



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

*Kevin S. Brown, Dale A. Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita,
Mark A. Tisdell 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, February 23, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:00 p.m. Michigan Time.*

ROLL CALL

Present 7 - Kevin S. Brown, Dale Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie
Morita, Mark A. Tisdell and Thomas W. Wiggins

Others Present:

*Bryan Barnett, Mayor
Hannah Kowalski, Rochester Hills Government Youth Council Representative
Allan Schneck, Director of DPS/Engineering
Leanne Scott, Deputy Clerk
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

***Mayor Barnett** introduced members of the Rochester College Warriors Hockey
Team, and announced that they were the winners of a hockey tournament between
the Oakland University and Rochester College club-level teams. Team members
displayed the painted trophy "Jug" awarded to the winners; and he explained that
the trophy was created from a farm milk container as a symbol of the history of the
Van Hoosen Farm. He noted that the team from Rochester College, with a school
enrollment of around 1,600 students, beat the team from Oakland University, with a
school enrollment of 21,000 students.*

*The members of the Rochester College Warriors Hockey Team led the Pledge of
Allegiance.*

APPROVAL OF AGENDA

A motion was made by Brown, seconded by Kochenderfer, that the Agenda be Approved as Amended to remove Legislative File 2015-0067 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Asphalt Paving materials in the amount not-to-exceed \$49,000.00 through December 31, 2016; Ajax Materials Corporation, Troy, MI from the Consent Agenda for separate discussion. The motion carried by the following vote:

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

COUNCIL AND YOUTH COMMITTEE REPORTS

Hannah Kowalski, Rochester Hills Government Youth Council (RHGYC) Representative, announced that the RHGYC's annual 5K will be held on Saturday, June 13, 2015 at Bloomer Park. She noted that proceeds from the event will once again benefit the Blessings in a Backpack charity, and she mentioned that last year's 5K raised \$15,000 for the charity. She stated that online registration for the 5K will be available soon.

RECOGNITIONS

2015-0082 Proclamation in Recognition of February 22-28, 2015 as Rochester Hills Engineers Week

Attachments: [022315 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper read the proclamation recognizing February 22 to 28, 2015 as Rochester Hills Engineers Week.

Presented.

Whereas, Engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

Whereas, Engineers face the major technological challenges of our time - from rebuilding towns devastated by natural disaster, cleaning up the environment, and assuring safe, clean, and efficient sources of energy, to designing information systems that will speed our country into the future; and,

Whereas, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

Whereas, we will look more than ever to engineers and their knowledge and skills to meet the challenges of the twenty-first century.

Now, Therefore, Be It Resolved, that February 22, 2015 through February 28, 2015 is hereby declared Engineers Week in Rochester Hills. Accordingly, our citizens are encouraged to join in participating in Engineers Week activities and to inspire the next generation of engineers.

PUBLIC HEARINGS

2015-0032 Request for Approval of the Gilbert Avenue right-of-way vacation request between Auburn and June Roads

Attachments: [022315 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[012615 Agenda Summary.pdf](#)
[Homeowner Application Request.pdf](#)
[1713 Auburn ROW Vacate Request.pdf](#)
[Sunnydale Gardens Plat.pdf](#)
[Engineering Report.pdf](#)
[012615 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that a report was presented on the proposed vacation of the right-of-way for Gilbert Avenue at the previous Council Meeting by Paul Davis, City Engineer/Deputy Director of DPS. He requested Council consider approval of the vacation request following tonight's Public Hearing.

President Hooper Opened the Public Hearing at 7:07 p.m.
Seeing no Public Comment, President Hooper Closed the Public Hearing at 7:08 p.m.

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

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

Enactment No: RES0041-2015

Whereas, Ms. Catherine Hayes of 1713 W. Auburn Road has requested that the City approve the vacation of Gilbert Avenue between Lot 1 of the Sunnydale Gardens Subdivision Plat (1713 W. Auburn Road) and parcel 15-33-126-049 (1691 W. Auburn Road); and

Whereas, the City Council of the City of Rochester Hills on January 26, 2015 did by resolution deem it advisable and declare its intention to vacate, discontinue or abolish the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

Gilbert Avenue, Sunnydale Gardens Subdivision

The platted portion of Gilbert Avenue between 1713 W. Auburn Road on the westerly side, 1691 W. Auburn Road on the easterly side, 1744 June on the southerly side and Auburn Road on the northerly side with the exception of the northerly 60-foot reserved for Auburn Road public right-of-way.

Whereas, in accordance with Article IV, Section 94-175 of Chapter 94 of the Code of Ordinances, the City Council has held a public hearing and has heard and considered any comments or objections pertaining to such vacation, discontinuance or abolition; and

Whereas, the City Council determines it is necessary for the health, welfare, comfort and safety of the People of Rochester Hills to vacate, discontinue or abolish the above-described street, alley, public ground or part thereof;

Now, Therefore, Be it Resolved:

1. That the above-described street, alley, public ground or part thereof shall be vacated, discontinued or abolished.
2. That the 60-foot southerly half right-of-way for Auburn Road be excluded from the public vacation and be reserved for continuance public roadway, utility, pathway or other existing or future public use.
3. That a 20 foot wide water main easement be reserved for the existing 6-inch diameter water main stub heading south from the existing 16-inch water main paralleling Auburn Road.
4. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.
5. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

PUBLIC COMMENT for Items not on the Agenda

Lee Zendel, 1575 Dutton, mentioned a Detroit News article which reported that the Michigan Department of Environmental Quality (MDEQ) stated that oil and gas exploration is the most regulated industrial process in Michigan. He pointed out that the MDEQ and the Michigan Department of Natural Resources have been regulating oil and gas drilling in Michigan since the 1920s. He commented that over 50,000 oil and gas wells have been drilled in Michigan; and he stated that up to now there have been only five oil and gas well fires, including one that occurred back in 1931. He noted that technology has improved since then, and he commented that the most recent fire was extinguished in 48 minutes from the time of the call. He stated that the probability of a fire is one in ten thousand. He commented that ordinances enacted in other communities where mineral leases have been signed could be considered as a taking. He stated that Oakland County currently has approximately 300 operating oil or gas wells.

Michael Webber, State Representative for the 45th District, stated that he is honored to be serving as the State Representative for the greater Rochester area. He reported that the State Legislature is off to a good start, and is undertaking the challenge of working to deal with a budget shortfall due to Michigan Economic Growth Authority (MEGA) credits which have come back to the State. He explained that State liabilities for MEGA credits are in the area of \$9.5 billion, and he noted that efforts are underway to deal with necessary cuts, without cuts to revenue sharing or K-12 education. He explained that there was some money used through the school aid fund for communities colleges; however, it did not affect per-pupil funding.

He mentioned that the MDEQ presented some rule changes for oil and gas exploration under consideration for Wayne, Oakland and Macomb Counties; and he noted that this has spurred some discussion regarding potential legislation that would apply to those counties for increased setbacks.

He noted that his role with regard to the May 5th ballot proposal will be one of providing information on the proposal. He explained that his constituents will see a mailer from him discussing the pros and cons of the proposal.

He invited those wishing to contact him to phone his office at 517-373-1773 or send an email to michaelwebber@house.mi.gov.

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.

2015-0083 Approval of Minutes - City Council Regular Meeting - January 26, 2015

Attachments: [CC Min 012615.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0042-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 26, 2015 be approved as presented.

2015-0072 Request for Acceptance of a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by H & H Rentals, L.L.C., a Michigan Limited Liability Company, 1601 E. Hamlin Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowners in the amount of \$1,970.00

Attachments: [022315 Agenda Summary.pdf](#)
[Pathway Easement.pdf](#)
[Temporary Construction Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0043-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by H & H Rentals, L.L.C., a Michigan Limited Liability Company of 1601 E. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-24-401-021, and authorizes payment to the landowners in the amount of \$1,970.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0073** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by John W. Wright and Georgia M. Wright, 1765 E. Hamlin Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowners in the amount of \$1,062.00

Attachments: [022315 Agenda Summary.pdf](#)
[Pathway Easement.pdf](#)
[Temporary Construction Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0044-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by John W. Wright and Georgia M. Wright of 1765 E. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-24-401-034, and authorizes payment to the landowners in the amount of \$1,062.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0074** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Ronald Mikolaczyk and Brian Mikolaczyk, 1811 E. Hamlin Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowners in the amount of \$425.00

Attachments: [022315 Agenda Summary.pdf](#)
[Pathway Easement.pdf](#)
[Easement Valuation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0045-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement granted by Ronald Mikolaczyk and Brian Mikolaczyk, of 1811 E. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-24-401-036, and authorizes payment to the landowners in the amount of \$425.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0076** Request for Acceptance of a Highway Easement for Rochester Community Schools, Rochester Hills, MI, and authorization of payment to the landowners in the amount of \$1.00

Attachments: [022315 Agenda Summary.pdf](#)
[Highway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0046-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Highway Easement granted by Rochester Community Schools, of 270 W. Hamlin Road, Rochester Hills, Michigan, 48307, over, on, under, through and across land more particularly described as Parcel Nos. 15-22-451-031, 15-22-451-007, and 15-22,-451-020, and authorizes payment to the landowners in the amount of \$1.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0077** Request for Acceptance of a Temporary Construction Easement for Shadow Woods Subdivision Association, commonly known as Timberline Park, and authorization of payment to the landowners in the amount of \$250.00

Attachments: [022315 Agenda Summary.pdf](#)
[Temporary Easement.pdf](#)
[Easement Valuation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0047-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Temporary Construction Easement granted by Shadow Woods Subdivision, commonly known as Timberline Park, of 3128 Walton Blvd, Suite 102, Rochester, Michigan, 48309, over, on, under, through and across land more particularly described as Parcel No. 15-08-128-033, and authorizes payment to the landowners in the amount of \$250.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0081** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by Rochester Community Schools, 501 W. University Drive, Rochester, Michigan 48307, and authorization of payment to the landowners in the amount of \$1.00

Attachments: [022315 Agenda Summary.pdf](#)
[Pathway Easement.pdf](#)
[Temporary Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0048-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by Rochester Community Schools of 501 W. University Drive, Rochester, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-06-400-002, and authorizes payment to the landowners in the amount of \$1.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2015-0060** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Cold Patching Materials in the amount not-to-exceed \$49,260.00 through December 31, 2016; Barrett Paving Materials, Inc., Mt. Clemens, MI

Attachments: [022315 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0049-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Cold Patching Materials to Barrett Paving Materials, Inc., Mt. Clemens, Michigan in the amount not-to-exceed \$49,260.00 through December 31, 2016.

- 2015-0066** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs in the amount not-to-exceed \$80,000.00 through December 31, 2015; Road Commission for Oakland County, Waterford, MI

Attachments: [022315 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0050-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs to the Road Commission for Oakland County, Waterford, Michigan in the amount not-to-exceed \$80,000.00 through December 31, 2015.

- 2015-0071** Request for Approval of the Private Street Lighting System Agreement between the City of Rochester Hills and the Arcadia Park Homeowners Association

Attachments: [022315 Agenda Summary.pdf](#)
[Private Street Light Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0051-2015

Resolved, that the Rochester Hills City Council approves the Private Street Lighting System Agreement between the City of Rochester Hills and the Arcadia Park Homeowners Association for street lights to be installed in the entrance islands within the right-of-way of Arcadian and Enchantment Drives located in Arcadia Park Subdivision, and further authorizes the Mayor to execute the Agreement on behalf of the City.

- 2015-0068** 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: [022315 Agenda Summary.pdf](#)
[Bid Tab Mowing Occupied Lots.pdf](#)
[Bid Tab Mowing Unoccupied Lots.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0052-2015

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, 2015.

Passed the Consent Agenda

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

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

The following Consent Agenda item was discussed and adopted by separate motion.

2015-0067 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Asphalt Paving Materials in the amount not-to-exceed \$49,000.00 through December 31, 2016; Ajax Materials Corporation, Troy, MI

Attachments: [022315 Agenda Summary.pdf](#)
[Bid Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the asphalt paving materials are used during more favorable times of the year, typically for restoration after watermain breaks or sewer repairs where repaving needs to be done. He explained that crews go to the plant providing the material, pick up and bring the material to the jobsite. He mentioned that bids were competitively solicited through the City's Purchasing Division.

Public Comment:

Lee Zendel, 1575 Dutton Road, noted that the bid tabulation provides costs to the nearest ten-millionth of a cent. He stated that the spreadsheet appears to make the assumption that every load of asphalt crews pick up is one ton. He commented that if the quantity needed is more than one ton, the difference between Ajax and Cadillac shrinks; and he pointed out that at a quantity of six tons, Cadillac is actually ahead. He stated that the City has granted contracts in that past to two ready mix concrete companies, and he suggested that Council approve both Ajax and Cadillac. He noted that if the load will be greater than six tons, crews could go to Cadillac and save the City money.

Council Discussion:

President Hooper questioned whether the labor cost to obtain the load is computed as a unit price. He stated that the cost noted is \$48 to pick up a load from Cadillac.

Mr. Schneck responded that the cost to pick up a load is a fixed cost, and is the same whether picking up one ton or six.

Mr. Brown questioned how often the City needs to pick up larger batches of six tons or more.

Mr. Schneck responded that the quantity needed is based on the scope of repair. He explained that the City's hot patch machine takes three tons for pothole repair, and crews may make two trips. He noted that street cuts are typically twelve feet by six feet, and noted that he would not see crews typically using in excess of six tons per repair. He commented that while a larger quantity might be needed on occasion, it is less frequent than crews picking up less than six tons.

Mr. Brown questioned whether the agreement specifies a certain minimum quantity purchased per year.

Mr. Schneck responded that it is a price per ton, and the Blanket Purchase Order calls for an as-needed basis. He explained that the ceiling for the purchase order is \$49,000.

President Hooper commented that he would not be opposed to naming Ajax as a primary vendor and Cadillac as a secondary vendor.

Mr. Brown concurred, stating that he would support approving Ajax as a primary vendor and Cadillac as secondary.

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

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

Enactment No: RES0053-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Asphalt Paving Materials to Ajax Materials Corporation, Troy, MI as a primary vendor and Cadillac Asphalt, Canton, MI as a secondary vendor in the amount not-to-exceed \$49,000.00 through December 31, 2016.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett reported that the City has experienced many problems with frozen pipes and utility meters over the last several weeks. He explained that these problems can occur anytime the weather remains below 25 degrees F for an extended period. He mentioned that the DPS page of the City's website highlights several tips for residents to alleviate these problems.

A video was shown of a WDIV newscast highlighting the hockey tournament on Spencer Lake. He commented that the tournament was well attended, and is expected to grow as it gets more exposure. He noted that this is one of many fun winter activities in the City's parks.

Mr. Kochenderfer extended his congratulations to the Rochester College Warriors Hockey Team, and thanked State Representative Michael Webber for his legislative update. He mentioned an article appearing in the Oakland Press this past weekend that reported that individual communities do not have any control over the speed limits on gravel roads. He noted that Representative Webber has introduced legislation that would give some control back to local communities in setting limits. He expressed his thanks and suggested that the City would provide its assistance and support wherever it could.

Mr. Hetrick expressed his appreciation to State Representative Webber and commented that he looks forward to receiving information on the upcoming State ballot proposal. He thanked Mr. Zendel for his comments on oil and gas wells in Michigan and the extent of the potential risks. He commented that this information helps Council understand what is going on.

President Hooper extended his thanks to Vice President Tisdell for filling in at the previous Council meeting that he could not attend. He congratulated Rochester College's Hockey Team on its victory. He announced that the Planning Commission would be scheduling a Special Meeting shortly to address oil and gas ordinances for recommendation to City Council.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NEW BUSINESS

2015-0085 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Langeron Charities, Inc.

Attachments: [022315 Agenda Summary.pdf](#)
[Cover Letter.pdf](#)
[Bylaws.pdf](#)
[Articles of Incorporation.pdf](#)
[IRS Determination Letter.pdf](#)
[Revenue and Expense Statement.pdf](#)
[Board of Directors.pdf](#)
[Initial Solicitation Registration Form.pdf](#)
[Organizational Minutes 050109.pdf](#)
[Organization Summary.pdf](#)
[Board Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Rudolf Krichmar, representing Langeron Charities, was in attendance to request a nonprofit designation for his charity in order to do gaming events.

President Hooper noted that the information provided indicated that the organization was incorporated in 2009. He questioned what charities the organization supported to date.

Mr. Krichmar responded that there were none.

Mr. Hetrick questioned what the organization has done within the community that might be helpful or relevant for Council to be made aware of.

Mr. Krichmar explained that his charity helps low income individuals in the community and a charitable gaming license would allow the organization to raise funds.

Mr. Hetrick questioned how much money the charity has raised thus far.

Mr. Krichmar responded none, noting that the Internal Revenue Service approval was granted several months ago.

Mr. Hetrick questioned what the organization has done since its incorporation.

Mr. Krichmar responded the organization is just getting started.

Mr. Hetrick stated that it will be difficult for him to support the request as the organization has not done anything to support the community thus far. He encouraged Mr. Krichmar to have the charity undertake activities to get started.

Mr. Krichmar responded that they purchase food and clothes.

Mr. Hetrick questioned how much the charity has raised.

Mr. Krichmar responded that as his submission states they had about \$6,000 in the bank, and spent almost every penny for those it helps.

Ms. Morita questioned what is located at the Dearborn Street address given.

Mr. Krichmar responded that this address is both his home and the charity's office.

Ms. Morita questioned whether the charity is being run out of Mr. Krichmar's house. She questioned whether the charity's board of directors live.

Mr. Krichmar responded that they meet in his home and live elsewhere.

Ms. Morita pointed out that the submission indicates that the organization pays \$400 per month to Mr. Krichmar for office rent. She pointed out that there is a requirement for submission of a complete set of the Articles of Incorporation and By-Laws for review. She noted that only the front pages were provided.

Mr. Krichmar mentioned that he brought two more pages in the next day.

Ms. Morita noted that two first pages were brought in along with two pages of an amendment. She stated that the Articles should state that if the organization dissolves, the money left over is to be given to another charitable organization or to the City of Rochester Hills; and she noted that this information is not provided. She stated that she hopes that these documents can be provided for review.

President Hooper responded that everything submitted to the Clerk's Office to date was included in Council's packet.

Mr. Tisdell questioned whether this item should be postponed to the March 16th Regular Meeting to give Mr. Krichmar the opportunity to provide the missing documents.

President Hooper stated that Council could move to deny, postpone the item to a date certain, or postpone the item indefinitely.

Mayor Barnett commented that in order for the applicant to not waste his or Council's time, Council should articulate its expectation whether the organization simply needs to provide additional information or whether the Administration should explain to Mr. Krichmar what other requirements should be met before returning.

Ms. Morita pointed out that there are certain requirements in the Charitable Gaming License Policy that have not been met. She suggested staff review the policy with Mr. Krichmar, listing the documents needed including a complete set of organizational documents, actual addresses for board members, and other information specifically listed in the policy. She stated that she does not wish to deny approval just because she does not have all the information.

Mr. Hetrick stated that he would like to see a written summary of the organization's nature and purpose along with activities it has conducted in the community. He stated that the statement should be clear of what has been done for the community with a description of its fund raising efforts, and explain the charitable gaming activity it wishes to conduct. He stressed that Council must be comfortable with the viability of the charity as a 501(c)3 organization.

President Hooper commented that for him to support the request he would need to see the charity's history and activity as a nonprofit. He pointed out that Council has had a number of applicants that provided a great deal of history of the nonprofits they have supported, and another group that had no previous activity. He stated that the organization should have some charitable activities prior to seeking a gaming license. He commented that should the organization be able to show activity as a nonprofit and bring this information at a future date, he would have no problem considering approval again.

Mr. Wiggins mentioned that there is no history of the process of showing the charities the organization has been working with. He stated that once this history is established, then the next step would be to apply for the gaming license.

Ms. Morita stated that it is her opinion Council should deny the request at this time. She noted that this particular applicant has much to overcome to gain Council's approval, and would still have the ability to come forward with new information or a material change. She commented that if he has all the documents and could provide the history, she would consider the request; however, if he cannot provide them, she would not.

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

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

Enactment No: RES0054-2015

Resolved, that the request from the Langeron Charities, Inc., located at 2781 Dearborn, Rochester Hills, MI 48309, Oakland County, asking that they be recognized as a nonprofit

organization operating in the community for the purpose of obtaining a charitable gaming license be denied.

- 2015-0062** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for calcium chloride and brine in the amount not-to-exceed \$272,280.00 through December 31, 2016; Liquid Calcium Chloride Sales, Kawkawlin, MI

Attachments: [022315 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that calcium chloride and brine are used in the City's dust control program. He explained that a number of years ago, the City strictly used calcium chloride; while other agencies used mineral well brine on roads under their jurisdiction. He noted that mineral well brine is half the cost of calcium chloride, and stated that the City primarily used brine last year. He added that calcium chloride is still desired in some instances as it is fairly effective.

President Hooper questioned how many years brine has been in use. He mentioned that it is effective when temperatures are not below zero.

Mr. Schneck responded that brine has been used for two years.

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, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0055-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order to Liquid Calcium Chloride Sales, Kawkawlin, Michigan in the amount not-to-exceed \$272,280.00 through December 31, 2016.

- 2015-0086** Request to Approve the Amendment to the Intergovernmental Cable Communications Authority (ICCA) Intergovernmental Agreement adding a \$5,300.00 annual membership fee

Attachments: [022315 Agenda Summary.pdf](#)
[ICCA Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper stated that while he understands why an audit might be undertaken, he would question whether membership in the Intergovernmental Cable Communications Authority (ICCA) is voluntary. He noted that several of the larger adjacent cities are not in the authority.

Jason Dale, Media Communications Coordinator, explained that the ICCA membership was formed in 1984 and is geographical. He commented that there was a sense that bordering communities would band together.

President Hooper noted that Sterling Heights is not in the ICCA.

Mr. Dale responded that he is unsure what the genesis of the eleven-member group was. He pointed out that the Birmingham Area Cable Board has four or five member communities, and Livonia has joined with two or three communities. He mentioned that there are larger nearby cities that have gone on their own without joining any others.

President Hooper questioned whether the City has contributed funds in the past for an audit.

Mr. Dale responded that it has not. He explained that the ICCA started out with a \$400,000 grant in 1984 and had been living off of the interest. He noted that the funds are now running out.

President Hooper questioned what the City will receive in return for contributing audit fees.

Mr. Dale responded that there have been some audits in the past that have been very fruitful. He mentioned an audit done eight or ten years ago which netted the City a couple hundred thousand dollars. He added that another recent audit yielded no additional funds. He explained that the nature of those two audits focused on the equations and math used to determine the fees cities were supposed to receive. He noted that this audit will focus on whether cable companies are truthfully and accurately reporting their gross earnings in the community. He stated that while the formula is correct, the question is whether the formula is being applied to the right number. He pointed out that the City's share of the audit cost is \$5,300, and commented that this contribution would be expected every year.

President Hooper stated that Council is only requested to approve the audit for one year.

Mr. Dale responded that this is a results-based decision. He explained that if there are no results, there would be no need to continue in the future.

Mayor Barnett stated that the Administration determined that it would be slightly more expensive to undertake its own audit of three cable companies with associated legal fees.

Mr. Hetrick expressed his appreciation for the results-based consideration. He questioned what results are expected.

Mr. Dale responded that he is not sure what to expect. He commented that if the audit results in the City receiving \$5,301 or more, it would be worth continuing in the future. He stated that if it does not, it is his thought that it would not be worth continuing.

Mr. Hetrick commented that if the City opts out of the consortia to undertake its own audit, it would need to expend approximately \$5,300. He noted that if a future decision is results-based, it would be good.

Mr. Dale responded that it could be more than that amount.

Ms. Morita pointed out that the agreement provides for a fee of \$5,300 for the first

year with a rate of inflation and no cap. She questioned how hard it would be to get out of the agreement.

John Staran, City Attorney, responded that it is not difficult. He explained that the City is able to review things on an annual or periodic basis and can make a decision to get out. He noted that should the City opt out, it would merely lose whatever benefits or advantages there are to continue participation and would not be at any further economic risk.

Ms. Morita questioned whether the ICCA members had any discussion on capping the potential fees.

Mr. Dale responded that there was not.

Ms. Morita questioned whether the ICCA expects to undertake an audit every year.

Mr. Dale responded that the membership fees are not strictly for the audit. He stated that the ICCA is looking at a \$30,000 annual budget; and \$5,300 would be the City's membership fee. He commented that while there has been discussion of when to do the audit, he has no schedule beyond the ICCA stating they will do one soon in 2015. He stated that it is his thought that it would most likely be done every other year; or perhaps be a financial audit one year and a signal strength audit the next.

Ms. Morita questioned whether the initial \$400,000 grant is completely gone.

Mr. Dale responded that he believes there is around \$40,000 remaining.

Ms. Morita commented that the ICCA is burning through principal.

Mr. Dale stated that there has been no interest earned since the economy dipped.

President Hooper commented that the ICCA did not look far into the future.

Mr. Dale noted that funding the organization has been a topic discussed for the past three or four years.

Mr. Wiggins questioned whether there is an annual contribution regardless of whether or not there is an audit.

Mr. Dale responded that this was correct.

Mr. Wiggins questioned whether the objective of the audit is to recoup revenue for the City.

Mr. Dale responded that it is. He explained that the cable companies must remit six percent of their revenue to the communities, and he noted that it has been shown in the past that sometimes they have not.

Mr. Hetrick questioned that since the ICCA may choose not to do an audit, could they choose not to collect fees if they have a fund balance.

Mr. Dale responded that they would have to collect some sort of membership fee. He commented that he would bring that thought forward on behalf of Rochester Hills.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Enactment No: RES0056-2015

Whereas, the Intergovernmental Cable Communications Authority (ICCA) deems it necessary to amend its Intergovernmental CATV Agreement to reflect a needed change in Section VI. Responsibilities of Members Subparagraph F. Payments to Authority.

Be It Resolved, that the Rochester Hills City Council hereby approves the proposed Amendment to the ICCA Intergovernmental CATV Agreement and authorizes the payment of \$5,300.00 for membership fees for the calendar year 2015.

Be It Further Resolved, that upon completion of the ICCA Audit the Administration will reevaluate the need for continued ICCA membership.

ANY OTHER BUSINESS

Ms. Morita noted that recently solicitors have coming through neighborhoods asking for signatures regarding renewable energy. She commented that she was also advised by her neighbors that they were soliciting donations.

Leanne Scott, Deputy Clerk, noted that a Clean Water Action representative contacted the Clerk's Office today to report that the organization is now out of the community. She explained that he indicated they would notify the City if they will return next year.

President Hooper commented that the City should review its policy and ordinances regarding these solicitations.

John Staran, City Attorney, noted that the City has been looking into this for the past couple of weeks. He noted that the City is very constrained by Federal Court rulings and First Amendment interpretations by the Supreme Court which dictate what the City can and cannot do. He added that there may be some improvements and enhancements that could be done to the Ordinance to protect residents in community from disturbances they do not want to have.

President Hooper stated that time is a concern, noting that 9:00 p.m. is too late.

Ms. Morita concurred. She stated that whatever activities are undertaken, they must be reasonable as to time and place. She commented that 9:00 p.m. in the dark on a residential street is unreasonable and scares people. She reported that there have been several break-ins in her neighborhood that occurred after criminals knocked on doors. She questioned whether the Ordinance can dictate no contact after sundown.

Mr. Staran stated that upon review, it was observed that sunup to sundown ordinances have been found unconstitutional by the Courts because of the time of year. He noted that a sundown ordinance might be deemed reasonable in July, it is not found to be so in December and January. He explained that charitable

and political organizations have successfully convinced Federal Courts in the past that they need to reach people in the evenings when they are home from work. He stated that while he is not saying that the City cannot impose these regulations, there are new arguments regarding hours that have been in court litigation.

President Hooper commented that he would suggest 8:00 p.m.

Mr. Staran noted that it is already provided in the City's Ordinance, and Courts have recognized the rights of homeowners to post their properties for no solicitation. He stated that individuals who violate the posting and either do not leave or intentionally ignore the posting can be subject to trespass violation. He commented that stickers or placards can be conspicuously placed. He stated that some groups can be more aggressive than others and ignore the postings altogether or claim they did not see them.

Ms. Morita commented that she does not believe that no solicitation signs would have helped. She stated that the group claims they were not soliciting. She noted that it is a matter of being reasonable and respecting the privacy of the homeowners. She questioned whether there is anything that the City can do to help its residents.

Mr. Staran responded that this has been under review over the last couple of weeks. He commented that even though this particular group has been in the city recently, the principal season for such door-to-door activity has not begun yet. He stated that it is usually more of a warm-weather activity.

NEXT MEETING DATE

Regular Meeting - Monday, March 16, 2015 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:10 p.m.

GREG HOOPER, President
Rochester Hills City Council

LEANNE L. SCOTT, CMC, Deputy 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.