



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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*Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdel,
Michael Webber and Thomas W. Wiggins*

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, January 27, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:02 p.m. Michigan Time.*

ROLL CALL

Present 7 - Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark
A. Tisdel, Michael Webber and Thomas W. Wiggins

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Scott Cope, Director of Building/Ordinance Compliance
Pamela Gordon, Director of Human Resources
Mike Hartner, Director of Parks and Forestry
Jack Sage, Ordinance Inspector
Allan Schneck, Director of DPS/Engineering
Alexis Smith, Rochester Hills Government Youth Council Representative
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

*Mr. Tisdel introduced **Brian Peterson**, Fifth Grade Teacher at Musson Elementary
School. He noted that Mr. Peterson received the Presidential Award for Teaching
Excellence for Science and Mathematics, one of 102 recipients nation-wide. Mr.
Peterson has taught at Musson Elementary for 14 years. In addition, he is an
Educational Instructor at the Detroit Zoological Society, leading the society's
overnight programs, and is an Instructor at Oakland University, where he teaches
Science for Elementary Teachers. Mr. Peterson is a hobbyist beekeeper and an
avid gardener, and volunteers his knowledge at Dinosaur Hill Nature Preserve and
Cranberry Lake Park. In 2011, he received the Michigan Elementary Science
Teacher of the Year Award. He has a Bachelor of Arts in Education from North
Park University and a Master's of Education and Education Specialist Degree in
Educational Leadership and Administration from Oakland University.*

Mr. Peterson led the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Brown, seconded by Webber, that the Agenda be Approved as Amended to move Legislative File 2014-0014 Request for Adoption of the Limited English Proficiency Plan for the City of Rochester Hills from the Consent Agenda to New Business. The motion carried by the following vote:

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

PUBLIC COMMENT

The following individuals spoke on the topic of Oil and Gas Leases in Rochester Hills:

Melinda Hill, 1481 Mill Race expressed concern over potential exploration at the Van Hoosen Jones-Stoney Creek Cemetery, noting that she lives in close proximity to the property and has a well. She stated that she would like to see the proposed 160 acre groupings and how public lands fall into the groupings and commented that the Michigan Department of Environmental Quality (MDEQ) and Jordan Development should host a public informational meeting.

Lauren Shepherd, 624 Sorbonne Court, commented that the City should join with Auburn Hills and Oakland Township and not wait any longer to challenge the exploration activities. She suggested that an informational meeting be scheduled and stated that the City's utility billings should be used to distribute information.

Izzy Khapoya, 729 McGill Drive, stated that the City has not held public hearings to inform its residents; and noted that there has been no discussion of the risks or liabilities to property values or environmental implications. She questioned whether the bond to be retained would be sufficient in the event of damages and need for a clean up. She noted that according to the MDEQ, a driller will pull a bond once a well is capped, leaving any liability to the property owner.

Emily Jernberg, 3542 Charlwood Drive, commented that it should be made clear that nothing will be inserted into the ground in the process except for lengths of pipe and drill bits. She noted that people should oppose what they deem to be wrongful laws. Her six-year-old son, Nathaniel, stated that he does not want drilling near his school.

Jim Williams, 2945 Hillendale Drive, stated that while oil companies assure that the process of fracking is safe, the concrete coating on the six inch pipe typically used is only one inch thick and could fracture in transit or upon installation. He questioned whether any subcontractor could employ fracking.

Stephanie Sliwinski, 3548 Charlwood Drive, stated that there should have been a public hearing prior to Council's acceptance of a lease agreement, and

commented that there are too many risks to property values, the environment and health.

Robert Kendig, 2484 Wortham Drive, stated that there is a lack of public information on oil and gas drilling and noted that he became aware of these leases after reading an article in the Rochester Post. He mentioned chemicals that seeped into the water system at Camp Lejeune.

Mike Powers, 3632 Aynsley Drive, commented that Council should have investigated the drilling process thoroughly before signing a lease and stated that this type of activity does not belong in a bedroom community.

Rachel Ferhadson, 1525 Monica Court, stated that the process of drilling for oil and gas puts children at risk as there are seven schools along the Tienken Road corridor. She pointed out that 93 percent of Thornridge Subdivision homeowners voted no to allowing a lease of their common areas.

Brian Kirksey, 425 Sunlight, stated that residents are not obligated to sign away their mineral rights and commented that Council should have used the same level of consideration it did when it gave reasons to not approve a human rights ordinance in 2012.

Susan Masiak, 677 Augusta Drive, stated that the MDEQ's primary concern is for the maximum production of gas and oil. She commented that some risks are unacceptable regardless of how low the expected risk is. She cited a University of Michigan study from 2013 which detailed significant risks of oil exploration to both health and environment.

Chris Morris, 1398 Burhaven Drive, expressed disappointment toward the Mayor and City Council regarding their decisions to allow oil and gas exploration. He stated that the City has opted for the MDEQ to manage activities and mentioned that drilling does not belong in a residential community.

Clark Barrett, 1376 Kingspath, cited a section of the City's Zoning Ordinance for Industrial Zoning which states that the processing of raw material for shipment in bulk form is not to be permitted. He pointed out that other communities have enacted ordinances against these activities.

Megan Barnes, 1537 Monica Court, stated that as an attorney for the Oakland County Water Resources Commission, she believes that the legal opinion given to the City is faulty and the lease is invalid as it violates the Charter Amendment by leasing mineral rights to City parks without voter approval.

Jeannie Morris, 1398 Burhaven Drive, requested the lease be rescinded and stated that residents should be sent a letter stating that they are not required to sign any lease. She commented that a public meeting should be held with residents and with the City, Auburn Hills and Oakland Township.

Darren Ginter, 950 Peach Blossom, stated that the perception of oil drilling is that it is not safe and allowing it in Rochester Hills will erode property values. He questioned elected officials' motives in supporting any leases.

Erin Howlett, 3597 Aynsley Drive, stated that while the City's position is that nothing can be done to prevent drilling activities, the City of Rochester was able to discourage Jordan Development from pursuing leases.

Joseph Doyle, 1446 Burhaven Drive, commented that while he appreciates the need to develop resources in Michigan, the potential adverse consequences should have been investigated prior to signing a lease. He mentioned that there are long and well-documented instances of accidents.

Philip Barker, 1434 Burhaven Drive, stated that Council should rescind the lease it signed for City park land and the Cemetery. He noted that many banks will not mortgage properties with existing gas leases.

Michelle Good, 1820 Van Hill Court, expressed her opposition to drilling activities in City parks or the Cemetery and stated that a public forum should have been held.

Gail Hammill, 1434 Burhaven, noted that her insurance policy states that her home would not be covered for a loss resulting from discharge, dispersal, seepage or migration of fuels from any source. She mentioned an explosion which occurred in Canada and a recent chemical spill in West Virginia.

Patricia Borowy, 1358 Potomac, stated that she learned of the leases from her neighbors and expressed her opposition to allowing equipment on any of the City's green spaces.

Rachelle Stephens, 1529 Grandview Drive, expressed her opposition to oil and gas drilling and noted that she had two letters from residents who could not attend also in opposition.

Donald Hughes, 3744 Bald Mountain Road, Auburn Hills, commented that the Michigan Supreme Court ruled that a local ordinance would be enforceable. He mentioned that Ann Arbor enacted a ban and Farmington Hills and Novi have passed strict regulations, and added that Auburn Hills and Rochester are implementing regulations to protect their residents.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett made the following announcements:

- The school systems have elected to close tomorrow due to the extreme cold.
- The Rochester Hills Museum at Van Hoosen Farm recently put on a great program for children on surviving the cold winter weather, *The Art of Survival*.
- The City has been coping with a great amount of snow. The City's overtime policy comes into play at more than four inches of snow falling in a 24-hour period. Workers begin at midnight, work for 16 hours straight, and then have eight hours off.
- The Detroit International Auto Show concluded yesterday. One vehicle

featured was the Equus, a car built entirely in Rochester Hills.

- The Mayor was in Washington D.C. at the invitation of the President and Vice President to speak on behalf of cities that are financially well-run. An innovation summit highlighted some of the great things that the City of Rochester Hills is doing.

- The City received the Government Finance Officers Association Budget award again this year.

In response to Public Comment regarding gas and oil exploration in Rochester Hills, he stated that it is a challenging topic and the City has heard everyone's concerns. He commented that resident questions are responded to and he noted that there is a process to publicly note all meetings. He stated that this first came before Council in 2012, and he has relied upon legal counsel and discussions with other communities. He pointed out that Troy, Livonia, Waterford and Independence Township are all participating in the leases and mentioned that Townships function differently than cities and have almost no rights to control these types of issues. He explained that the City consulted the MDEQ and hired its own environmental firm and has spoken with several communities regarding their decisions on oil and gas leases. He pointed out that while Rochester has opted to not lease its properties, that action will not stop drilling activities as Jordan West Bay has three-and-one half subdivisions 100 percent leased in the City of Rochester and needs no permission from the Rochester City Council to move forward. He stated that signing a lease is an individual decision and noted that while Thornridge Subdivision voted not to lease common areas, approximately 60 percent of the owners in two other subdivisions have signed leases. He stressed that no surface or drilling activities can take place and the oil companies cannot set foot in the City's parks. He explained that Council is exploring what it can do within the law, with Council Member Morita taking the lead. He stated that he would put the City's environmental record up against any community in Michigan.

He mentioned that he spoke to representatives of Jordan Development today and they reported that they are not planning any activities in Rochester Hills at this point. Their first well will be in Auburn Hills. If that well is successful, they will move toward Rochester Hills in about a year and continue to ask residents if they want to move forward.

He noted that legal counsel has been consulted to determine if any specific prohibition of the process of fracking can be included to further restrict any potential activities. He stated that Farmington Hills' moratorium on gas and oil explanation was challenged in court by Jordan and resulted in a settlement paid by the City of \$800,000.

Alexis Smith, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC is in the midst of a busy and active year. The Public Relations committee's Strive 4 a Safer Drive project targets teen driving habits and is focused on promoting driving without distractions. The project will feature a Public Service Announcement contest for high school students with the theme "Don't Become a Statistic". RHGYC members are gearing up for their annual 5K set for June 14th at Bloomer Park, to benefit the Blessings in a Backpack organization. Fund raising activities will include the sale of coupon

books for Carson's Community Days, with on-site sales at Carson's on February 15th, 16th, 22nd and 23rd.

Mr. Wiggins commented that the topic of oil and gas leases in Rochester Hills is a challenging one, with questions raised as to how the Michigan Department of Environmental Quality (MDEQ) can allow drilling. He noted that Council Member Morita has been looking at the possible options available, which could include reopening the lease contract, continuing as adopted, or enacting ordinances. He pointed out that any ordinance could open the City to risk such as it did for Farmington Hills.

Mr. Tisdell noted that all oil and gas leases signed to date, including the lease signed by the City and all private leases, are non-developmental leases and include no surface activities. He pointed out that there is a difference when a working interest owner leases mineral rights as it signifies an up-front investment and implies participation in losses if nothing is found. He mentioned that compulsory pooling was put in place to protect property rights. He stated that the State of Michigan has issued over 61,000 drilling permits over the last eighty years. There are 18,000 active wells in Michigan right now. He is not aware of significant damage to anyone's property rights or difficulty in security a mortgage in Michigan. When this was presented to him, based on the history, there was nothing particularly new or unusual about a leasing company coming into a community with a commission from the State.

Ms. Morita announced that the Avondale Youth Assistance Volunteer Dinner will be held tomorrow evening. Regarding public comment on oil and gas exploration, she stated that since coming into office in November of 2013, she has been working very hard to find information to utilize toward drafting an ordinance to deal with ancillary activities and regulate and mitigate a lot of concerns regarding truck traffic, oil rig height, light, odor, and drilling activities that do not necessarily regulate where the well head is place. She encouraged residents to contact State Representative Tom McMillin and State Senator Jim Marleau, as they are a part of the legislative bodies that can actually affect the State Laws governing oil and gas exploration.

Mr. Kochenderfer stressed that Council has taken comments to heart. He stated that he cannot escape the conclusion, based on all evidence that he has reviewed, that the City does not have the authority to stop drilling. He commented that other municipalities have enacted ordinances; however, upon review it was determined that an ordinance could put the City at financial risk. He encouraged individuals to look to their State representatives.

Mr. Brown stated that any time he has requested more information from the Administration, he has never been told no. He noted that he just emailed a scanned copy of the Thornridge Association's meeting questions and commented that up until just recently, people were not aware that this was an issue being voted upon by Council. He requested residents with suggestions on better ways to disseminate information contact him with their ideas.

Mr. Webber thanked those commenting. He expressed his appreciation for the efforts of the DPS workers in keeping the roadways clear during these difficult weather days.

President Hooper stated that while no formal public hearing was noticed on this item, all meetings of Council are public and have public comments. He explained that the only difference between holding a public hearing and a meeting such as tonight is an advertisement placed in the Oakland Press. He pointed out that during the Public Hearing scheduled for the recently-adopted budget, only one individual attended to comment. He explained that a 160-acre block is determined based on a contiguous area and not a specific configuration. Regarding questions raised as to why Council approved a lease, he noted that Council would not have stopped gas and oil drilling by not signing. He pointed out that even though the City of Rochester turned the lease down, exploration can still go forward and those placed into the compulsory pool would receive a lesser royalty amount. In response to specific public comment questions, he noted the following:

- The lease approved by Council specifically prohibits high volume hydraulic fracturing of subsurface layers, otherwise known as "fracking". During discussions in 2012, Council specifically asked whether some fracking could be involved in the drilling of conventional wells. At the time Jordan responded that they would not need to fracture or stimulate the well.
- State Law trumps any local zoning for oil and gas wells; therefore, a local zoning ordinance prohibiting the activity would be in conflict. Ms. Morita has indicated that there is some investigation as to whether an ordinance could be enacted that would not be in conflict with State Law that would regulate related activities.
- While there is some public view that the lease itself could be illegal, he respects the opinion of the City Attorney that the lease is legal.
- All seven Council Members reside in the City and have a vested interest in keeping property values high.
- No drilling or surface activities will occur on city-owned public property. Should a private landowner enter into a lease that would allow surface activities, the City has no authority to stop those activities.
- The MDEQ's requirements also state that no drilling or wellhead can be located closer than 450 feet from a structure. In a developed community such as Rochester Hills, that requirement would severely limit where drilling activity may occur. No well will be installed in the Cemetery.
- Council did not vote to allow this to happen. The company came before Council, Council did its due diligence, and has attempted to mitigate the effects.

Mayor Barnett stated that there has been an effort on the part of the Administration to hear the residents. He commented that Jordan Oil representatives have stated that if the Auburn Hills well is not successful, the company will go away completely. In the event that they decide to move forward and find a location in the city, they confirmed that they will not use any of the City property leased to make up the percentage needed to go forward to the Supervisor of Gas and Wells. He stated that it will be based on a majority of the people in that area going forward to do this. He reiterated that Jordan stated that they will not use the City's three parcels to go after the required percentage for compulsory pooling.

ATTORNEY MATTERS

None.

RECOGNITIONS

2014-0023 Proclamation in Recognition of George Karas

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

Mayor Barnett noted that **George Karas** can be considered one of the City's fathers, having given 55 years of service to the community. He highlighted many of the ways that Mr. Karas has served the community and read the proclamation honoring his service.

Mr. Karas stated that when he first became involved, the community had about 6,000 people. He noted that three or four timely events stand out in his memory. He remembered working as a Trustee toward the paving of Brooklands after an emergency vehicle became stuck on a main road in the area. He noted the establishment of the Pine Trace Golf Course, recalling that the land had restrictions and private funds were sought to build a city golf course, which now is a source of revenue for the City. He pointed out that the ownership of the Rochester Hills Museum at Van Hoosen Farm came about as the result of a frozen water line. He told the story of his time working at Oakland University (OU) and his responsibilities at the Van Hoosen Farm. He explained that a water line froze and needed replacement. Jack Breslin, a Vice President at OU, stated that the University could not afford to replace the water line and Mr. Karas stated he suggested the University donate the property. It was determined that the property could be given to a historical commission, and subsequently a historical commission was formed and the farm dedicated to the City.

Mayor Barnett recognized Trudy Karas, and thanked her for lending her husband to the City for all these years.

Public Comment:

Scot Beaton, 655 Bolinger Street, stated that he had the privilege of serving with Mr. Karas on City Council and mentioned his many accomplishments with regard to the South Oakland County Resource Recovery Authority, the paving and development of Walton Boulevard into an upscale residential strip rather than the same type of development as it is throughout Auburn Hills and Pontiac and the development of the M-59 corridor into an Office-Research-Technology area. He likened him to Thomas Jefferson, calling him a patriot and an architect.

Presented.

Whereas, George and Trudy Karas have been Rochester Hills residents for 55 years; and

Whereas, Mr. Karas has dedicated his time and considerable talents to the City of Rochester Hills by serving on City Council as Trustee and President; and

Whereas, Mr. Karas continued his steadfast service to Rochester Hills by serving on numerous Boards, Commissions, and Committees including the Water and Sewer Technical Review Committee, Board of Review, Planning Commission, ZBA, Brownfield, Pathway, OPC, Trailways Commission, Solid Waste, Traffic & Safety, and Pine Trace; and

Whereas, Mr. Karas is the personification of a gentleman and a scholar. His kindness and willingness to share his interesting and insightful stories of the history of our city is genuinely a treasure; and

Whereas, Mr. Karas is truly one of our city's founding fathers, generously giving his time, talent, and expertise to ensure the City of Rochester Hills was and continues to be the preeminent place to live, work and raise a family.

Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize George Karas and express their gratitude for his many years of service to the City of Rochester Hills.

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.

- 2014-0022** Request for Approval of the Water Service Agreement between the Charter Township of Oakland, the City of Rochester Hills and Lakshmi Narasimhan Duvoor and Anupama Varadarajan for the property located at 1406 Dutton, Oakland Township, MI

Attachments: [Agenda Summary.pdf](#)
[DPS Memo of No Objection.pdf](#)
[Dutton Water Connection Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0017-2014

Resolved, that the Rochester Hills City Council hereby approves the Water Service Agreement between the Charter Township of Oakland, the City of Rochester Hills and Lakshmi Narasimhan Duvoor and Anupama Varadarajan for the property located at 1406 Dutton, Oakland Township, Michigan and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

- 2013-0494** Request for Purchase Authorization - DPS/FLEET: Blanket Purchase Order for heavy duty truck parts in the amount not-to-exceed \$30,000.00 through December 31, 2015; Van Horn Truck Parts, Inc., Rochester, MI and other auto parts vendors as required

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0018-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for heavy duty truck parts to Van Horn Truck Parts, Inc., Rochester, Michigan and other auto parts vendors as required in the amount not-to-exceed \$30,000.00 through December 31, 2015.

- 2014-0021** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for engineering design services for Sheldon Road Improvement Project between Placid Court to Mead Road in the amount not-to-exceed \$44,178.00; Orchard Hiltz & McCliment, Inc., Livonia, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0019-2014

Resolved, that the Rochester Hills City Council hereby authorizes the Contract/Blanket Purchase Order for engineering design services for Sheldon Road Improvement Project between Placid Court to Mead Road to Orchard Hiltz & McCliment, Inc., Livonia, Michigan in the amount not-to-exceed \$44,178.00 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2014-0012** Request for Purchase Authorization - BLDG: Blanket Purchase Order for weed mowing and lawn maintenance for Ordinance compliance for unoccupied lots in the amount not-to-exceed \$35,000.00 and for weed mowing and lawn maintenance for Ordinance compliance for occupied lots in the amount not-to-exceed \$5,000.00; Brantley Development LLC, Westland, MI; Universal Lawn Care Inc., Shelby Township, MI

Attachments: [Agenda Summary.pdf](#)
[Proposal Tab Mowing Occupied Lots.pdf](#)
[Proposal Tab Mowing Unoccupied Lots.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0020-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for weed mowing and lawn maintenance for Ordinance compliance for unoccupied lots to Brantley Development LLC, Westland, Michigan in the amount not-to-exceed \$35,000.00 and a Blanket Purchase Order for weed mowing and lawn maintenance for Ordinance compliance for occupied lots to Universal Lawn Care Inc., Shelby Township, Michigan in the amount not-to-exceed \$5,000.00 through December 31, 2014.

- 2014-0013** Request for Purchase Authorization - BLDG: Inter-Local Agreement/Blanket Purchase Order for 2014 Oakland County Household Hazardous Waste (No

Haz) Program in the amount not-to-exceed \$45,000.00; Oakland County Waste Resource Management Division, Waterford, MI

Attachments: [Agenda Summary.pdf](#)
[NO HAZ 2014 Interlocal Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0021-2014

Whereas, the northern cities, villages, and townships in Oakland County are committed to protection of the natural environment and preventing toxic materials from entering our waterways and landfill resources; and

Whereas, the improper handling and disposal of toxic and poisonous household chemicals also poses a health risk to our citizens; and

Whereas, recognizing there is a need to provide regular and easily accessible household hazardous waste collection services to North Oakland County residents; and

Whereas, collection events for household hazardous waste have become widely accepted as the best way to provide citizens with a safe method of disposal of these toxic and poisonous household chemicals, and for the communities to realize the economies of scale, and

Whereas, Oakland County, through its Waste Resource Management Division, has joined these northern Oakland County communities in creating the North Oakland Household Hazardous Waste Consortium (NO HAZ), and

Whereas, the NO HAZ Consortium has developed a household hazardous waste collection program, and

Whereas, a NO HAZ Interlocal Agreement has been drafted to address necessary legal, liability, and responsibility issues for both the County and the participating communities, and identifies Oakland County's role in administering and managing the NO HAZ program, and

Whereas, the NO HAZ Interlocal Agreement establishes a NO HAZ advisory board to assist and advise Oakland County in the development of the NO HAZ program.

Now, Therefore Be It Resolved, that our community, the City of Rochester Hills, hereby approves the attached NO HAZ Interlocal Agreement and authorizes its signature, and

Be It Further Resolved, that we hereby appoint Jack Sage as our official representative to the NO HAZ Advisory Board, to work with the Oakland County Waste Resource Management Division as needed to plan the NO HAZ program for 2014.

Be It Further Resolved, that the Rochester Hills City Council hereby authorizes the Blanket Purchase Order to Oakland County Waste Resource Management Division in the amount not-to-exceed \$45,000.00 for the 2014 Oakland County Household Hazardous Waste (NO HAZ) Program.

Passed the Consent Agenda

A motion was made by Morita, 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 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

The following Consent Agenda Item was Removed and Discussed.

2014-0002 Request for Approval of the Storm Water System Maintenance Agreement between the City of Rochester Hills, and CP Ventures Limited Partnership, 12955 23 Mile Road, Shelby Township, MI 48315, for 1877 Washington Road

Attachments: [Agenda Summary.pdf](#)
[Storm Water Sys Maint Agreement appd 121913.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that he and Melinda Hill had numerous correspondence regarding this item on Friday and over the weekend; and Paul Davis, City Engineer/Deputy Director of DPS, had communication with her today on her concerns.

Public Comment:

Melinda Hill, 1481 Mill Race, expressed her concerns that acceptance of the agreement would affect the protection of the community from non-point source pollution. She stated that the proposed agreement was not standard, as it pertained to a single private property over five acres in size on Winkler Mill Pond, rather than a typical residential or commercial development. She commented that her property sits downstream from Winkler Mill Pond, and the area features a large amount of flood plain properties with Stony Creek passing through on either side. She pointed out that the agreement exhibits include only the lease segment where a 15-inch pipe will run from Washington Road to Winkler Mill pond to take storm water off of the subject property and dump it into the pond. She noted that there are three individual sump areas along the 15-inch pipe that will gather some of the pollutants and debris before discharging into the pond. She noted that much of the impervious area was reduced prior to the construction of the almost 12,000 square foot home; however, in 2013 the owner asked for the addition of an accessory building and removal of a rain garden. She expressed concern that there was a significant amount of impervious surface and paved driveways; and non-point pollution would be driven down. She pointed out that there are no other storm water pipes heading toward the creek and mentioned that there are erosion problems in that area. She stated that she knew that the property owner extended the pavement on Washington Road for his easterly driveway. She noted that this adds more impervious surface and will push more water onto the gravel and down toward their property and the pond. She commented that there are ongoing erosion problems on her private road. She requested that exhibits be added to the agreement to include engineering plans showing the location of the three sumps. She stated that drawings should be attached to the agreement to be cited should something go wrong and the pond incur damage as a result. She commented that she would like to have seen a rain garden before the discharge moves into the natural buffer to add additional protection.

President Hooper questioned whether a storm receptor could be required.

Mr. Schneck responded that the agreement has been executed by the owner. He explained that thoughts originally were to have a manufactured treatment device; however, it was determined that it would be unfair to make a sole property owner responsible for mitigating storm water concerns in the road right-of-way. He commented that the road is under the jurisdiction of the Road Commission for Oakland County (RCOC). He pointed out that there are places for suspended solids to fall into the sumps and the design includes a cascading stair to act as an energy absorption system before the water makes it into the pond.

President Hooper commented that the road right-of-way was not the homeowner's problem to begin with and the RCOC felt it was necessary to require mitigation.

Mr. Schneck responded that in partnership with the RCOC, the City talked to the property owner regarding mitigating conditions and the potential for erosion issues. He pointed out that there are provisions under Item 2 in the agreement for maintenance to keep the system free from silt and debris and the pipe free of obstructions, controlling the effects of erosion.

President Hooper questioned whether the City Attorney had any additional comments on the agreement. He noted that the design employs the use of sumps in lieu of other aggressive means to separate solids.

Mr. Schneck responded that there are provisions in the agreement that would apply in the event that CP Partnership does not address a problem should it occur. He stated that the City would go in and correct any problem.

John Staran, City Attorney, stated that he would not comment on the engineering aspect of the agreement. He commented that if there are additional issues found to be explored with the homeowner, they could be added to the agreement; however, he had nothing specific to recommend this evening.

President Hooper questioned whether the RCOC saw the need to add more to the design than the three sumps.

Mr. Schneck responded that the RCOC has partnered between the City and the property owner to address concerns within the road right-of-way, and the design was found acceptable to all three parties.

Mr. Wiggins questioned exactly what Ms. Hill would like to see added to the agreement.

Mr. Schneck offered that an exhibit of the as-built plans should be included as a part of the agreement document. He pointed out that the way the agreement is currently structured, the exhibits depict an easement for the pipe where it travels through the property.

Mr. Wiggins commented that the property owner is responsible for any types of

issues; however, he questioned whether there is something not included that could be added to the agreement.

Mr. Schneck responded that it is his thought that the agreement speaks to itself. If a concern should arise that affects public health, safety or welfare, the City has the right to go in and talk with the property owner.

President Hooper stated that an adverse condition would occur should gravel from the road fill the storm sewer and wash into Winkler Mill Pond.

Mr. Wiggins questioned whether the RCOC would be involved in mitigation should that occur.

President Hooper stated that as the City is signing the agreement, the maintenance would fall to the City.

Mr. Staran responded that the agreement empowers the City to notify the property owner to correct the deficiencies. If it is not corrected, the City would take action.

Mr. Schneck added that in that event, the property owner would be back-charged.

Mr. Brown questioned whether these types of structures are in use anywhere else in the city; and if so, are they identified in their respective agreements. He suggested that their identification could be added to this agreement.

Mr. Schneck responded that there would be no harm in adding them to the as-built drawings that are typically retained in the Building Department.

Mr. Staran responded that there would not be a problem to exchange the exhibit in question with one more detailed. He commented that these types of agreements are typically in conjunction with multiple unit developments or subdivisions; and more highly-engineered drawings are included.

Mr. Brown questioned whether the drawings would still be available if they are not added to this agreement.

Mr. Schneck responded that they would.

Mr. Staran noted that the drawings would remain on file with DPS and commented that they would be reviewed when evaluating if there are maintenance deficiencies.

Mr. Brown questioned whether that would meet the intent of Ms. Hill's request.

Ms. Hill suggested that it would be better if they were attached to the agreement. She commented that as this is a unique situation she would request that the item be postponed. She stated as she understands through conversations with staff, the RCOC does not want to be responsible and leaves responsibility to the property owner. She pointed out that there currently are no structures addressing runoff

that discharge into Winkler Mill Pond. She stated that there is and has been a runoff problem in front of the subject property.

Ms. Morita questioned where storm water runoff from Washington Road currently goes.

Mr. Schneck responded that it eventually makes its way to Winkler Mill Pond. He noted that before the house in question was built, storm water traversed the property to the pond. He stated that this system provides a more direct route of capturing the runoff and transporting it through a pipe toward the pond.

Ms. Morita questioned whether the storm water will enter the pond at a higher velocity than it did prior to the construction.

Mr. Schneck explained that it will; however, he noted that there is an existing concrete structure there that will act as a natural feature and a source for energy absorption and prevent water from flying out of the pipe into the pond.

Mr. Kochenderfer questioned whether there is a downside to holding off consideration of this item until the next Regular meeting.

Mr. Schneck responded that nothing prohibits the City from deferring this item. He stated that additional clarification could be obtained from Ms. Hill. He stated that it is the City's opinion that what is in place and what has been constructed is appropriate.

Mr. Kochenderfer stated he would like to see a decision delayed for one meeting.

President Hooper suggested that the design be included and the RCOC's opinion provided to determine whether there should be a more aggressive means of cleaning up the water prior to discharge into the pond. He commented that the design discharge allowed will be higher than the agricultural rate.

Mr. Schneck mentioned that the cost of a treatment package could be in the range of \$10,000, \$15,000 or \$20,000.

President Hooper commented that he agrees that it is not fully the problem of the individual homeowner and commented that it should be further investigated why the RCOC is not being required to bear some of the liability.

Postponed.

NEW BUSINESS

2014-0014 Request for Approval and Adoption of the Limited English Proficiency Plan for the City of Rochester Hills

Attachments: [Agenda Summary.pdf](#)
[CORH LEP Plan.pdf](#)
[CORH Title VI Plan.pdf](#)
[Resolution.pdf](#)

Pamela Gordon, Director of Human Resources, stated that adoption of the plan is required to be in compliance with Federal regulations and is tied to receipt of Federal Transportation Funds through State Department of Transportation (DOT). She explained that the City was notified back in November that the DOT requires plans on file for compliance under Title XI related to providing limited English proficiency individuals access for City programs, services and activities. She noted that she would be considered Program Manager for the plan.

President Hooper noted that Mr. Brown had identified a typographical error in Table #1 on page six of the plan proposed for adoption.

Ms. Gordon responded that the data included in the plan came directly off IRS' website and was placed into the document by the State upon review of its first draft. Table #1 on page six included a number which should have read "100 percent". She stated that she contacted the State and confirmed that it is acceptable for the City to make the correction.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0022-2014

Whereas, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how the City of Rochester Hills will accommodate persons with Limited English Proficiency; and

Whereas, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter; and

Resolved, that the Rochester Hills City Council approves and adopts the Limited English Proficiency Plan for the City of Rochester Hills.

2014-0011 Request for support to submit a grant application to Southeast Michigan Council of Governments (SEMCOG) Transportation Alternatives Program (TAP) through the Michigan Department of Transportation for the Clinton River Trail Look & Feel Project

Attachments: [Agenda Summary.pdf](#)
[Presentation 021113.pdf](#)
[Resolution.pdf](#)

Mike Hartner, Director of Parks and Forestry, noted that the Friends of the Clinton River Trail made a presentation to Council last year in support of a submission for

a Michigan Natural Resources Trust Fund Grant last year for the Clinton River Look and Feel Project. The City was unsuccessful in securing a grant last year. The City was recently contacted by the Michigan Department of Transportation and encouraged to submit for another grant.

Mr. Webber expressed his support for the project and questioned when the City will hear if it is successful in securing the grant.

Mr. Hartner responded that a response could come within a month's time.

Ms. Morita mentioned that a portion of the trail in between Adams and Auburn within Auburn Hills' border is in rough shape and questioned whether the project pertained only to signage or could address trail conditions.

Mr. Hartner responded that the project consists of signage and trail amenities. He stated that Auburn Hills is in the process of undertaking trail upgrades.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0023-2014

Whereas, one of the goals and objectives of the City of Rochester Hills Parks and Recreation Master Plan 2011-2015 includes the implementation of the Friends of the Clinton River Trail Look & Feel project; and

Whereas, this project is in the City's Capital Improvement Plan (CIP #PK-10D) and will improve the trail by providing information and way-finding signage and will also enhance the community identity associated with the trail; and

Whereas, the Friends of the Clinton River Trail has developed a Look & Feel master plan to supplement the Clinton River Trail Master Plan. They have met many times going back to August 2008 when they held a public visioning session to receive input and in December 2012 produced their final report on the Look & Feel project; and

Whereas, the Cities of Rochester Hills, Rochester and Auburn Hills have worked cooperatively to identify funding opportunities; and

Whereas, the City of Rochester Hills will be the lead applicant and submit a joint grant application to include Rochester and Auburn Hills; and

Whereas, the implementation of the Look & Feel project will provide the installation of signage, way-finding and trail amenities along the Clinton River Trail in the three communities named above; and

Be It Resolved, that the Rochester Hills City Council does hereby support the application to the Michigan Department of Transportation for grant funding through the Southeast Michigan Council of Governments Transportation Alternatives Program, and if awarded, provide funding for this development of \$31,250 as the required 25% match for \$125,000 signage and amenity package.

Be It Further Resolved, that the Mayor or his designee is authorized to execute the application on behalf of the City.

- 2014-0026** Request for Purchase Authorization - DPS/ENG: Shared Blanket Purchase Order for underground utility repairs and related services in the amount not-to-exceed \$200,000.00 through December 31, 2015; Pamar Enterprises, Inc., New Haven, MI; Superior Excavating, Inc., Auburn Hills, MI

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

Allan Schneck, Director of DPS/Engineering, stated that the City requests approval to hold the two recommended firms on retainer in the event there is an emergency catastrophic repair that DPS staff cannot perform.

President Hooper stated that while he works in the construction industry and knows both of the firms, he has no connection to the bid, contract or negotiation and has no financial interest in either of the firms. As such, he sees no need to recuse himself from the discussion and vote.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0024-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Shared Blanket Purchase Order for underground utility repairs and related services to Pamar Enterprises, Inc., New Haven, Michigan and Superior Excavating, Inc., Auburn Hills, Michigan in the amount not-to-exceed \$200,000.00 through December 31, 2015.

COUNCIL COMMITTEE REPORTS

Police and Road Funding Technical Review Committee:

Mr. Webber reported that Committee Chairperson Dale Hetrick, who was injured in a serious car accident in the fall, is doing much better and plans to restart Committee activities soon.

Rochester Area Youth Assistance (RAYA):

Mr. Brown reported that as the school buildings are scheduled to be closed tomorrow due to the severe weather, RAYA's board meeting has been moved to the Greater Rochester Area Chamber of Commerce at the corner of Walnut and First Street.

Paint Creek Trailways Commission:

Ms. Morita reported that the Trailways Commission has encountered some difficulties dealing with lavatory placement in the area of Tienken and Livernois Roads. She commented that the Commission hopes to coordinate with the necessary entities to ensure that the lavatories are placed appropriately.

Planning Commission:

President Hooper reported that the Planning Commission passed a recommendation for the rezoning of the G&V Property on Rochester Road to R-4

with an FB-2 overlay district. The issue will be coming to Council for discussion.

Rochester Avon Recreation Authority (RARA):

Mr. Wiggins reported that enrollment books for RARA activities were distributed within the last couple of weeks.

ANY OTHER BUSINESS

Mayor Barnett reported that the Detroit Water and Sewerage Board (DWSD) has announced projected water and sewer rate increases. He noted that the numbers, which are preliminary, lists Rochester Hills in the middle of the rate increases.

Mr. Brown questioned whether the rate change is the result of any bankruptcy proceedings for the City of Detroit.

Mayor Barnett responded that they were not a part of the bankruptcy.

The Mayor displayed photographs of the automobile made in Rochester Hills highlighted at the Detroit International Auto Show, and from his trip to Washington D.C. where he presented to other Mayors of cities the five things that financially-responsible cities can do. He highlighted the Performance Dashboard and the three-year budget, stating that no other cities represented use a multi-year budgeting process. He displayed photographs from the Innovation Summit in Washington D.C. and an Auto Show event attended by Vice President Joe Biden and Michigan Governor Rick Snyder.

NEXT MEETING DATE

Regular Meeting - Monday, February 10, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:52 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, Clerk
City of Rochester Hills*

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

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