPS/Engineering, stated that once Council approves the Budget, there is an expectation of what will then be accomplished. He explained that the weather is an unpredictable factor. He stated that in response to a number of resident complaints, the chloride program was increased to five applications per year. Road gravel purchases increased as well due to

washouts. Snow plowing was also weather dependent. As variable costs come in higher, the service level would have to be reduced. He stated that as fuel costs increase, equipment repairs would decrease. He stated that a significant amount of shifting and tightening is done already. He also expressed that it was not prudent to cut employee benefits as the City needs to recruit younger employees and reward their accomplishments.

Mayor Barnett discussed how Council would approve these adjustments. He stated that there was already debate on what is cut now and suggested discussions on the use of Fund Balance. He stated that the Budget Amendments should stand on their own and not be aided by what is being proposed as a cut.

Public Comment:

Ed Baron, 3310 Greenspring, stated that Council was the approving body to the Budget and should be complimented on this motion.

Lee Zendel, 1575 Dutton, commented that he foresees a number of tough years and believes that Council should revisit the 2009 Budget and stated that capital items for 2009 should be cut in half, with the exception of any capital items that have their own revenue stream.

Mr. Baron read a statement from **Brenda Savage**, 1765 Northumberland, who could not attend the meeting expressing her concern for the City's increasing budgets.

Council Discussion:

Mr. Rosen stated that he was originally in favor of this policy change, however, the rule of unintended consequences takes over. He stated this proposed policy discussion was precipitated by a general frustration of the size of the Budget. He commented that the discussion should continue on how to manage the Budget process, but putting arbitrary limits on it is not the way to go. He cited the Hamlin Road Reconstruction project as an example and stated that this project has been in the works for years. Once the City starts on a path to spend the money, often it cannot stop.

Mr. Pixley stated that this policy change would not eliminate budget amendments altogether; and that approved budget amendments would supersede the policy. He commented that the overall focus is to not spend more money, but this is controlled by the budget amendment process.

Ms. Jenuwine agreed that this policy would not eliminate budget amendments.

Mr. Brennan concurred that the budget is a projection that will never be completely accurate. He stated that the current process works well and that a new policy is not needed. He commented that he does not anticipate runaway spending with this Administration and this proposed policy borders on micromanagement.

Mr. Ambrozaitis stated that the City should reinforce zero-based budgeting. He challenged City Council members to vote down budget amendments.

Mr. Webber expressed his appreciation for Mr. Yalamanchi's proposal, and stated that he philosophically agrees with the concept. However, from a practical standpoint, he sees many challenges. He stated that the decision-making should be kept with City Council. He also stated that he would encourage discussion earlier in the budget process prior to budget approval.

Mr. Yalamanchi expressed his disappointment in that it appeared he did not have City Council support for this proposed policy change.

Mayor Barnett stated that Council and the Administration work together in a joint goal-setting operation. He stated that there is an opportunity to address this when Goals and Objectives are discussed for 2009. He stated that when Council brings forth a policy change such as this, the Administration acts as the experts to discuss the consequences and repercussion of this policy change. Mayor Barnett suggested Council consider a policy change to address the use of Fund Balance.

Mr. Yalamanchi reiterated that the City needs to make a fundamental change in the budget process.

President Hooper stated that he has the utmost faith in every member of the staff. He was not opposed to spending Fund Balance, but the first priority should be to maintain the bottom line.

A motion was made by Yalamanchi, seconded by Ambrozaitis, that amendments to the Fiscal year 2009 Budget, excluding Capital Expenditures, be presented with offsetting reductions in the Operating Budget be Adopted by Resolution. The motion FAILED by the following vote:

Aye 3 - Ambrozaitis, Hooper and Yalamanchi

Nay 4 - Brennan, Pixley, Rosen and Webber

Enactment No: RES0439-2008

Resolved, that Amendments to the Fiscal Year 2009 Budget, excluding Capital Expenditures, be presented with offsetting reductions in the Operating Budget.

(Recess - 10:35 p.m. - 10:45 p.m.)

ORDINANCE FOR INTRODUCTION

2008-0596 Acceptance for First Reading - An Amendment to Sections 118-26, 118-64, 118-129, 118-130 and 118-169 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, to conform those Sections to corresponding provisions in the Local Historic Districts Act, MCL 399.201, et seq.

Attachments:

[121508 Agenda Summary.pdf](#)
[Ordinance Amendment.pdf](#)
[SHPO Staff Review Comments 010804.pdf](#)
[SHPO Staff Review Comments 072106.pdf](#)
[Staran Letter 111108.pdf](#)
[Michigan's Certified Local Government.pdf](#)
[McKay Letter of Support.pdf](#)
[121508 Resolution.pdf](#)

John Staran, City Attorney, stated that there are two State Laws and two City Ordinances that are conflicting. Under the State Construction Code, the City can move to an administrative hearing process to deal with hazardous housing. He explained that there is also a process under the Historic Districts Ordinance whereby any renovations, additions or demolitions to buildings designated as Historic must undergo Historic Districts Commission (HDC) scrutiny. He explained that a conflict arises when a building with Historic designation is deemed hazardous. The City Ordinance in its present form makes City Council the final arbiter. There is a provision in the HDC Act, and within the City's Ordinance, that provides for a "notice to proceed" whereby the HDC can determine that even though demolition is not appropriate, the property presents a public health and safety concern or stands in the way of a major public improvement project and a notice to proceed can be issued to allow the structure to be taken down.

Mr. Staran stated that to amend the Ordinance as proposed would repeal the provision that lets the City Council decide in the event of a conflict between a dangerous building situation and the HDC requiring the building to be rehabilitated. The question posed at the last meeting as to whether this amendment would put the City into a potential legal liability situation can be answered by saying that he could not assure the City that no one would make a claim. However, it is his opinion that the risk to the City of liability resulting from amending this Ordinance as proposed is a slim and remote possibility. He stated that his answer presumes any decision-making under the Historic Districts Ordinance would be made in a reasonable manner. He also stated that there is the protection of government immunity.

Mr. Pixley asked Mr. Staran to comment on the process of "mothballing" a property.

Mr. Staran stated that the City has required mothballing be done on some occasions. He stated that mothballing presumes there will be another step and is a temporary solution to prevent the building from deteriorating further.

Public Comment:

Dr. Richard Stamps, 2900 Heidelberg Court, stated that the HDC wished to qualify for the Certified Local Government Program. Of all cities in the State of Michigan, only 18 are certified. He commented that the City is fortunate to have several qualified individuals that serve on both the HDC and HDSC and make the City eligible to qualify for this program. He also stated that he favored keeping

a standard Historic Districts Study Committee rather than an ad-hoc committee.

Donald Bishop, 2332 West Avon, stated that although he had no objection to the HDC's work, he did have objections to the proposed Ordinance changes. He stated that this proposed change would empower a non-elected body to have authority and would remove City Council from the process. Appeals would also be directed to another non-elected body, a State review board. He commented that elected officials should not pass their authority off to the non-elected.

President Hooper reiterated that the proposed language is required to qualify for the Certified Local Government status.

Council Discussion:

Mr. Webber questioned whether any specific challenges have been identified that have been experienced by any of the other certified communities.

Mr. Staran stated that although he could not speak for others, he has followed the case law and there have not been any reported decisions to suggest communities have experienced problems. In the State Law, one section expands the definitions; and another section takes City Council out of the middle of potential conflicts. He noted that a number of communities have adopted these expanded definitions verbatim. This City made a policy decision years ago to have more restrictive definitions; however, it now recognizes that in order to qualify as a Certified Local Government, these State definitions would have to be adopted.

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

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

Nay 1 - Webber

Resolved, that an Ordinance to Amend Sections 118-26, 118-64, 118-129, 118-130 and 118-169 of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, to conform those Sections to corresponding provision in the Local Historic Districts Act, MCL 399.201, et seq., is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2008-0595 Acceptance for Second Reading and Adoption - an Amendment to Sections 118-98 and Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, to eliminate the Noncontiguous Historic District identified as 56187 Dequindre, Parcel No. 15-01-278-005, to repeal conflicting Ordinances and to prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[120808 Agenda Summary.pdf](#)
[Ordinance Amendment.pdf](#)
[Noncontiguous District Map.pdf](#)
[Survey Sheet.pdf](#)
[Council Resolution 060908.pdf](#)
[Recorded Release of Affidavit.pdf](#)
[120808 Resolution.pdf](#)
[Resolution.pdf](#)

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: RES0423-2008

Resolved, that an Amendment to Sections 118-98 and Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, to eliminate the Noncontiguous Historic District identified as 56187 Dequindre, Parcel No. 15-01-278-005, to repeal conflicting Ordinances and to prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, December 22, 2008, the day following its publication in the Rochester Eccentric on Sunday, December 21, 2008.

NOMINATIONS/APPOINTMENTS

2008-0553 Nomination/Appointment for one (1) Citizen Representative to the Building Authority for a six-year term to expire December 31, 2014

Attachments: [Agenda Summary.pdf](#)
[Building Authority Appointment Form.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form.pdf](#)
[Frank Cosenza CQ.pdf](#)
[Rita Miller CQ.pdf](#)
[Carl Moore CQ.pdf](#)
[Stewart Myers CQ.pdf](#)
[Richard O'Reilly CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Frank Cosenza and Richard O'Reilly had been nominated at the December 8, 2008 Regular City Council meeting. The two nominations to the Building Authority received the following votes:

Frank Cosenza - Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Richard O'Reilly - Mr. Ambrozaitis

A motion was made by Rosen, 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: RES0424-2008

Resolved, that the Rochester Hills City Council appoints Frank Cosenza to the Building Authority to serve a six-year term expiring December 31, 2014.

2008-0559 Nomination/Appointment for two (2) Citizen Representatives to the Human Resources Technical Review Committee for one-year terms to expire December 31, 2009

Attachments: [Agenda Summary.pdf](#)
[HR Appointment Form.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form.pdf](#)
[Donald Atkinson CQ.pdf](#)
[Clare Cheesman CQ.pdf](#)
[Frank Cosenza CQ.pdf](#)
[David Kibby CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Donald Atkinson, Clare Cheesman and Frank Cosenza had been nominated at the December 8, 2008 Regular City Council Meeting and that Council would vote for two. The three nominations to the Human Resources Technical Review Committee received the following votes:

Donald Atkinson - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Clare Cheesman - Mr. Brennan, President Hooper, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

Frank Cosenza - Mr. Ambrozaitis and Mr. Rosen

A motion was made by Brennan, 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: RES0425-2008

Resolved, that the Rochester Hills City Council appoints Donald Atkinson and Clare Cheesman to the Human Resources Technical Review Committee to serve one-year terms to expire December 31, 2009.

2008-0560 Nomination/Appointment for one (1) Citizen Representatives to the Trailways Commission for a four-year term to expire December 31, 2012

Attachments: [Agenda Summary \(Revised\).pdf](#)
[Trailways Appointment Form \(Representative\).pdf](#)
[Agenda Summary.pdf](#)
[Trailways Appointment Form.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form.pdf](#)
[Rock Blanchard CQ.pdf](#)
[Thomas Dohr CQ](#)
[James Hannick CQ.pdf](#)
[Alexander McGarry CQ.pdf](#)
[Paul Miller CQ.pdf](#)
[Linda Raschke CQ](#)
[Resolution.pdf](#)
[Resolution \(Revised\).pdf](#)

President Hooper stated that Rock Blanchard, Thomas Dohr, Paul Miller and Linda Raschke were nominated at the December 8, 2008 Regular City Council meeting and explained that the individual to receive the most votes would be the Rochester Hills Representative to the Trailways Commission. A second vote for the remaining three nominees would determine the Commission Alternate. The four nominees received the following votes:

Rock Blanchard - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

Paul Miller - Mr. Rosen

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: RES0433-2008

Resolved, that the Rochester Hills City Council appoints Rock Blanchard as representative to the Trailways Commission for four-year terms to expire December 31, 2012.

2008-0679 Nomination/Appointment for one (1) Citizen Representatives (alternate) to the Trailways Commission for a four-year term to expire December 31, 2012

Attachments: [Agenda Summary.pdf](#)
[Trailways Appointment Form \(Alternate\).pdf](#)
[Rock Blanchard CQ.pdf](#)
[Thomas Dohr CQ.pdf](#)
[Paul Miller CQ.pdf](#)
[Linda Raschke CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that as Rock Blanchard was appointed as Trailways Commission Representative, the remaining three individuals nominated at the December 8, 2008 Regular City Council meeting to be considered for Trailways Commission Alternate were Thomas Dohr, Paul Miller and Linda Raschke. The remaining nominees received the following votes:

Thomas Dohr - Mr. Ambrozaitis and Mr. Pixley

Paul Miller - Mr. Brennan, President Hooper, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

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: RES0434-2008

Resolved, that the Rochester Hills City Council appoints Paul Miller as alternate to the Trailways Commission for a four-year term to expire December 31, 2012.

2008-0561 Nomination/Appointment of two (2) Citizen Representatives to the Historic Districts Commission for three-year terms to expire December 31, 2011

Attachments: [Agenda Summary.pdf](#)
[HDC Appointment Form.pdf](#)
[HDC Special Mbrshp Requirements.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form.pdf](#)
[Nicole Franey CQ](#)
[James Hannick CQ.pdf](#)
[Melinda Hill CQ.pdf](#)
[Melissa Luginski CQ.pdf](#)
[Dahlvin Peterson CQ \(removed\).pdf](#)
[Suppl Info Laurie Puscas CQ.pdf](#)
[Linda Raschke CQ](#)
[James Swaim CQ](#)
[Charles Tischer CQ.pdf](#)
[Suppl Info Memo indicating add'l CQs.pdf](#)
[Resolution.pdf](#)

President Hooper reviewed the requirements for HDC membership and stated that the current members met these requirements. He stated that Nicole Franey, Melinda Hill, Melissa Luginski and Linda Raschke were nominated to the Historic Districts Commission at the December 8, 2008 Regular City Council Meeting. Council was instructed to vote for two nominees. The nominees received the following votes:

Nicole Franey - Mr. Brennan, President Hooper, Mr. Pixley, Mr. Webber and Mr. Yalamanchi

Melinda Hill - Mr. Ambrozaitis, Mr. Rosen and Mr. Yalamanchi

Melissa Luginski - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen and Mr. Webber

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

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

Enactment No: RES0435-2008

Resolved, that the Rochester Hills City Council appoints Nicole Franey and Melissa

Luginski to the Historic Districts Commission for three-year terms to expire December 31, 2011.

2008-0583 Appointment of three (3) Citizen Representatives to the Green Space Advisory Board (GSAB) for three-year terms to expire December 31, 2011

Attachments: [Agenda Summary.pdf](#)
[GSAB Appointment Form.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form GSAB.pdf](#)
[Jack Robinson Resignation Letter](#)
[Gerald Carvey CQ.pdf](#)
[Jane Crozier CQ.pdf](#)
[Laura Douglas CQ](#)
[Timothy Gauthier CQ.pdf](#)
[James Hannick CQ.pdf](#)
[Deanna Hilbert CQ.pdf](#)
[Alexander McGarry CQ.pdf](#)
[Suppl Info Laurie Puscas CQ](#)
[Linda Raschke CQ](#)
[Pamela Bratton Wallace CQ.pdf](#)
[Suppl Info Memo indicating add'l CQs.pdf](#)
[120808 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Deanna Hilbert, 3234 Quail Ridge Circle, expressed her thanks to Mr. Ambrozaitis for nominating her. She questioned whether it would be a conflict of interest for a City employee to serve on the Green Space Advisory Board (GSAB).

Mr. Staran stated that Council determined the criteria for the GSAB. In reviewing the bylaws for the GSAB, it was his opinion that the nominee in question would not be disqualified from serving. He stated that members should not be paid officials or directors. He stated that this person is a city employee involved in environmental matters, but did not rise to the level of being a paid official.

President Hooper stated that Gerald Carvey, Laura Douglas, Timothy Gauthier, Deanna Hilbert, Linda Raschke and Pamela Bratton Wallace were nominated to the GSAB at the December 8, 2008 Regular City Council meeting and explained that Council would vote for three nominees to be appointed to the three (3) terms to expire December 31, 2011. A vote would then be taken for the remaining nominees to fill the vacant term of Jack Robinson expiring December 31, 2010.

The nominees received the following votes:

Gerald Carvey - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Laura Douglas - Mr. Brennan, President Hooper, Mr. Pixley and Mr. Webber

Timothy Gauthier - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

Pamela Bratton Wallace - Mr. Ambrozaitis, Mr. Rosen and Mr. Yalamanchi

A motion was made by Webber, seconded by Pixley, that 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: RES0436-2008

Resolved, that the Rochester Hills City Council appoints Gerald Carvey, Laura Douglas, and Timothy Gauthier to the Green Space Advisory Board (GSAB) to serve three-year terms expiring December 31, 2011.

2008-0673 Appointment of one (1) Citizen Representative to the Green Space Advisory Board (GSAB) to fill the unexpired term of Jack Robinson which will expire December 31, 2010

Attachments: [Agenda Summary.pdf](#)
[GSAB Appointment Form.pdf](#)
[Robinson Resignation Letter.pdf](#)
[Gerald Carvey CQ.pdf](#)
[Laura Douglas CQ.pdf](#)
[Timothy Gauthier CQ.pdf](#)
[Deanna Hilbert CQ.pdf](#)
[Linda Raschke CQ.pdf](#)
[Pamela Bratton Wallace CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Gerald Carvey, Laura Douglas, Timothy Gauthier, Deanna Hilbert, Linda Raschke and Pamela Bratton Wallace were nominated to the GSAB at the December 8, 2008 Regular City Council meeting. Mr. Carvey, Ms. Douglas and Mr. Gauthier were appointed to three (3) year terms. A vote would now be taken for the remaining nominees, Ms. Hilbert, Ms. Raschke and Ms. Wallace to fill the vacant term of Jack Robinson expiring December 31, 2010.

The nominees received the following votes:

Ms. Hilbert - Mr. Ambrozaitis, Mr. Rosen and Mr. Yalamanchi

Ms. Raschke - Mr. Brennan, President Hooper, Mr. Pixley and Mr. Webber:

A motion was made by Brennan, seconded by Webber, 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: RES0437-2008

Resolved, that the Rochester Hills City Council appoints Linda Raschke to the GSAB to serve the remainder of the term of Jack Robinson to expire December 31, 2010.

2008-0584 Nomination/Appointment for two (2) Citizens Representatives to the Elections Commission for three-year terms to expire December 31, 2011

Attachments: [Agenda Summary.pdf](#)
[Elections Commission Appointment Form.pdf](#)
[120808 Agenda Summary.pdf](#)
[120808 Nomination Form.pdf](#)
[Johannes Buiteweg CQ.pdf](#)
[Jim Duistermars CQ.pdf](#)
[David McCarthy CQ.pdf](#)
[Paul Miller CQ.pdf](#)
[Carl Moore CQ.pdf](#)
[Gerald Robbins CQ.pdf](#)
[Charles Tischer CQ.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Johannes Buiteweg, Jim Duistermars, Paul Miller and Charles Tischer were nominated to the Elections Commission at the December 8, 2008 Regular City Council meeting. He instructed Council to vote for two nominees. The nominees received the following votes:

Vote #1:

Johannes Buiteweg - Mr. Ambrozaitis, Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen and Mr. Yalamanchi

Jim Duistermars - Mr. Pixley and Mr. Webber

Paul Miller - Mr. Ambrozaitis, Mr. Rosen and Mr. Yalamanchi

Charles Tischer - Mr. Brennan, President Hooper and Mr. Webber

As Mr. Buiteweg received the most votes and Mr. Miller and Mr. Tischer received the same number of votes, a second vote was taken between Mr. Miller and Mr. Tischer to determine the second appointment.

Vote #2:

Paul Miller - Mr. Ambrozaitis, Mr. Rosen and Mr. Yalamanchi

Mr. Tischer - Mr. Brennan, President Hooper, Mr. Pixley and Mr. Webber

A motion was made by Webber, 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: RES0438-2008

Resolved, that the Rochester Hills City Council appoints Johannes Buiteweg and Charles Tischer to the Elections Commission for three-year terms to expire December 31, 2011.

NEW BUSINESS

2008-0609 Request for Purchase Authorization - MAYOR: Blanket purchase order for 2009 legal fees for City Attorney in the amount not-to-exceed \$300,000.00; Hafeli Staran Hallahan Christ & Dudek, P.C., Bloomfield Hills, MI

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

Mr. Rosen commented that it was important for future continuity that we keep working with this firm.

A motion was made by Webber, 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: RES0426-2008

Whereas, Hafeli Staran Hallahan Christ & Dudek, P.C. was appointed by City Council as the City's attorney pursuant to Section 8.7 of the City Charter, and

Whereas, John Staran, the President of Hafeli Staran Hallahan Christ & Dudek, P.C. has provided expert legal services to the City of Rochester Hills for numerous years, and

Now, Therefore, Be It Resolved, that the Rochester Hills City Council authorizes a blanket purchase order to Hafeli Staran Hallahan Christ & Dudek, P.C., Bloomfield Hills, MI for 2009 general legal services in the amount of \$300,000.00 through December 31, 2009 and authorizes the Mayor to execute this contract on behalf of the City.

2008-0664 Request for Approval of the Payback Agreement with Kirco Construction, LLC for the bidding and construction of Austin Ave. and Devondale

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

Dan Casey, Manager of Economic Development, introduced Ron Arbogast, Project Manager, for Kirco Construction working on the Rayconnect project. He stated that the anticipated completion date for the Rayconnect project is May 15, 2009, which was an aggressive schedule for the City to meet for design and construction of Austin Avenue as well as the paving of Devondale. He stated that it was the Administration's recommendation to permit Kirco Construction, LLC, the developer of the Rayconnect facility, to bid and construct the road improvements due to economies of scale and lower cost overall. He stated that the two parties have entered into a payback agreement. He further stated that the proposed resolution included language to waive the Purchasing Ordinance requiring formal competition for purchases or contracts exceeding \$25,000, as it would be in the best interests of the City.

Mr. Ambrozaitis stated that he was in support of this issue as this was a very important piece of property being developed in the City.

Mr. Yalamanchi asked for clarification on Kirco's involvement and questioned why it was being considered a payback agreement.

Mr. Casey stated that the documents would be sent to Kirco and they would give an estimate to be compared to the City's estimate. If the estimate differed by more than ten percent, it would come back to City Council for approval. Mr. Casey gave his expectation that Kirco's figures would come in less than the City's estimate. He stated that as Kirco proceeds with the project, they will invoice the City.

Mr. Staran explained that these types of agreements have been called payback agreements because the contractor is actually putting in the improvement and it is not contracted directly with the City. He stated it should be considered a turn-key agreement.

A motion was made by Ambrozaitis, seconded by Webber, 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: RES0427-2008

Whereas, in its approved 3rd Quarter Budget Amendment, City Council transferred all funds associated with the Austin Ave./Devondale construction project from the Local Development Finance Authority to the Major Road Fund.

Resolved, that the Rochester Hills City Council waives Section 2.275(c)(1), the requirements for formal competition for purchases or contracts exceeding \$25,000, under Section 2-281, which allows City Council the authority to waive any regulation or procedure pertaining to purchasing, deeming it to be in the best interest of the City; and

Be It Further Resolved, that the attached Payback Agreement between the City of Rochester Hills and Kirco Construction, LLC is approved; and

Be It Finally Resolved, that the Mayor is authorized to sign the Payback Agreement on behalf of the City.

2008-0611

Request for Purchase Authorization - DPS/ENG: Contract for the reconstruction and widening work along Hamlin Road from Crooks Road to Livernois Road for the estimated city share of \$1,764,000.00; Michigan Department of Transportation, Lansing, MI

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

Paul Davis, City Engineer, explained that this item was the formal agreement for the City to participate with the Michigan Department of Transportation (MDOT) for construction costs for Hamlin Road project between Crooks and Livernois. He stated these agreements are routinely required by MDOT, and are based on estimates of what the City's contribution to the project will be. He stated the normal ratio is 80/20, with 80 percent Federal monies and noted that this project includes a better ratio, with proposed Federal funding of 81.85 percent, based on an estimate at the time of construction of \$7.5 million. He stated that in early November, the bids were opened at \$6.63 million, 16 percent less than the original engineer's estimate.

Mr. Yalamanchi questioned what the start date of the project would be and asked if nearby homeowners would be notified.

Mr. Davis responded that the contractor will not start until mid-March. The work that will happen before mid-March will include utility company relocation. He stated that plans called for a public meeting in mid-February at City Hall to inform residents.

Mr. Ambrozaitis stated his opposition to the project. He also stated that he was not in favor of a roundabout being installed and noted that similar roundabout projects in other communities had been put on hold.

Mr. Davis stated that another community shelved plans for a roundabout because of right-of-way acquisition issues. He stated there was not enough funding in that community for the acquisitions.

Mr. Davis stated that the City's right-of-way costs for this project have been less than expected.

Mr. Ambrozaitis stated that although he understands the need for economic development, this is a "build it before they come" philosophy he disagrees with, and commented that the City should take care of the roads it already has.

Mayor Barnett stated that a roundabout design was planned because it is less expensive than a boulevard. He stated that this roadway was part of the City's plan before it purchased property on Hamlin. He further stated that this project was identified by the City long ago in terms of a transportation relief valve.

Mr. Webber stated that he would support the project, indicating that traffic congestion was one of the top priorities of the Citizen Survey done in 2007.

President Hooper stated that although he worked in the construction industry and knew the firms involved, he had no involvement in the project and did not feel it necessary to recuse himself.

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: RES0428-2008

Resolved, that the Rochester Hills City Council approves the contract between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the reconstruction and widening work along Hamlin Road from Crooks Road to Livernois Road for the estimated city share of \$1,764,000.00 and authorizes the Mayor and City Clerk to execute the contract on behalf of the City. City Council further approves any additional funds that the City may owe, which are identified in the final audit.

2008-0643 Request for Purchase Authorization - DPS/ENG: Proposal associated with the expansion of Hamlin Road (Crooks to Livernois) to install street light facilities in the proposed roundabout in the amount of \$46,919.84; DTE Energy, Clinton Township, MI

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

Paul Davis, City Engineer, stated that as a part of utility relocation for the Hamlin Road Rehabilitation project, DTE will work on design for lighting the roundabout. He stated that DTE requires a contract be put into place before commencing the design and that this contract is a cost estimate provided to the City based on DTE's other roundabout experiences for design and installation. This proposal is based on 23 street lights for the roundabout, but this number could possibly be decreased.

Mr. Rosen stated that 23 lights seems excessive. He reminded Council of a lighting project at the Burger King on Crooks Road, commenting that the lighting was excessive and changed the light level in the area.

Mr. Davis stated that he anticipated Council's concern, but wanted to assure safe conditions for motorists and pedestrians.

Responding to President Hooper's question, **Mr. Davis** stated that there would be an illumination study.

Mr. Yalamanchi also expressed concerns about the light levels. He questioned whether DTE would be responsible for maintenance for three years.

Mr. Davis stated that DTE will always be responsible, but there would not be a need for maintenance for the first few years.

Mr. Yalamanchi questioned who would pay for maintenance.

Mr. Davis stated that the City would, as the Road Commission does not maintain any street lights.

A motion was made by Yalamanchi, 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: RES0429-2008

Resolved, that the Rochester Hills City Council approves the DTE Energy proposal associated with the expansion of Hamlin Road (Crooks to Livernois) to install street light facilities in the proposed roundabout for an estimated amount of \$46,919.84 and authorizes the Mayor to execute the proposal on behalf of the City.

Resolved, that the Rochester Hills City Council authorizes payment of any additional costs associated with installation of the street light facilities that exceed the estimated amount, if funds are budgeted.

- 2008-0644** Request for Purchase Authorization - DPS/ENG: Proposal associated with the expansion of Hamlin Road (Crooks to Livernois) to relocate Detroit Edison facilities for an amount not-to-exceed \$835,918.00; DTE Energy, Clinton Township, MI

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

Paul Davis, City Engineer, explained that this item was to relocate existing poles on the north side of Hamlin. He stated that these poles are in a DTE-owned exclusive easement. If the poles were in the right-of-way, DTE would move them at their expense; however, since they are on DTE easement, the City must pay for their relocation. He stated that although this had a high up-front cost, the participation percentage was 80/20, as the rest of the project.

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: RES0430-2008

Resolved, that the Rochester Hills City Council approves the proposal associated with the expansion of Hamlin Road (Crooks to Livernois) to relocate Detroit Edison facilities for an amount not-to-exceed \$835,918.00 and authorizes the Mayor to execute the proposal on behalf of the City.

- 2008-0666** Request for Approval of the Highway Easement from Rayconnect, Inc. for the Austin Avenue Extension and authorization for payment to the landowner in the amount of \$7,321.95

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

Mr. Yalamanchi questioned whether LDFA funds would be used to pay for this easement.

Mr. Davis responded that he believed LDFA funds would be used, as Devondale would also be paved to the north in the LDFA district.

A motion was made by Ambrozaitis, seconded by Webber, 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: RES0431-2008

Resolved, that the Rochester Hills City Council approves the Highway Easement from Rayconnect, Inc. for the Austin Drive Extension and authorizes payment to the landowner in the amount of \$7,321.95.

- 2008-0676** Request for Authorization to appoint a representative petitioner on behalf of the

City of Rochester Hills in the MDEQ Stormwater Permit Contested Case

Attachments: [Agenda Summary.pdf](#)
[MDEQ Cases Ltr.pdf](#)
[MDEQ NPDES Phase II MS4 Permit Ltr.pdf](#)
[Resolution.pdf](#)
[Resolution \(Revised\).pdf](#)
[Resolution No. 2.pdf](#)

Roger Rouse, Director of DPS/Engineering stated that Council had previous discussion on the MS-2 Phase Two Permit Requirements. These requirements are over and above the Federal requirements, and it is the Administration's opinion that these requirements do not add to water quality issues. Rochester Hills, along with a number of other communities, are contesting these requirements.

Mr. Staran stated that two law firms represent a number of participants in this Stormwater Permit litigation. One firm focuses more on the County interests and the other represents communities similar to Rochester Hills. He stated that retaining Secrest Wardle makes more sense to the City.

Mr. Yalamanchi questioned if retaining this firm was the only alternative.

Mr. Staran replied that other than living with the conditions on a new permit, which would be extremely expensive for the City, the only alternative was to go along with the contested case. It is the City's hope that through this process some type of compromise will be negotiated and a permit be resolved that will comply with Federal mandates, but not create such extensive costs for the municipalities. He stated that the contested case proceedings should move along very quickly.

Mr. Pixley questioned if the Administration had estimates of the fees to be incurred.

Mr. Staran stated that this was still not certain, as the biggest cost would be with any expert testimony needed. He stated that Secrest Wardle was quoting a "municipal rate".

Mr. Pixley questioned whether a decision could be delayed until a later date.

Mr. Staran cautioned that the City should not wait until January.

Mayor Barnett concurred, stating that the costs involved would be far lower than if the City did not fight united with the other communities.

Mr. Rouse stated that if the City had to carry out all these new mandates, it would result in a \$6-8 million cost over the coming years.

A motion was made by Ambrozaitis, seconded by Webber, 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: RES0441-2008

Whereas, on July 17, 2008 the City file Petitions for a Contested Case Hearing with respect to NPDES General Permit Nos. MIG 610000 and MIS049000 with the Michigan Department of Environmental Quality, Office of Administrative Hearings, in accordance with the provisions of the Michigan Administrative Procedures Act 1969 PA 306, and the Administrative Rules promulgated in accordance with the Act; and,

Whereas, approximately 70 southeastern Michigan governmental entities filed Petitions for a Contested Case Hearing regarding NPDES General Permit Nos. MIG 610000 and MIS049000; and

Whereas, the Administrative Law Judge consolidated the contested Cases pursuant to Rule 324.59e(1) of the Michigan Administrative Code citing "substantial and controlling common question of fact or law" between the Contested Cases; and,

Whereas, at the October 1, 2008 Pre-hearing Conference, the Administrative Law Judge issued an Order, attached as Exhibit A, ordering all of the Petitioners to meet and discuss the appointment of "Representative Petitioners" pursuant to Rule 324.59e(1)(d) of the Michigan Administrative Code; and,

Whereas, Rule 324.59e(1)(d) states the Office of Administrative Hearings may on its own motion appoint a representative petitioner to fairly and adequately assert and protect the interests of all petitioners; and,

Whereas, without waiving any objection that Rule 324.59e(1)(d) is violative of the City's due process rights, the City seeks to indicate that the City desires to be appointed as a representative petitioner, or, alternatively, to choose a representative petitioner to assert and protect its interests.

Now, Therefore, Be It Resolved, that the City of Rochester Hills asserts that it desires to be a representative petitioner, or, alternatively, chooses any of the following Petitioners as its representative petitioner:

1. Farmington Hills
2. Auburn Hills
3. Novi
4. Bloomfield Hills
5. Farmington
6. Orchard Lake Village
7. Lake Orion
8. Bingham Farms
9. Beverly Hills
10. Wolverine Lake
11. Rochester Hills

Be It Further Resolved, that the City Clerk is authorized and directed to forward this Resolution on behalf of the City to the Michigan Department of Environmental Quality (MDEQ) Office of Administrative Hearings.

2008-0676 Request for Authorization for the engagement of Secret Wardle Law Firm to represent the City in the MDEQ Stormwater Permit Contested Case

Attachments: [Agenda Summary.pdf](#)
[MDEQ Cases Ltr.pdf](#)
[MDEQ NPDES Phase II MS4 Permit Ltr.pdf](#)
[Resolution.pdf](#)
[Resolution \(Revised\).pdf](#)
[Resolution No. 2.pdf](#)

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: RES0441-2008

Resolved, that the Rochester Hills City Council approves the letter of engagement to retain Secrest Wardle to represent the City in the MDEQ contested case.

2008-0674 Discussion regarding the dissolution of the Environmental Clean-Up and Oversight Technical Review Committee

Attachments: [Agenda Summary.pdf](#)
[060706 CC Resolution.pdf](#)

Public Comment:

Deanna Hilbert, 3234 Quail Ridge Circle, expressed her concerns in dissolving the committee as it had good dialogue and public interaction. She stated that Brownfields are not a benefit to the community and that the developers involved often act like bullies.

Ed Baron, 3310 Greenspring, stated that this was a very emotional issue and he did not support dissolving this committee.

Council Discussion:

Mr. Yalamanchi commented that he would like to see this Committee be more proactive and suggested that Council set it up with more specific charges and responsibility. He suggested the chair set up a timeline similar to the Police and Road Funding Technical Review Committee to report back to City Council. He stated he was not in favor of dissolving this Committee.

Mr. Ambrozaitis stated he would like to see this Committee continue and wished to see more citizen input. He questioned whether the Brownfield Redevelopment Authority (BRA) could be expanded to more members if this Committee were dissolved.

Mr. Staran stated that the State statute determines the makeup of the BRA and he believed this was limited to a maximum of nine members.

Mr. Webber stated that the Environmental Cleanup and Oversight Committee (EOC) is made up of three Council members and one BRA members. He stated he sees some redundancy in its makeup; however, he is not in favor of dissolving it. He stated that the Committee should be given a new charge.

Mr. Rosen explained that the BRA's job is to supervise and encourage the redevelopment of otherwise unusable properties, however it does not provide an environmentally-based review of these sites. He stated that the BRA does not have the same vested interest that City Council has. The EOC has provided a helpful forum for understanding what is going on. He stated the Committee does not meet often because there is not a lot of activity as yet on these sites. He stated that the Committee has facilitated the testing on the City property adjacent to the Adams/Hamlin site and that has given the City the knowledge that the contamination has not migrated to the City property. He stated that the Committee should remain as an oversight for Council.

Mr. Pixley questioned whether there was a way to further charge the BRA to act in an oversight capacity.

Mr. Staran stated that the BRA duties are set forth by the State legislation; and their primary function is one of economic redevelopment of these Brownfield sites. He stated the BRA environmental oversight only relates to redevelopment plans.

Mr. Pixley questioned whether it was possible to make the EOC an ad-hoc committee to meet as-needed instead of a standing committee.

Mr. Rosen stated the EOC is only mandated to two meetings a year.

Mr. Yalamanchi suggested that a propose charge be re-drafted for the EOC.

President Hooper suggested Mr. Yalamanchi draft a proposed charge for the EOC to be brought to a future meeting.

Discussed.

2008-0675 Adoption of Resolution to Dissolve the Charter Non-Structural Technical Review Committee, the Master Thoroughfare Plan Technical Review Committee, and the Regional Library Study Committee

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

Mr. Rosen stated that although he originally thought the Regional Library Committee might be reactivated, he believes that this would not now occur.

A motion was made by Yalamanchi, seconded by Webber, 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: RES0432-2008

Whereas, the Charter Non-Structural Technical Review Committee completed the responsibilities that it was charged with and a recommendation was made to City Council by President Hooper for additional deliberation and possible action; and

Whereas, the outcome of that deliberation was to place the following six (6) proposed City Charter amendments on the November 4, 2008 General Election Ballot:

- To require that a Councilmember or Council shall not be in default to the City.
- To provide a procedure for the City Council to judge the qualification of members.
- To provide that upon felony conviction, a Councilmember forfeits office.
- To require that the Mayor or candidate for Mayor shall not be in default to the City.
- To provide that upon felony conviction, the Mayor forfeits office.
- 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; and

Whereas, the Master Thoroughfare Technical Review Committee was created to oversee the update of the City's Master Thoroughfare Plan; and

Whereas, the Planning Commission presented City Council with the 2008 Master Thoroughfare Plan Update on January 17, 2007; and

Whereas, the Planning Commission adopted the 2008 Master Thoroughfare Plan on October 21, 2008; and

Whereas, the Regional Library Study Committee has been deemed unnecessary

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby dissolves the Charter Non-Structural Technical Review Committee, the Master Thoroughfare Plan Technical Review Committee, and the Regional Library Study Committee.

COUNCIL COMMITTEE REPORTS

Environmental Cleanup and Oversight Committee (EOC)

Mr. Rosen stated that the EOC did not meet this past month, as it received word that the Adams/Hamlin project is on hold.

Advisory Traffic and Safety Committee

Mr. Webber stated that he would put together a summary on traffic updates to bring to the next meeting.

Police and Road Funding Technical Review Committee

President Hooper reported that this committee has been making progress.

ANY OTHER BUSINESS

Mayor Barnett announced that the annual Rochester/Rochester Hills football game was tentatively scheduled for Saturday, January 31, 2009 at Rochester High School at Noon.

NEXT MEETING DATE

Regular Meeting - Monday, January 5, 2009 Cancelled;
Regular Meeting - Monday, January 12, 2009 - 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 12:42 a.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

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