



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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*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, April 20, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.

ROLL CALL

Present 6 - Dale Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins

Absent 1 - Kevin S. Brown

Others Present:

Ed Anzek, Director of Planning and Economic Development

Bryan Barnett, Mayor

Tina Barton, City Clerk

Paul Davis, City Engineer/Deputy Director of DPS

Captain Michael Johnson, Oakland County Sheriff's Office

Ramona Johnson, Rochester Hills Government Youth Council Representative

Tara Presta, Chief Assistant

Allan Schneck, Director of DPS/Engineering

John Staran, City Attorney

Kevin Brown provided prior notice that he would not be in attendance.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Hetrick, seconded by Wiggins, that the Agenda be Approved as Amended to remove Legislative File 2015-0154 Request for Acceptance of permanent pathway easement granted by Stephen V. Pickens Trust, 27407 Pleasant, Warren, Michigan for pathway rehabilitation project and authorization of payment to landowners in the amount of \$7,400.00 from the Consent Agenda for Separate Discussion. The motion carried by the following vote:

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council:

Ramona Johnson, Rochester Hills Government Youth Council Representative, reported that applications for the 2015-2016 Youth Council are available on the Youth Council page of the City's website. She announced that the RHGYC's 5K Run/Walk benefitting Blessings in a Backpack will be held at Bloomer Park on Saturday, June 13, 2015. Registration links are on the Youth Council page of the City's website.

Mr. Tisdell noted that Ms. Johnson, high school Freshman and newer member of the RHGYC, worked at the Back to School Bonanza before school began in the fall directing over 700 children through eye exams. He expressed his thanks for her hard work.

Public Safety and Infrastructure Technical Review Committee (PSITRC):

Mr. Hetrick reported that the Chairperson for the PSITRC for 2015 is Tom Blackstone. Vice Chairperson is LeAnne Rogers. The PSITRC welcomes new members Jason Carlock, Dane Fons, Don Price and Scott Struzik.

RECOGNITIONS

2015-0166 Proclamation in Recognition of April 2015 as National Child Abuse and Neglect Prevention Month

Attachments: [042015 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that April is recognized across the country as National Child Abuse and Neglect Prevention Month. He noted that the City of Rochester Hills is pleased to join with other Councils and communities across the country to raise the awareness and celebrate those who take an active interest in curbing some of these challenging issues. He stated that the community has a great organization in CARE House. He introduced Pat Rosen, Executive Director; Terry Stephens, CARE House volunteer; and Charles Ludwig, Prevention Director, in attendance representing CARE House. He noted that Captain Michael Johnson, Oakland County Sheriff's Office, also in attendance, is on the CARE House Board. He read a proclamation noting April 2015 as National Child Abuse and Neglect Prevention Month and recognizing the efforts of organizations such as CARE House.

Pat Rosen, Executive Director of CARE House, stated that the organization has been serving children and families since 1977. She explained that the organization works with children who are vulnerable and families that are in crisis. Children who come to the CARE House are involved in cases of suspected abuse and neglect. Last year alone over 1,000 children came to CARE House to be

interviewed, for their families to be counseled and for them to receive therapy services. The organization also provides prevention services throughout the community, serving all of Oakland County, and charges nothing for its services. She expressed her thanks to the City and the community for its support and partnership.

Terry Stephens noted that she has been a resident of the community since 1980. She stated that while our community is family-oriented with good schools and abundant activities, it still must look out for its children and protect them from sexual predators and physical abuse, and treat those who are already victimized. She urged anyone having suspicions of an abusive situation to report it to Child Protective Services.

Mayor Barnett expressed his appreciation to the organization for its work. He commented that he has had the opportunity to tour the facility and stated that it was eye opening. He encouraged Council Members and residents to tour the facility, or consider volunteering.

Presented.

Whereas, child abuse and neglect is a serious problem and finding solutions requires input and action from everyone in our community. Our children are our most valuable resources and will shape the future of the State of Michigan and the City of Rochester Hills; and

Whereas, effective child abuse prevention activities succeed because of the meaningful connections created through organizations like CARE House of Oakland County, and through partnerships with education, health, faith-based organizations, businesses and law enforcement agencies; and

Whereas, communities must make every effort to promote programs and activities that benefit children and their families and we acknowledge that we must work together as a community to increase awareness about child abuse and continue to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills do hereby proclaim April 2015 as NATIONAL CHILD ABUSE AND NEGLECT PREVENTION MONTH in Rochester Hills and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

ORDINANCE FOR INTRODUCTION

2015-0162 Acceptance for First Reading - An Ordinance to Amend Section 138-4.300, Table of Permitted Uses by District; add new Section 138-4.425; and re-number existing Sections 138-4.425 through 138-4.445 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate oil and gas wells, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

Attachments: [042015 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Draft Minutes PC 040715.pdf](#)
[Supervisor of Wells Instructions 02-2015.pdf](#)
[CC Minutes 040714.pdf](#)
[Staran Letter 040214.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper stated that Council will take up discussion on both the proposed Oil and Gas Ordinance and the Pipeline together. He reviewed the process and history of the development of the proposed ordinances. He explained that some time ago, Council first reviewed and referred the ordinances to the Planning Commission, which held several meetings on the ordinances. After language revisions, the proposed ordinances are recommended for approval unanimously by the Planning Commission. He noted that Council's goal is to pass the ordinances, as it was when they were first referred to the Planning Commission.

Ed Anzek, Director of Planning and Economic Development, confirmed that the Planning Commission held several meetings on the ordinances, including Public Hearings in October 2014 and March of this year. He stated that the Planning Commission made language revisions and requested a re-review on April 7, 2015. He noted that as a part of the public notice, an extensive mailing was sent to each and every person who previously spoke on this issue in front of City Council and the Planning Commission. He commented that it is his opinion that the Planning Commission did a very good job in reviewing and fine-tuning the language. He summarized the proposed ordinance and requested John Staran, City Attorney, present the ordinance in more detail.

John Staran, City Attorney, stated that it has been a long process and the ordinance has taken a lot of twists and turns along the way. He noted that the current ordinance submitted for consideration this evening comes with the Planning Commission's recommendation and would do the following:

- Prohibits locating any oil and gas wells within residential areas by restricting the location of those oil and gas wells to industrial zoning. It also includes a setback requirement, that no matter where the oil and gas is located within an industrial zoned area, it must be located at least 1,000 feet away from any residential dwelling, place of worship, school, hospital, child care center, or public park.
- Requires that the oil company must provide the City with the same environmental impact analysis that they file with the Michigan Department of Environmental Quality (MDEQ).
- Requires that the oil company must provide the City with a hydrogeological study which will include installing a groundwater monitoring well that will be monitored before any drilling activity happens, during any drilling activity and then at periodic intervals after the drilling activity has been completed so that the groundwater is monitored.
- Requires a perimeter fence at least 6 feet high.
- Requires that the operations be conducted in accordance with MDEQ's best practices in regard to odors, dust, noise, and nuisance control.
- Requires that exterior lighting be shielded and must comply with the City's

zoning ordinance exterior lighting standards.

- The oil company or drill operator must conform to the performance standards set forth in the zoning ordinance regarding various dust, odor, and noise nuisances.
- The completed well head structure is limited to 22 feet in height maximum. That is approximately the size of a parking lot light pole.
- Measures and controls that are approved by the City Engineer must be implemented regarding drainage, runoff, or discharge of any hazardous materials. No off-site discharge of stormwater from the drill site is allowed unless it is going into an approved drainage system.
- All brine, mud, wastewater, chemicals or whatever else is used in the process must be properly and lawfully disposed of to prevent any transmission to other properties or infiltration into the groundwater.
- Expressly prohibits injection wells.
- Requires the sites to be maintained in a clean and orderly condition.
- Requires landscaping to buffer the view from adjoining properties, at a Type E buffer, which is the City's most stringent requirement under the ordinance.
- City Engineer must approve roads and routes for any truck and equipment traffic.
- The well owner and operator must provide emergency contact information to the City with an emergency response plan.
- Hydraulic fracturing (fracking) is expressly prohibited.

He commented that there are other details and finer points; however, the abovementioned details are the highlights of the oil and gas ordinance that the Planning Commission is recommending to Council.

President Hooper requested that a map be displayed that depicts what limited properties the proposed ordinance would allow for potential areas for a wellhead.

Mr. Anzek displayed a map showing areas restricted by the ordinance. He pointed out that no areas in the north third of the city would be allowable. He mentioned that there are spots on Oakland University's campus where the City does not have enforcement privileges. He noted that allowable areas in Rochester Hills are limited to a small number of industrial park sites around the M-59/Crooks Road interchange.

President Hooper questioned the landfill area off of Dequindre.

Mr. Anzek commented that MDEQ officials have told the City that they have never placed a well on a landfill because the ground is unstable.

President Hooper stated that by reviewing the map, it appears that there are approximately one-half dozen or less potential sites where a well could be located.

Mr. Anzek noted that there are other restrictions that the MDEQ applies, including distance from habitable structures. He stated that there are habitable structures in industrial parks, explaining that a building occupied by a human for more than four hours each day is considered habitable. When applying those areas to the city it shows that while there are areas to pursue, they are very limited.

President Hooper questioned why the City would not enact an outright complete ban and be exclusionary.

Mr. Staran responded that Michigan Zoning Law and the Michigan Constitution prohibit exclusionary zoning. He explained that the City cannot outright prohibit an otherwise lawful land use where there is a demonstrated need for that land use. In the case of oil and gas, the Michigan State Legislature has declared it the public policy of this state to efficiently extract and utilize oil resources if they are located in the city. The City does have to provide some ability for those resources to be reached, otherwise it is an unconstitutional taking of one's property rights. He stated that the City has tried to do something reasonable and sensible to create the least minimal areas in the city where it would be feasible to locate an oil exploration and development operation, while at the same time protecting the city's residential areas the best it can.

Public Comment:

Merton Wreford, 1349 Sandy Ridge, questioned whether there is any evidence of oil underneath the city. He stated that Auburn Hills and Rochester ordinances appear to be longer.

Gail Hammill, 1434 Burhaven, commented that during the December 2012 Council Meeting, Jordan Oil appeared to be interested in the area around Adams and Tienken Roads. She noted that they have been targeting Brookedale Woods, Shadow Woods and Hunters Creek subdivisions; and the City signed over rights in Nowicki and Tienken Parks and the Cemetery, which are all in residential areas. She expressed concern that drilling would still occur in these areas.

James Lewis, 3223 Parkwood Drive, stated that the proposed ordinance has deficiencies, and suggested that the last sentence be rescinded which he stated could allow drilling to occur with MDEQ setbacks, invalidating the proposed 1,000 foot setback.

Nancy Lewis, 3223 Parkwood Drive, noted that horizontal drilling is not prohibited and should be restricted to occur only under the industrial zones. She stated that the proposed ordinances are weaker than those approved in Rochester and Auburn Hills. She requested the sentence be deleted allowing horizontal drilling which could negate the 1,000 foot setback and allow the drilling to occur in residential areas.

Mike Powers, 3632 Aynsley Drive, stated that the proposed ordinance is weak and still defers to the MDEQ. He commented that public apathy is being replaced as people are shocked to learn what is going on and these are the city's voters. He noted that there is no supply and demand problem as oil has decreased in price.

Bruce Fealk, 1474 Oakstone Drive, questioned whether the ordinance will affect the leases that have already been signed. He requested any sample testing

results be posted on the City's website. He referred to Section 5, noting that the section should define what adequate measures are required. He stated that drilling should only occur in and under industrial sites. He noted that a procedure for approval by the City Traffic Engineer should be included in Section 13. He stated that the emergency plan should be made public. He mentioned that the \$500 penalty for violations is too low.

Scot Beaton, 655 Bolinger Street, responded to Mr. Fealk's comment noting that the \$500 penalty limitation is State Law and the City's hands are tied. He stated that the City of Rochester has made it clear that their ordinance applies to both vertical and horizontal drilling. He commented that the residents have done a terrific job and expressed his thanks to Council for listening to them so far.

Helene Fertal, 853 Baylor, mentioned that Oklahoma has allowed fracturing and has been experiencing earthquakes due to disruption of the bedrock. She stated that the City needs to focus on bringing in wind and solar energy.

George Nahas, 1114 N. Adams Road, stated that he has 50 years of experience in residential and commercial real estate, and he commented that there will be an increasing decline in property values by way of proximity to these structures. He commented that horizontal drilling should be kept within industrial boundaries.

Erin Howlett, 3597 Aynsley Drive, commented that according to the MDEQ and State Law, the definition of horizontal drilling includes the wellhead. She stated that the Planning Commission discussion implied that horizontal drilling and drilling down are not interchangeable, and noted that the City's language is ambiguous and negates the 1,000 foot setback, as it automatically defers to the State definition which is 450 feet. She stated that the State definition also tosses out the industrial zoning exclusion as well. She offered the following alternate language prohibiting hydraulic fracturing altogether: "High and low volume fracturing as defined by the MDEQ Office of Oil and Gas and Minerals Document 1-2011 shall be expressly prohibited within the city". She stated that any enhanced stimulation procedures should be disclosed, offering the following language: "Further, any enhanced oil recovery methods, primary, secondary or tertiary proposed should be presented in detail to Rochester Hills Planning Commission and City Council for approval prior to MDEQ OOGM permit application submission. Any additional permitting during the life of the well in the City shall be presented and approved by the Planning Commission and City Council prior to permit application, including but not limited to changes in well classification, allowable barrels per day, secondary or tertiary recovery methods and permit to redrill to a different level." She stated that Hal Fitch, the Assistant Supervisor of Wells, indicated that the oil company can re-permit for other procedures during the life of the well.

Phil Barker, 1434 Burhaven, stated that the fence requirement should be eight feet instead of the six feet specified, and the sentence should be removed in Item 2 allowing wells where lawfully permitted by the MDEQ to reduce ambiguity of that section. He stated that he sent the council an email on April 16 regarding Item 17, which is also ambiguous to the rest of the oil and gas ordinance as it is currently

written because it also creates a loophole and exposes the City to a challenge and possible litigation of the ordinance by the oil and gas drillers. The loophole can be eliminated by keeping the existing wording of Item 17 and adding "The City of Rochester Hills oil and gas wells ordinance Items 1 through 16 are in addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells regarding the drilling, completion and operation of oil and gas wells." He commented that by making these changes, loopholes can be closed and lawsuits avoided.

Denise Doyle, 1446 Burhaven, noted that Rochester Hills' ordinance is being considered a year after Auburn Hills passed theirs. She stated that Rochester's and Auburn Hills' ordinances delineates and specifies distances from wellhead, well site pad, and horizontal drilling lines; and specifies that in addition to the State requirements, no drilling or operation of oil and gas wells shall be within 1,000 feet of a residential building. She pointed out that the City's proposed ordinance Section 2, Item 2, is too vague and ambiguous, and Section 2, Item 17 negates the 1,000 foot setback altogether. She noted that no surety bond is included in Rochester Hills' proposed ordinance, while the City of Rochester's ordinance requires bonding to cover potential damage to properties and roads. She stated that the ordinance should be strengthened.

Joe Doyle, 1446 Burhaven Drive, stated that it was hoped that a new ordinance would set forth in clear language provisions that would accomplish the purpose; however, it does not. He stated that while Section 138-4.25 Item 2 starts on the right track with the 1,000 foot setback, it then adds additional language which is ambiguous and self-contradictory, and presents an open invitation for an oil company to interpret the ordinance any way it pleases. He stated that officials ignored the City Charter when they signed a lease.

Jay Arnold, 3141 Tamarron Drive, questioned who would pay for any damage, citing recent earthquakes in Oklahoma. He stated that if fracking activities are safe, why are these activities exempt from the Clean Air and Water Act of 2005. He questioned whether residents would be able to appeal their property taxes should values fall.

Colleen Green, 1131 Silver Creek Court, stated that resident Mike Powers came to their association meeting last night. She noted that residents will go to the polls to make their voices heard. She commented that Rochester Hills should show how as a community it rises above the standard.

President Hooper requested that questions raised during public comment be addressed. He noted that oil exploration firms have come to the city three different times under the opinion that there is oil that exists 6,500 to 7,500 feet underground. With new technologies, they are able to extract that oil. At the time they approached the city, gas and oil prices were high and it was seen as a viable alternative. He commented that while a well was installed in Shelby Township east of Dequindre Road, the results of the drilling are not known.

He commented that Rochester's and Auburn Hills' ordinances were reviewed while the City's proposed ordinance was under development. He noted that the setback requirements of the proposed ordinance are almost identical to those of

the other communities. He stated that nothing references horizontal drilling in either Rochester's or Auburn Hills' ordinance.

Mr. Staran confirmed that there is a sentence that is identical in both ordinances that relates to horizontal drilling. He stated that he would address the resident comments by noting:

- There had been sonic testing done by oil companies approximately ten years ago, then five years ago, and then recently by Jordan, who has been undertaking sonic testing throughout southeast Michigan. The sonic tests indicate that there are underground structures in Rochester Hills where there likely is oil and gas. The MDEQ has confirmed that as well. Until such time as one actually drills a test well, as they did in Shelby Township, there is no way of confirming its presence.
- In terms of ordinances, there was a comment made why the ordinances are not as elaborate as Auburn Hills and Rochester. If one were to look at the proposed ordinance side-by-side with the Auburn Hills and Rochester ordinances, they are substantively very similar. Rochester's ordinance goes a little bit farther in a couple of aspects. Rochester Hills' is probably more similar to Auburn Hills. Like Auburn Hills' ordinance, Rochester Hills' ordinance as proposed would restrict any oil exploration activities to industrial zoning.
- He noted that there were comments made that the City is not adopting an ordinance to permit oil drilling in the City of Rochester Hills. He stated that right now there is no ordinance in Rochester Hills that regulates where oil and gas drilling can occur, other than by State Law. What is being proposed tonight is for Council to consider an ordinance that will actually very severely and significantly limit where oil drilling and gas exploration can occur and under what conditions.
- In terms of the setbacks, there was much comment about Subsection 2 of Section 138-4.425. Many of the comments are misunderstandings and misreading of what that section says and what it does not say. There may be some clarifying language that Council could consider adding to that section which will address a number of the concerns that were raised about the language. It is not the intention to state that there is a 1,000 foot setback or state that something belongs in industrial zoning and then take that away or create an exception to it in the same paragraph. The ordinance does not do that as written; however, if Council wishes, that could be made even clearer.
- A number of the comments related to the sentence in Subsection 2 of 138-4.425 that Auburn Hills' ordinance is different. He stated that he lifted the language for the proposed ordinance from Auburn Hills' ordinance. He quoted from Auburn Hills' ordinance, noting that the intention is to indicate that the well siting itself is subject to the setback requirements, not the actual horizontal drilling. He commented that while there are possibly some additional words that would be incorporated to clarify this section further to alleviate the residents' concerns, he would recommend against deleting that last paragraph of the Subsection 2 as several commenters suggested. He noted that the ordinance is very clear that drilling activities would be limited to industrial zoning.
- In response to a question whether the ordinance would affect the oil and gas leases that the City entered into in 2012, he stated that they would not. He noted that the oil and gas leases signed never permitted drilling to take place at the City parks or cemetery. He pointed out that the leases quite explicitly and expressly

state that drilling on City park properties and hydraulic fracturing are prohibited. He commented that the ordinances are consistent and not contradictory.

- Regarding fines, he noted that under the City Charter, and under the Home Rule Cities Act which applies to every City in Michigan, the maximum fine that may be levied for an ordinance violation is \$500.00. He suggested that in cases of an ongoing violation, the City is allowed in the Charter, the Home Rule Cities Act, and the proposed ordinance to consider every day to be a new violation. He stressed that in the event of a serious violation of the ordinance, the City would be proceeding to court for an immediate court order of abatement or preliminary injunction to stop whatever the violation is. He explained that he would anticipate that tickets would be issued in a situation where, for instance, the perimeter was unfenced, a gate left open, or a truck driver went off a City-approved truck route.

- On the subject of hydraulic fracturing and earthquakes, he noted that the ordinance specifically prohibits hydraulic fracturing. He stated that as a matter of information, the City has been told at least twice by MDEQ representatives and geologists that there has not been any fracking in Oakland County. He stated that the substratum is already fractured. He noted that it is the hydraulic fracturing activity that earthquakes have been attributed to around the country.

- He noted that the Planning Commission did discuss a six foot fence versus an eight foot fence. The ordinance specifies an eight foot fence.

- He mentioned that bonding requirements will be addressed in the pipeline ordinance. He noted that in the oil and gas ordinance, where there is no permit or approval being issued by City of Rochester Hills, there is no triggering mechanism for bonds. He pointed out that the drillers must submit a \$250,000 bond to the State of Michigan. He explained that there is no separate bonding requirement under this ordinance, and he noted that he cannot think of a single other instance or use under the City's Zoning Ordinance where the City would require someone to submit a bond as a precondition for a use. He stated that sometimes bonds come about as a part of a site plan approval or a building permit approval, or in this case, a pipeline permit; however, not for the initial location.

- In response to comments regarding a violation of the City Charter by the City Council, he stated that this is an incorrect argument made, as determined by a court of law after a lawsuit was filed. City Council has been found to have acted consistently with the City Charter.

President Hooper stated that Rochester's ordinance does not mention horizontal drilling; he explained that it deals with spacing and well setbacks, dealing with the wellhead, just as the ordinance for Auburn Hills does.

Mr. Staran stated that the ordinance is designed to regulate where the well sites are located. He explained that the City would have a very difficult time legally trying to restrict horizontal drilling strictly to industrial zoning, noting that he believes it would be contrary to case law.

President Hooper commented that according to MDEQ representatives, all wells have a component of horizontal drilling to them. He stated that they all drill downward a mile or two and then turn horizontally up to two miles in any direction.

He noted that the City of Rochester Hills signed a non-developmental lease. He added that over 400 leases signed by residents are private agreements with West Bay and are all non-developmental leases and no surface activities can occur. The only way oil could be extracted under the properties of those individuals that signed the lease is by horizontal drilling 5,000 to 7,500 feet underground. He stated that he sees no issue with posting any testing results on the City's website should drilling ever occur in Rochester Hills. In response to comments regarding the Traffic Engineer's role in approvals, he noted that the Traffic Engineer is a registered professional in traffic engineering; and he stated that he will not dictate their requirements. He commented that impacts on property values cannot be proven one way or another. He mentioned that the Supervisor of Wells has requirements to ensure that quality of life is not affected.

Council Discussion:

Mr. Kochenderfer expressed his appreciation to those who came out to speak. He stated that he has revisions to propose to the ordinance language. He commented that while he is an attorney, he is not a municipal attorney; and he stated that his goal is to enact the strongest ordinance possible that is legally enforceable. He explained that there is case law, regulations, and statutes that govern what municipalities can and cannot do. He pointed out that there is a city in Southeast Michigan that tried to pass a very restrictive ordinance. He noted that this city was sued by the oil company. The court required the city to pay seven figures, and oil drilling commenced anyway. He stated that there are risks to doing too little and doing too much. He expressed concern that case law frowns on restricting drilling to very specific parts of the city. He commented that it is easier to do so in Auburn Hills as they have large areas of industrial zoning. He noted that the Michigan Court of Appeals ruled in a case in July of 2014 against the MDEQ that distinguished much bad case law regarding tight restrictions against drilling. He noted that horizontal drilling allows a municipality to restrict drilling activities to very small areas of the municipality and allows an exception to be created to the categorical taking. He commented that he tried to find some foundation in the case from last July and incorporate it into this ordinance.

He suggested that the following be incorporated into the oil and gas wells ordinance:

- Paragraph 2 at very end, he would add the sentence, "Notwithstanding the previous sentence, the setbacks in this section are in addition to and supplemental to the standards of the Michigan Department of Environmental Quality."

Mr. Hetrick stated that he would suggest the following be added to strengthen the oil and gas ordinance:

- Item 16(a) language should be incorporated that the City must be provided a copy of any written procedures to minimize hazards to know what those written procedures are and perhaps make some approval and provide support for them in some way, shape or form.

- Item 16(b) should specify that the owner or operator shall immediately rather than as soon as practical communicate any emergency or incident to the City's 911 system. He stated that there should be no reason for them not to make an immediate call to the 911 system once it is determined that an emergency or incident has occurred. He noted that the goal is to ensure first responders are moving at that particular point in time.
- Item 17 should state clearly that the Rochester Hills Zoning Ordinance takes precedence over the Supervisor of Wells Instruction, especially in cases like setbacks or noise or other things where our ordinance is more stringent than what the MDEQ has suggested.

On the pipeline ordinance, he suggested the following:

- In Section 94-201, general regulations specified in items (e) and (f) seem to be duplicated. He questioned whether the duplication is necessary.
- As suggested in the oil and gas ordinance, a copy of the operator's emergency plan must be provided to the City, as well as language ensuring that the 911 system is called immediately in the event of an incident or emergency.
- He noted that specific suggestions made by public commenter Erin Howlett should be reviewed for possible inclusion.

Mr. Wiggins expressed his thanks to the citizens for their participation in these meetings. He stated he was initially very frustrated with the process, and he noted that it is a challenge to understand what is and is not enforceable by the City. He noted that a 2,000 or 3,000 foot setback cannot be mandated as it must be a setback that is legally enforceable. He pointed out that the State regulates this activity, and the Council is trying to fit within the parameters of the State requirements to do the best it can to represent the residents. He stated that the goal of providing this type of ordinance is a step in the right direction. He suggested the following be considered:

- In Number 3, water sampling and monitoring should be mandated more frequently than every six months, perhaps every month.
- In Number 5, a better definition of adequate measures for control of dust or noise should be incorporated.
- In Number 17, Mr. Barker's suggestions could be considered.

Regarding bonding, he questioned whether bonding cannot be done, or if it simply has never been done before.

Mr. Staran addressed the suggested changes, noting the following:

- Language incorporating the change Mr. Kochenderfer suggested in Paragraph 2 would be acceptable. He stated that he was going to suggest language along those same lines that could be added in clarification of that section to relieve the concerns a number of the speakers expressed that the ordinance is inherently contradictory.
- Mr. Hetrick's suggestions covering both the oil and gas ordinance and the pipeline ordinance are good suggestions and could be incorporated. He noted that he and Mr. Hetrick spoke on the phone prior to the meeting and reviewed those changes.

- He explained that groundwater monitoring was discussed by the Planning Commission, and they determined the intervals. It was noted during the discussion that the time of most concern is during the initial drilling phase, most likely a month or four-week interval. Before and during the drilling phase the water is being monitored and the City is receiving the results. The ordinance requires testing every six months after the drilling process is completed and oil is being extracted. He pointed out that the MDEQ only requires testing to be done annually. He noted that Council could make the interval whatever it wants.
- Regarding the suggested change to Paragraph 5, he commented that it is his opinion that the term "adequate measures to prevent or control any objectionable dust, noise, vibrations, fumes or odors" is not vague. He noted that the ordinance states that whatever measures are necessary to adequately control those things must be done. He commented that another part of the ordinance specifies performance standards in a similar manner. He stated that Council could try to fashion more specific standards; however, he would need experts to help develop them. He noted that even the MDEQ does not have threshold measurements for dust and sound. MDEQ relies on a reasonable man-type standard. If it is something objectionable to a reasonable individual, they will act on it.

Ms. Morita noted that she has several changes to suggest that were circulated to Council. She reviewed her proposed changes for the oil and gas ordinance:

- She had proposed some other language for Paragraph 2; however, the language that Mr. Kochenderfer has proposed will work to accomplish that same goal.
- At the beginning of Paragraph 3, it should state "prior to drilling, the owner or operator shall provide to the City a copy of the environmental impact assessment."
- She agrees with Mr. Wiggins that the water monitoring and testing should be done monthly. Considering the amount of money that the oil and gas company stands to make off of having the well in the city, they can test the water once a month.
- As to Paragraph 5, she would also agree that there is a question as to what is adequate and who determines what is adequate. She would like to see after "adequate measures" the following phrase added: "as determined by the City." She stated that she does not want to get into a dispute with the oil and gas company over who decides what is adequate.
- In Paragraph 15, where it notes "hydraulic fracturing" she would like to see the definitions provided by Ms. Howlett added into that paragraph. After "is prohibited in", she would like to see "and under" added, making that sentence "Hydraulic fracturing is prohibited in and under the city."
- In Paragraph 16, along with Mr. Hetrick's suggestion, she would like to see those written procedures be provided to the City in terms of dealing with an emergency. She proposed that the following language be added after the first sentence: "The written procedures shall be provided to the City prior to the commencement of drilling."
- In 16(b), she agrees with Mr. Hetrick's comment regarding removing "as soon as practical" and replacing it with "immediately."

Mr. Staran noted that he did not see any problems with any of Ms. Morita's changes.

Ms. Morita continued with the pipeline ordinance, noting the proposed changes:

- Under Pipeline Emergency, at the end of the emergency definition, where it notes that a pipeline incident that is required to be reported to these other agencies, she would like to add the following language "and/or which may endanger the health, safety or welfare of persons or property."
- She stated that a definition for wellhead should be added, reading: "A wellhead means the assemblage of equipment attached to the opening of an oil or gas well."
- A definition for well site should also be added: "Wellsite is defined as a physical location on which an oil or gas well is drilled."
- In 94-201 (a), in the second sentence after "Federal and State statutory regulatory requirements shall apply to pipelines between the well" add the following: "and/or wellhead and the point of custody of transfer."
- In subparagraph (c) where it says "Operator shall submit to the City proposed pipeline route from the well bore", she would like to see the following added: "wellhead and/or well site to the transmission line."
- In subparagraph (d) she would like to see an addition after "application for a pipeline permit to the City", making that sentence read: "The pipeline operator shall be required to submit an application for a pipeline permit to the City and obtain a pipeline permit prior to making any offer or initiating any negotiation." She would also like to have added to that paragraph the following: "A condition of the permit is that the pipeline operator will agree to relocate the pipeline at its sole cost as directed and in the sole discretion of the City."
- She agrees that subparagraphs (e) and (f) are duplicative of paragraphs (b) and (c) in 94-202 and those should be removed.
- In 94-201 (h)(3)m, which appears in the middle of page 4 in the ordinance, she would like to see the "and adjacent" added in after "address of all affected", making that phrase read "A proposed alignment map showing name and address of all affected and adjacent property owners." She noted that not just the property owners through which the pipeline goes but those property owners next to the property where the pipeline would be located would also be notified.
- In 94-202 (b) after "pipeline be relocated" in the second to last line, add "at the sole cost of the pipeline operator."
- She stated that she has a question regarding subparagraph 6 (c), the two sentences in that paragraph appear to be somewhat contradictory. She noted that the ordinance is requiring an automated pressure monitoring system that detects leaks and shuts off any line, but then states that if there is a 24-hour pressure monitoring system, there does not need to be an automatic shut-off. She suggested removing the last sentence.

Mr. Staran stated that while he understands Ms. Morita's point, he would consult an engineering expert as to whether that section needs some revision.

Ms. Morita stated that she would prefer to have a 24-hour monitoring system with an automatic shut-off in lieu of something else. She stated that she believes that is safer; and therefore suggests removing the second sentence altogether. She continued:

- Subparagraph (f), calls for 10 days notice prior to commencement. She stated that this is not enough time if someone has an issue with the pipeline, needs to raise an issue or if they need to contact the company. She proposed at least 20 days, or ten business days notice to ensure someone receives the notice and has time to act.
- After Section 94-202 (j), she suggested adding the following subparagraph: "(k) A pipeline shall not be located closer than 1,000 feet from a residential dwelling or place of worship, school, child care center or public park."
- In Section 94-204 (b), at the end of the first sentence where it reads "reactivation of abandoned pipeline shall require notification to the City and a new permit pursuant to the standards and requirements of this article", she suggests adding "at the time of the new permit application." She stated that she does not want the oil company to come back and say they were originally permitted under the old standards, so the old standards apply; she wants them to comply with the new standards.
- Under 94-205 after the first sentence where it states "The pipeline operator shall maintain written procedures to minimize the hazards resulting from an emergency", she suggested adding "The pipeline operator shall provide a copy of the written procedures to the City prior to the commencement of pipeline construction."
- Section 94-208 and performance guarantees, she would like to see the phrase "performance guarantee" removed from the second sentence and replaced with "cash or surety bond or irrevocable bank letter of credit." At the end of that sentence where it states "to recover the cost of correcting or remedying any default or violation by the pipeline operator of any provision of this article", she would like to see added "including but not limited to the cost of repair and replacement of any property damaged or destroyed as a result of the construction of the pipeline or a pipeline emergency."

Back to the oil and gas ordinance, Ms. Morita stated:

- Mr. Barker's suggested addition to language in Paragraph 17 should be incorporated; however, she would suggest it should read: "The City of Rochester Hills oil and gas wells ordinance Paragraphs 1 through 16 shall be complied with in addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells regarding the drilling, completion and operation of oil and gas wells."

Mr. Staran commented that Mr. Hetrick's comments went in that direction. He stated that he has questions on only two of the changes proposed by Ms. Morita, including:

- In 94-201 (d), Ms. Morita suggested that the proposed ordinance should be amended for the pipeline operator to obtain the permit first prior to negotiating easements or property rights. He explained that ordinarily, the procedure at the City when it comes to someone constructing utilities, whether it be pipeline, or sewer, is to require the applicant to show the easements first before it allows them to begin working. He stated that this is the City's control mechanism. He noted that the reason he set the ordinance up this way is to require the company to apply for the permit; however, before the permit would be granted the City wants to see that they have the easements that will allow them to work and to use the route that they are planning to use. Otherwise, if the permit is issued first, they could go ahead and move without the City knowing if they have obtained the easements. He explained that the ordinance is consistent with current practices for utilities and utility easements.

Ms. Morita stated that while she understands the reasoning, she would hate to have a pipeline operator go out and try to obtain easements from residents if they do not have a permit first. She suggested that perhaps in that paragraph it could be stated that they have to obtain a pipeline permit before obtaining the easements; and before commencing construction, they must show the City that they have all the easements.

Mr. Staran suggested that perhaps language could be added that they must obtain a second sign-off before commencing work that the City is satisfied that they have their easements in place.

Ms. Morita stated that she would prefer to see that. She commented that if the company cannot obtain the pipeline permit, there is no reason for them to knock on doors. She stated that language should be added that they must obtain all the easements prior to starting construction.

Mr. Staran noted that his second question relates to Subsection (k) to 94-202 on page six of the pipeline ordinance. He commented that inserting a setback or separation requiring pipeline to be 1,000 feet from the closest residential would rule out most of the city even though there is a fairly extensive existing network of pipelines of oil and gas throughout the city. He stated that if the City does not allow any new pipeline to be located within 1,000 feet, he is unsure how much that leaves and presents a concern that it could lead to an unintended consequence. He noted that the City has had a number of comments at Council meetings regarding truck traffic. The City has been told by MDEQ as well as the representatives from Jordan that if they ever located a well site in Rochester Hills or anywhere else, their preference is to directly pipe whatever crude they pull up from the well to one of the existing pipelines. He explained that southeast Michigan is criss-crossed with pipelines. If the company does not have the ability to do that, they will have to truck the oil out. He expressed concern about the unintended consequence that if the ordinance is made restrictive because of the ordinance setback requirement, they cannot connect one of their flow lines or collector lines to an existing pipe, the company will be forced to have to use tanker trucks to move oil around the city.

Ms. Morita responded that she understands that; however, the locations where they can go are within one-half mile of the M-59 interchange, both at the Adams site and the Crooks site. She stated that she would rather have them take a truck right on to the highway than pump gas or oil underneath the City's residential neighborhoods. She commented that she would find it acceptable if the company could locate the pipeline down M-59. She stated that she does not want to see a pipeline installed underneath or near residences.

President Hooper pointed out that Sunoco currently has its pipeline through Rochester Hills.

Ms. Morita stated that while she understands that Sunoco has a line, she does not believe that the line pumps sour gas.

President Hooper questioned whether including such language would be exclusionary.

Mr. Staran responded that it would not be exclusionary; however, it would make it more difficult. He noted that the language would not prevent an oil company from locating a well site; it just potentially makes it less convenient for them to move their product from the site afterward. There are over 60,000 existing wells in the state of Michigan and not all of them connect directly to a pipeline. Some do, while others have to truck the crude oil away from the site.

Mr. Kochenderfer commented that it appears that Council has given Mr. Staran his homework. He stated that he would support Mr. Staran incorporating the revisions into a new draft to be circulated prior to the next meeting and brought back for discussion.

President Hooper concurred, noting that there were extensive changes presented.

Mr. Wiggins questioned whether bonding had been addressed.

Mr. Staran noted that while he is not stating that the City cannot require a bond, it never has required one for other uses. He stated that the City must be careful when considering certain uses that it must not appear to treat them in any more discriminating or severe way without a rational basis for doing so. He noted that the ordinance addresses many land uses, some of which people would consider to be highly dangerous if not conducted properly. He stated that he would suggest that the City does not have any other requirements for a permitted land use where a bond is required. He mentioned that while a bond may be required for some special land uses related to site plans or the permitting process itself; it is not required just for the ability to locate. He urged that Council move thoughtfully and cautiously.

Mr. Tisdell questioned whether mandating a 1,000 foot setback would affect the Consumer's Gas pipeline that currently runs along Adams Road south of Oakland University and continues south of M-59. Another collection of natural gas

pipelines is in the northwest corner of the city. He noted that the City would be restricting potential wellhead drilling sites to the areas inside of the industrial zones and connecting to pipelines by Adams and M-59 might not be a problem. He pointed out that the Sunoco pipeline runs diagonally across the city and is quite a distance from any of the areas that would allow drilling. He mentioned changes to references to adequate measures relative to paragraph number 5 in the oil and gas wells; he suggested that perhaps the Supervisor of Wells Instruction referenced in number 17 could be referred to. He commented that some of the things mentioned are included in the new Supervisor of Wells requirements. He pointed out that the new Supervisor of Wells regulations would apply to Rochester Hills and Oakland County overall, and requires groundwater monitoring prior to drilling. He added that the requirements are very specific relative to emergency procedures, nuisance, noise and references decibel levels. He commented that perhaps some of the questions raised in Number 5 are already answered in Number 17 relative to the inclusion of the Supervisor of Wells Instruction.

He addressed Ms. Green's comments regarding earthquakes in Oklahoma, noting that while they have identified a 20-, 30- or 40-fold increase in the number of tremors, a study recently released concluded that it is the result of injection wells, which encompasses wastewater from hydraulic fracturing being placed into injection wells near the faults. He noted that the study concluded that base rock becomes saturated and swells; and then the fault creates a tremor. He stressed that Paragraph 17 of the lease signed for Nowicki Park, Tienken Park and the cemetery completely eliminates injection wells. He added that Number 10 of the oil and gas ordinance also prohibits injection wells for disposal of brine and chemicals in the city.

President Hooper commented that as wholesale changes are requested, the ordinances will be brought back after redevelopment. Everyone will be notified who has spoken tonight along with those who spoke previously.

Mr. Staran requested clarification from Mr. Hetrick regarding his comments related to Ms. Howlett's inclusions. He noted that language Ms. Howlett suggested should be added relates to various enhanced methods and chemicals that should be used. He questioned whether Mr. Hetrick was intending to include that language in there as well.

Mr. Hetrick responded that his point was that the language seemed to make sense. He commented that if it is something that is already covered in other parts of the ordinance, then that would be acceptable.

Mr. Staran stated that this language is not currently included. He expressed concern that while Council can opt to add that language, he wants to make it very clear that what the City is attempting to do is not displace the MDEQ. He explained that the MDEQ is charged with overseeing the oil drilling and extraction process, and have trained and educated geologists on staff. He pointed out that most of the items included in this ordinance relate to the location and conditions under which a well could be installed. He stated that the City is not regulating techniques through this ordinance. He commented that if the City proceeds along that route, or if it plans to start evaluating chemicals being used, he would then

raise the question that he does not know who at the City has the expertise to do that. He cautioned that he wants to be careful about adding things to the ordinance that the City has neither the ability, resources, nor expertise to enforce, and which the City relies on the professionals at the MDEQ to look at for the City.

Mr. Hetrick stated that clearly Ms. Howlett had taken the time to do some research, and it seems like the research was relevant to the ordinance. He commented that if those items are covered in some other way, that was acceptable. He stated that he does not wish for the ordinance to duplicate the work of the MDEQ.

Mayor Barnett expressed his thanks to the residents, noting that he has met many great people through this process. He commented that it is important to note that many who have come to speak tonight have been a part of the process from the beginning; while a few new people are in attendance. He stressed that the City never went out and looked for this. The oil companies came to the City, as they came to many other nearby communities. What the City has been doing for last year and a half is undertake a balance of rights. He questioned where someone's rights end and someone else's begin. He noted Council has been challenged relative to this industry which has gone without much notice for the last several years. No municipalities had regulations prior to becoming more aware of this issue over the last several years. He commented that having ordinances that are not enforceable does not help anyone and provides a false sense of security. He stated that the City's steadfast and methodical approach has been supported in court. He pointed out that there are zero permits issued for well site locations in the City. The moratorium is in existence until the end of August. He noted that the last time he spoke to the oil companies was four or six months ago; and he noted that they have pulled out of Rochester Hills. He mentioned that the market analysis presented by several residents is accurate; gas has been under \$3 per gallon for most of the year. He noted that Council is working with the residents and taking cues from other municipalities to make the map depicting the ordinance requirements and limiting locations where drilling could occur official.

Discussed.

- 2015-0164** Acceptance for First Reading - An Ordinance to add new Article VI Pipelines to existing Chapter 94, Streets, Sidewalks, and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the construction and permitting of pipelines in the City, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

Attachments: [042015 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Draft Minutes PC 040715.pdf](#)
[CC Minutes 040714.pdf](#)
[Resolution \(Draft\).pdf](#)

See Legislative File 2015-0162 for discussion.

Discussed.

PLANNING AND ECONOMIC DEVELOPMENT

2006-0226 Request for Approval of a Planned Unit Development (PUD) Agreement - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), zoned RE, Residential Estate, TJ Realvest, LLC, Applicant

Attachments: [042015 Agenda Summary.pdf](#)
[Enclaves PUD Agreement 030415.pdf](#)
[Final PUD Staff Report 040215.pdf](#)
[Minutes PC 040715.pdf](#)
[Map aerial.pdf](#)
[Final Site Plans.pdf](#)
[Final Eng. Plans.pdf](#)
[Review Comments 033115.pdf](#)
[060214 Agenda Summary.pdf](#)
[Concept PUD Plans.pdf](#)
[Elevation 2.pdf](#)
[Minutes PC 052014.pdf](#)
[Minutes PC 061813.pdf](#)
[Minutes PC 032106.pdf](#)
[Staff Report Concept PUD.pdf](#)
[Memo Breuckman 061313.pdf](#)
[Letter Kisil 060713.pdf](#)
[060214 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, introduced **Ralph Nunez**, Design Team Plus, and **Jerry Kisil**, TJ Realvest, LLC, representing the Applicant.

Mr. Nunez reviewed changes to the plans from those presented a year ago. He noted that the site has gone through a tree inventory, a couple of lots were made bigger, and a couple of lots were shifted over. He explained that the wetlands impact was minimized. He stated that the road pattern was altered to reduce the amount of pavement. He explained that the roadway is 27 feet from curb to curb, and incorporates a raised sidewalk curb to protect pedestrians. He reviewed concerns raised during the Planning Commission meeting regarding the stormwater detention basin, noting that adjacent residents felt the design should be for a 100-year event rather than a 25-year storm event. He pointed out that it does not discharge into a County drain which does not trigger that requirement; and mentioned that detention for the subdivision to the south has only a 10-year storm event. He noted that engineering has designed the detention basin to catch additional road and building runoff as well as from driveways and surface lots. He mentioned that concerns were expressed regarding dewatering activities. He explained that the development cannot tap into the sewer at Rochester Road because the sewer at that point is too shallow. He noted that the safety path runs the entire length of the property, and he stated that the developer is not able to add pathway to include 600 feet outside of the property.

Mr. Anzek noted that another resident immediately to the north expressed concern over a loss of trees. He explained that the site plan was redesigned to accommodate the preservation of those trees.

Public Comment:

Dennis Charnesky, 21 Cross Creek Boulevard, noted that five homes were impacted when the Quailcrest Subdivision across Rochester Road was connected to a sewer at a higher elevation than the proposed connection to the east. He expressed concern regarding dewatering activities as well as detention. He commented that there is water in that area all the time and he wants to ensure that the engineering is adequate to protect Cross Creek from additional flooding.

Debra Gash, 1421 Otter Drive, submitted photographs highlighting her concerns regarding dewatering activities. She commented that the Engineering Department has an obligation not to make an adverse impact. She requested a condition be added to the wetlands use permit to ensure close monitoring by the City. She stated that the City should ensure meeting the requirements of a low impact development.

President Hooper noted that the applicant was not involved in the Quailcrest project. He stated that he would assume that the City's Engineering staff will be involved in the dewatering process.

Jim Jones, JJ and Associates, engineer for the project, addressed comments regarding dewatering, noting that the proposed sewer connection at the southeast corner of the development is in the wetland area. He explained that the sewer only needs to be six feet deep to get through the wetland area. He commented that the applicant anticipates having a geotechnical engineer to determine the elevation of the water table. He noted that part of the condition is to obtain a tree removal permit for clearing some of the areas for access points to take soil borings to determine the elevation of the water table. He mentioned that some tunneling methods may be able to be done for a good portion of the distance. He stated that if dewatering needs to be done, elevations of adjacent properties can be taken prior to and after to ensure there is no settlement.

President Hooper questioned how the stormwater runoff was designed.

Mr. Jones noted that all drainage would be intercepted from the developed areas, directed to the detention basin, which is designed for a 25-year storm event, and then discharged into the wetland area. He pointed out that drainage is currently getting to that area today. He noted that the method of detention is designed to mimic agricultural flow at 0.2 CFS per acre. He commented that he was not at the Planning Commission meeting where residents expressed concern that the flow would be increased through the wetland. He stated that the City Engineer contacted him and requested he perform additional analysis of that site. He noted that there are some properties that back up the wetlands where 100 percent of the drainage cannot be intercepted. In order to compensate for the backyard areas in the northwest corner, calculations were provided to the Engineering Department to over-restrict the detention basin to cut the flow rate to 25 percent, discharging

at a flow rate of 0.14 CFS per acre. He noted that the net effect is that there will be a decrease in the flow going into the wetland area. He stated that everything proposed will meet the specifications of the Michigan Department of Environmental Quality (MDEQ).

President Hooper questioned whether the quality of the wetlands will be affected.

Mr. Jones responded that it will not. He stated that the reduced flow into the wetlands will offset the backyard flows going in unrestricted.

Council Discussion:

Mr. Kochenderfer requested that the Administration comment on steps the City will take to monitor any impact this activity will have on wetlands.

Mr. Anzek responded that in the past the City has had annual reports from its wetland consultant. He noted that a condition of approval could be added that the wetlands be monitored by a registered environmentalist.

Mr. Kochenderfer stated that he would support such a condition. He stated that he is familiar with the area and understands the residents' concerns.

Mr. Anzek commented that the last time monitoring was required such as this was for the Country Club Village development.

President Hooper stated that a condition could be added that the wetlands be monitored annually and a report submitted to the City.

Mr. Anzek suggested that if there is no change observed after five years, the testing interval could be extended to every five years.

Mr. Wiggins questioned whether the City would have any responsibility once homes are constructed and water issues are encountered.

Mr. Anzek noted that calculations are based on a 25-year storm event. He commented that two such events could occur in one day, which would result in flooding throughout. He stated that under normal conditions, the design should work. He commented that he has never seen any of these designs fail to this extent, and stated that the City's standards work very well.

Mr. Nunez stated that he would defer to Mr. Jones, who is a Licensed Registered Engineer. He noted that the City has hired their own experts to look at this as well. He explained that the amount of water designed will continue through this wetland at the same rate that it is now. He commented that during last year's significant flooding event, everyone was flooded.

Mr. Jones noted that safety factors have been incorporated and the detention basin was made one foot higher than required.

Mr. Hetrick questioned whether the lower discharge rate is in the MDEQ application or is a part of the stormwater detention system plan.

Mr. Jones responded that it is incorporated into the site plans and are a part of the construction drawings that the Engineering Department is reviewing. He noted that City Engineer Paul Davis noted concerns raised at the Planning Commission meeting and they are working to address them.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Absent 1 - Brown

Enactment No: RES0105-2015

Resolved, that the Rochester Hills City Council hereby approves the PUD Agreement dated received March 4, 2015 for Enclaves of Rochester Hills, a 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken, zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC., with the following findings and conditions:

Findings:

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to preserving natural features, the environment and open space.

Conditions:

1. The appropriate sheets from the approved Final Site Plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the Agreement shall be met prior to final approval by City Staff.

2014-0174

Request for Approval of a Wetland Use Permit - Enclaves of Rochester Hills PUD, for impacts of up to 12,321 square feet (out of 6.29 acres of wetlands) associated with the proposed construction of a 26-unit residential development on 30 acres, located on the east side of Rochester Road, north of Tienken, zoned RE, Residential Estate, TJ Realvest, LLC, Applicant

Attachments: [042015 Agenda Summary.pdf](#)
[ASTI Review 121814.pdf](#)
[Resolution \(Draft\).pdf](#)

See Legislative File 2006-0226.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0106-2015

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for Enclaves of Rochester Hills PUD for impacts of up to 12,321 square feet associated with the proposed construction of a 26-unit residential development on 30 acres, located on the east side of Rochester Road, north of Tienken, zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, based on plans dated received by the Planning and Economic Development Department on March 2, 2015, TJ Realvest, LLC, Applicant with the following findings and conditions.

Findings:

1. Of the approximately 6.29 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately .2 acres.
2. The City's wetland consultant believes that revisions to the plan preserve regulated wetland and the Natural Features Setback and are exemplary of the objective of a PUD by minimizing impacts to a Priority One Natural Feature Area of the City.

Conditions:

1. The applicant shall obtain applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. The applicant shall provide a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
3. Wetland impacts on Sheets 2 and 3 must also be shown on the final grading plan for the project.

2015-0099 Request for Approval of the Final Site Plan - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on 30.5 acres, located on the east side of Rochester Road, north of Tienken, TJ Realvest, LLC, Applicant

Attachments: [042015 Agenda Summary.pdf](#)
[Final Site Plans.pdf](#)
[Final Eng. Plans.pdf](#)
[Final PUD Staff Report 040215.pdf](#)
[Review Comments 033115.pdf](#)
[Resolution \(Draft\).pdf](#)

See Legislative File 2006-0226.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0107-2015

Resolved, that the Rochester Hills City Council hereby approves the Final Site Plan for Enclaves of Rochester Hills PUD, a 26-unit residential development on approximately 30 acres, located on the east side of Rochester Road, north of Tienken, Parcel Nos. 15-02-177-001 and 15-02-102-023, based on plans dated received by the Planning and Economic Development Department on March 2, 2015, TJ Realvest, LLC, Applicant, with the following findings and conditions.

Findings:

1. The Site Plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan.

Conditions:

1. Provision of a performance guarantee in the amount of \$508,935, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
2. Address all applicable comments from City departments and outside agency review letters, prior to final approval by Staff.
3. Add a maintenance path along the sanitary sewer line, to be approved by Engineering Staff prior to Construction Plan approval.
4. Preconstruction survey of adjacent homesites be done prior to construction to compare to the survey after construction.
5. Wetlands be monitored annually and reports submitted to the City for the five years after development.

PUBLIC COMMENT for Items not on the Agenda

None.

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.

2015-0160 Approval of Minutes - City Council Regular Meeting - March 16, 2015

Attachments: [CC Min 031615.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0108-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 16, 2015 be approved as presented.

2015-0161 Approval of Minutes - City Council Regular Meeting - March 30, 2015

Attachments: [CC Min 033015.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0109-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 30, 2015 be approved as presented.

2015-0108 Request for Adoption of a Revised Street Resolution to place the westerly 151.65 feet of Shortridge Avenue within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

Attachments: [042015 Agenda Summary.pdf](#)
[Supervisor's Plat No 6.pdf](#)
[031615 Agenda Summary.pdf](#)
[Map.pdf](#)
[031615 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0110-2015

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

Now Therefore Be It Resolved:

1. That the said street is:

Shortridge Avenue fronting Lot 14 as depicted in Supervisor's Plat #6 Avon Township as recorded in Liber 5, Page 56 of Oakland County Records and being part of the southwest 1/4 of Section 34, T.3 N., R.11 E. City of Rochester Hills, Oakland County, Michigan, and

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

3. That said street is certified as a public street and is for public street purposes, and
4. That said street is accepted into the City Local Street System, and
5. That said street is open for traffic on May 15, 2014 and has been constructed according to City standards.

2015-0135 Request to Authorize the permit application from the Road Commission for Oakland County (RCOC) for the Memorial Day Parade to be held on Monday, May 25, 2015

Attachments: [042015 Agenda Summary.pdf](#)
[Memorial Parade Map 2015.pdf](#)
[RCOC Annual Permits 2015-2017.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0111-2015

Whereas, the Cities of Rochester Hills and Rochester jointly host the 2015 Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veteran organizations; and

Whereas, the parade route begins at 10:00 a.m.; Mt. Avon Cemetery within the City of Rochester and run along First Street, then southerly along Castell Street, then westerly along Harding Road to Livernois Road, and finally Livernois Road southerly to Veterans Memorial Pointe Park in the City of Rochester Hills; and

Whereas, staging this event requires closing certain County routes and using others for posted detour routes; and

Whereas, the two Cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Livernois Road and Avon Road.

Be It Resolved that the Rochester Hills City Council authorizes the Mayor or his/her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures; and

Be It Further Resolved that the parade route be scheduled for Monday, May 25, 2015, starting at 10:00 a.m. on Harding and Livernois Roads; and

Be It Further Resolved that the City of Rochester Hills will faithfully fulfill all permit requirements and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved that a certified copy of this resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

2015-0140 Request for Purchase Authorization - DPS/ENG: Purchase of limestone aggregate and application for Livernois Road (Tienken to Dutton) in the amount not-to-exceed \$50,000.00; Road Commission for Oakland County, Beverly Hills, MI

Attachments: [042015 Agenda Summary.pdf](#)
[RCOC Letter 031915.pdf](#)
[Resolution \(Draft\).pdf](#)
[Resolution \(Draft\)\(Revised\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0112-2015

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of limestone aggregate and application for Livernois Road (Tienken to Dutton) to Road Commission for Oakland County, Beverly Hills, Michigan in the amount not-to-exceed \$50,000.00.

Passed the Consent Agenda

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

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

2015-0154 Request for Acceptance of permanent pathway easement granted by Stephen V. Pickens Trust, 27407 Pleasant, Warren, Michigan for pathway rehabilitation project and authorization of payment to landowners in the amount of \$7,400.00

Attachments: [042015 Agenda Summary.pdf](#)
[1171 and 1183 Auburn Easement.pdf](#)
[Aerial Map 1171 and 1183 Auburn.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that he wished to remove this item from the Consent Agenda to have an opportunity for a young lady to introduce herself and show the impact this easement will have. He noted that the City received a phone call from Autumn Watt who shared the challenge she had.

Autumn Watt expressed her appreciation to Mayor Barnett and to Paul Davis, City Engineer. She stated that she has lived off John R and Auburn Road for three years. She explained that the Fire Station is in front of her house, and the pathway is not completed between the Fire Station and two adjacent houses. She explained that the first time she decided to venture out on her own, her wheelchair could not navigate the narrow path, got stuck, and almost tipped over. She stated that she wished for the City to take her safety into consideration, as she currently has to drive on the shoulder of Auburn Road until the sidewalk picks up again. She expressed concern that she would be hit by a car.

Mayor Barnett credited Mr. Davis for his efforts, and thanked Ms. Watt for her dedication.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0113-2015

Resolved, that the Rochester Hills City Council hereby accepts the permanent pathway easement granted by Stephen V. Pickens Trust, 27407 Pleasant, Warren, Michigan 48088, over, on, under, through and across land more particularly described as Parcel No. 15-25-352-017 and 15-25-352-018, and authorizes payment to the landowners in the amount of \$7,400.00.

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

(Recess 9:55 p.m. to 10:10 p.m.)

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Morita announced that Rochester Hills resident Desiree Linden came in fourth for women in today's Boston Marathon.

Mayor Barnett noted the following:

- Rochester Hills was wonderfully represented at the Boston Marathon. Desiree Linden was the top American finisher, at 2:29:35.
- Rochester Hills resident Douglas Elgie completed the Marathon in 5:13, and was one of only 12 entrants over the age of 80.
- Chief Assistant Tara Presta and Rochester City Manager Jaymes Vettraino were named to Brooks Patterson's Oakland County 40 Under 40 list.
- Six residents were recognized who have donated over 4,000 volunteer hours to the community, and received a Presidential Volunteerism Award.
- Two of Rochester Hills' initiatives received the State American Public Works Association Recognition as Projects of the Year; the Rochester Hills Shared Services Initiative, and the North Oakland County Water Agreement (NOCWA). He mentioned that the NOCWA Agreement will result in a savings for the City close to one million dollars.
- A recognition was held last Saturday to recognize and honor 133 donors who raised \$790,000 for the Calf Barn Project. Windows were dedicated to legacy families in the community. Pat McKay, Supervisor of Interpretive Services, was surprised with his own window. The Calf Barn, now completed with bathroom facilities, is completely booked in for 2015, and well into 2016.
- The City received a perfect fiscal score from the Southeast Michigan Council of Governments (SEMCOG).
- Rochester Hills is home to the number one Fleet in Michigan, and is one of the top 100-best fleets in the country. Over 38,000 fleets compete for that honor.

- The Tienken Road project first stage from Canyon Creek to Kings Cove is expected to be completed within two weeks. Construction will then move to the next section from Kings Cove Drive to Winry, then the section from Winry to Pine, and then from Pine to Rochester Road.

President Hooper noted that City Attorney John Staran was asked to provide an Attorney's Opinion on write-in candidacy. He noted that this opinion was provided on April 8, 2015. In addition, a renowned election law attorney from Honigman Miller was retained, who provided a review of Mr. Staran's opinion. Both Mr. Staran's opinion and the election law attorney's review, dated April 20, 2015, will be available on the City's website.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2015-0137 Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board to fill the unexpired term of Richard Graham ending December 31, 2015

Attachments: [042015 Agenda Summary \(Revised\).pdf](#)
[042015 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Austin CQ.pdf](#)
[Beightol CQ.pdf](#)
[Hunter CQ.pdf](#)
[Suppl Krajewski CQ.pdf](#)
[Lyons CQ.pdf](#)
[Mazur-Abearé CQ.pdf](#)
[McGunn CQ.pdf](#)
[Muenk CQ.pdf](#)
[Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[033015 Agenda Summary.pdf](#)
[Graham Resignation.pdf](#)
[033015 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Maria Willett, 2810 Lower Ridge Drive, expressed her interest in being appointed to the Green Space Advisory Board. She noted that during her undergraduate years at Oakland University, she was involved in environmental organizations. She stated that she believes she would bring much value to the Board.

Bruce Austin, 848 Longford, stated that he has been a resident of the community for over 25 years, and he understands the priorities of green space, its preservation, and stewardship. He explained that he was involved in early the concepts of the Clinton River Blue Water Way and has experience in acquisitions and trail corridors.

***Peter Beightol**, 3122 Quail Ridge Circle, stated that he has been involved in watershed activities and the Clinton River in excess of 30 years. He commented that one of the reasons he and his wife moved here was the extensive amount of green space and outdoor recreation. He noted that his application cites the organizations he has been involved with; and he stated that as a real estate broker for over 40 years, he has a great deal of experience to the Board.*

President Hooper Opened the Floor for Nominations.

***Ms. Morita** nominated Peter Beightol.*

***Mr. Kochenderfer** nominated Maria Willett.*

***President Hooper** nominated Bruce Austin.*

Seeing No Further Nominations, President Hooper Closed the Floor for Nominations. *He noted that as there are three individuals nominated, the item would be brought back to the May 18, 2015 Council Agenda for a vote.*

Discussed; Nominated Bruce Austin, Peter Beightol, and Maria Willett.

2015-0138 Nomination/Appointment of one (1) Citizen Representative to the Water and Sewer Technical Review Committee to fill the unexpired term of Richard Graham ending December 31, 2015

Attachments: [042015 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Goldman withdraw from consideration.pdf](#)
[Goldman CQ.pdf](#)
[Helsom CQ.pdf](#)
[Hokscho CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[033015 Agenda Summary.pdf](#)
[Graham Resignation.pdf](#)
[033015 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations.

***Mr. Tisdell** nominated Orville Hokscho.*

Seeing No Further Nominations, President Hooper Closed the Floor for Nominations. *He asked for a resolution to appoint Mr. Hokscho. He noted that he has had the pleasure of working with Mr. Hokscho on the Public Safety and Infrastructure Technical Review Committee, and highly recommends him for appointment.*

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0114-2015

Resolved, that the Rochester Hills City Council appoints Orville Hoksch to the Water and Sewer Technical Review Committee to fill the unexpired term of Richard Graham ending December 31, 2015.

- 2015-0142** Request to Confirm the Mayor's appointment of Pamela Valentik, and the reappointment of Samuel Seabright and Kurt Dawson to the Economic Development Corporation (EDC), each for a six-year term to expire March 31, 2021

Attachments: [042015 Agenda Summary.pdf](#)
[Dawson CQ.pdf](#)
[Seabright CQ.pdf](#)
[Valentik CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0115-2015

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Pamela Valentik, and the reappointment of Samuel Seabright and Kurt Dawson to the Economic Development Corporation, each for a six-year term to expire March 31, 2021.

NEW BUSINESS

- 2015-0132** Request for Purchase Authorization - DPS/ENG: Request for Blanket Purchase Order for As Needed Construction Inspection Services in the amount not-to-exceed \$150,000.00; Spalding DeDecker Associates, Inc., Rochester Hills, MI

Attachments: [042015 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that City Staff often do not have the capacity internally to handle inspections. He pointed out that payment revenue comes through escrow accounts that are established by the developers.

Mr. Hetrick questioned whether the revenue is sufficient to pay for the services.

Mr. Schneck responded that is correct.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0116-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Spalding DeDecker Associates, Inc., Rochester Hills, Michigan for As Needed Construction Inspection Services in the amount not-to-exceed \$150,000.00 through December 31, 2015.

2015-0133 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for sewer maintenance services in the amount not-to-exceed \$947,400.00; Liqui-Force Services (USA), Romulus, MI

Attachments: [042015 Agenda Summary.pdf](#)
[City of Livonia Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that these services are spurred from a \$2 million SAW grant. He explained that part of the grant application is to gain further knowledge regarding the condition of both the stormwater and sanitary sewer collection system. He noted that the City is using the City of Livonia's solicitation through the Michigan Intergovernmental Trade Network. He pointed out that Purchasing was consulted and felt the award is appropriate.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Absent 1 - Brown

Enactment No: RES0117-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order to Liqui-Force Services (USA), Romulus, MI for sewer maintenance services in the amount not-to-exceed \$947,400.00.

2015-0139 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Cross Connection Program Management Services in the amount not-to-exceed \$251,100.00 through April 30, 2018; HydroCorp, Troy, MI

Attachments: [042015 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that it is mandated through the Michigan Department of Environmental Quality to have a cross-connection program to ensure devices and appurtenances connected to distribution system cannot present a backflow condition. He explained that the Building Department previously provided these services; however, because of retirements, it is being pulled back into the DPS Department. It is requested to engage Hydro Corp in Troy to provide these services.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Absent 1 - Brown

Enactment No: RES0118-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for cross connection program management services to HydroCorp, Troy, Michigan in the amount not-to-exceed \$251,100.00 through April 30, 2018 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2015-0141 Request for Purchase Authorization - DPS/ENG: Purchase of one (1) sign shop printer in the amount of \$21,918.00; One Source Supply, LLC., Swartz Creek,

Attachments: [042015 Agenda Summary.pdf](#)
[Sign Shop Printer Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the current sign shop printer/plotter has been used City-wide for the last seven years and is fully depreciated. He stated that the existing unit has a trade-in value of \$6,000, which will offset some of the cost.

President Hooper noted that with the \$6,000 trade-in, the net cost will be \$15,000.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0119-2015

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) sign shop printer in the amount of \$21,918.00 to One Source Supply, LLC., Swartz Creek, Michigan.

2015-0143 Request for Purchase Authorization - DPS/FLEET: Increase to Blanket Purchase Order for Caterpillar repair parts, services, and supplies in the amount of \$25,380.53 for a new total amount not-to-exceed \$46,380.53 through October 1, 2016; Michigan CAT, Shelby Township, MI.

Attachments: [042015 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that one of the City's two-wheeled excavators started having problems. He noted that diagnostics were undertaken through the Fleet Division; and Michigan CAT was contacted to diagnose the problems. He pointed out that the necessary repairs were significant and exceeded the purchase order established in August of 2013. He mentioned that Fleet Manager Bruce Halliday negotiated some of the charges downward.

President Hooper commented that as this is an 11-year-old machine, the City should have thought about replacing it.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0120-2015

Resolved, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Michigan CAT, Shelby Township, Michigan for Caterpillar repair parts, services and supplies in the amount of \$25,380.53 for a new total amount not-to-exceed \$46,380.53 through October 1, 2016.

2015-0145 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2015 Asphalt Rehabilitation Program in the amount of \$2,725,540.00 with a 10% contingency in the amount of \$272,554.00 for a total not-to-exceed amount of \$2,998,094.00; Florence Cement Company, Shelby Township, MI

Attachments: [042015 Agenda Summary.pdf](#)
[Overall Proj Map.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper noted that for this agenda item and the next, he discloses that he works in the construction industry, knows the firm involved; however, he has no financial interest in the firm and did not participate in the bidding process. As such, he feels no reason to recuse himself from either item.

Allan Schneck, Director of DPS/Engineering, explained that this item is a part of the City's annual Hot Melt Asphalt program. He noted that this project as well as the Concrete project to follow in discussion are identified in the Capital Improvement Project. He stated that there are a number of subdivisions identified as well as the Clinton River Trail resurfacing and installation of traffic calming devices on Grandview.

Public Comment:

Scot Beaton, 655 Bolinger, stated that the Hampton area should receive new roads. He stated that there are some concrete streets in the city that are much older and are not on the list to be repaired. He mentioned that his subdivision is in excess of 30 years old and needs work. He commented that he wished that many of the City's residential streets had been designed with concrete curbs and asphalt. He stated that asphalt is cheaper and is an easier product to install and to rehabilitate. He suggested that Council consider replacing some of the concrete streets with asphalt.

President Hooper commented that he disagrees, and believes that concrete is the way to go.

Mr. Schneck noted that a more robust concrete program is proposed, adding drainage where it did not exist in the past. He commented that water is the enemy, and addressing drainage issues should help with longevity.

See Also Legislative File 2015-0146.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Absent 1 - Brown

Enactment No: RES0121-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2015 Asphalt Rehabilitation Program to Florence Cement Company, Shelby Township, Michigan in the amount of \$2,725,540.00 with a 10% contingency of \$272,554.00, for a total not-to-exceed amount of \$2,998,094.00, and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2015-0146 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2015 Concrete Road Replacement Program in the amount of \$1,607,605.95 with a 10% contingency of \$160,760.60 for a total not-to-exceed amount of \$1,768,366.55; Florence Cement Company, Shelby Township, MI

Attachments: [042015 Agenda Summary.pdf](#)
[Overall Project Map.pdf](#)
[Bid Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper noted that two options were presented in the packet. Option 1 scales down the program to utilize the current budgeted amount for a total not-to-exceed cost including contingencies of \$1,768,366.55. Option 2 is more extensive, with a total cost of \$3,342,923.65.

Allan Schneck, Director of DPS/Engineering, explained that the Engineering Division put together plans and specifications, and bid results were higher than anticipated. He offered that should Council opt to stay within the budgeted amount, the size of the program would be scaled down, as represented by Option 1 presented. He pointed out that funding for this program comes from the General Fund, via the Local Streets Fund. He noted that there had been some concerns regarding capacity; and he noted that the City has personnel that can deliver the project.

President Hooper stated that he supports Option 2, stating that by not undertaking this work, it merely defers the needed repairs.

Mr. Hetrick concurred, stating that he also supports Option 2. He commented that he would like to do all the subdivisions if it were possible. He questioned what impact Option 2 would have on future funding for Local Streets or on the General Fund.

Mr. Schneck responded that there was a communication that circulated on that very question. He noted that Mr. Sawdon answered that question, noting that if

a full \$1.4 million is needed from the General Fund to fund Option 2, that \$1.4 million would represent five percent of the ending 2015 General Fund Balance, and would represent a minimal impact on Fund Balance.

Mr. Wiggins commented that while he appreciates the need, the City should stick to the amount budgeted and re-review budgeting for next year. He stated that he would support Option 1.

See Also Legislative File 2015-0145.

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

Aye 5 - Hetrick, Hooper, Kochenderfer, Morita and Tisdell

Nay 1 - Wiggins

Absent 1 - Brown

Enactment No: RES0122-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2015 Concrete Road Replacement Program to Florence Cement Company, Shelby Township, Michigan for Option 2 in the amount of \$3,039,021.50 with a 10% contingency of \$303,902.15 for a total not-to-exceed amount of \$3,342,923.65, and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the bid and approval of the award of a contract shall be conditioned and contingent upon the parties' entry into and execution of a written agreement acceptable to the City.

2015-0148 Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland for the rehabilitation of Tienken Road between Adams and Livernois in the amount of \$3,969,825.50; Board of Road Commissioners for the County of Oakland; Beverly Hills, MI

Attachments: [042015 Agenda Summary.pdf](#)
[Cost Participation Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that approximately one year ago, he came before Council asking for its approval for funding design services for Tienken Road from Livernois to Adams. He stated that the roadway is in deplorable condition. He explained that the Road Commission for Oakland County (RCOC) applied for Federal Funds for 2016 and was not awarded funding. The RCOC reapplied for 2017 and was awarded funding for 2017. Subsequently, the City approached the RCOC and inquired about advance constructing the project, and the RCOC agreed. He noted that this request is for approval of the Cost Participation Agreement with Oakland County.

Mr. Hetrick questioned what amount the City will ultimately have to expend to fund the project.

Mr. Schneck stated that the amount is estimated and is dependent on final numbers and bid results, and is estimated at this point to be \$769,825. He explained that this amount constitutes not only the City's match toward the road project, but also pathway and watermain work associated with the project. He noted that there are some costs that are 100 percent the City's responsibility.

Mr. Hetrick commented that advance constructing is a great idea, as the road is not in good shape.

Mr. Schneck noted that while it will be quite disruptive to traffic, within three years the entire corridor of roadway will be done.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0123-2015

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland for the rehabilitation of Tienken Road between Adams and Livernois in the amount of \$3,969,825.50 and further authorizes the Mayor to execute an agreement on behalf of the City.

2015-0150

Request for Adoption of a Resolution for Approval to enter into an agreement for WAMR Data Services in accordance with the North Oakland County Water Authority (NOCWA) by-laws

Attachments: [042015 Agenda Summary.pdf](#)
[NOCWA By-Laws.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that this is a service where all the water feeds that come into the four respective agencies of the North Oakland County Water Authority (NOCWA) will be combined into one clearinghouse to monitor consumption and how much water is being drawn from the City of Detroit to ensure that NOCWA stays within the contractual values entered into between the Detroit Water and Sewerage Department and NOCWA.

President Hooper noted that two approvals are needed. Granting the first approval will allow NOCWA to enter into the agreement; granting the second approval will allow the purchase authorization with H2Ometrics.

Mr. Schneck concurred, noting that the first approval is needed to allow the City to inform the NOCWA Board that it approves NOCWA's entering into the agreement.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0124-2015

Whereas, the North Oakland County Water Authority (NOCWA) by-laws requires each participating entity to adopt a resolution providing approval for the entity to enter into agreements.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby authorizes the approval for the City of Rochester Hills to enter into an agreement for WAMR Data Services that will be provided to the North Oakland County Water Authority and authorizes the Mayor and City Clerk to provide this resolution and meeting minutes to the North Oakland County Water Authority Board indicating its approval, and to submit and execute documents as requested by the North Oakland County Water Authority Board.

2015-0153 Request for Purchase Authorization - DPS/ENG: Approval of Contract/Blanket Purchase Order to H2Ometrics, Ann Arbor, MI in the amount of \$43,000.00 to provide Water Automated Meter Reading (WAMR) Data Services for a three year period to expire on April 30, 2018

Attachments: [042015 Agenda Summary.pdf](#)
[Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the City of Rochester Hills is the fiduciary of the North Oakland County Water Authority (NOCWA). Granting this request will allow and empower the City to enter into a Purchase Order with H2Ometrics. He mentioned that an award was made to the Competitive Grant Assistance Program (CGAP) application that had been submitted. He noted that the initial award was \$17,100. He pointed out that the City submitted its consultant services for \$40,000 and has been reimbursed. He stated that these expenditures are also eligible and will be submitted.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0125-2015

Resolved, that the Rochester Hills City Council authorizes the approval of a Contract/Blanket Purchase Order to H2Ometrics, Ann Arbor, MI in the amount of \$43,000.00 to provide Water Automated Meter Reading (WAMR) Data Services for a three year period to expire on April 30, 2018.

2015-0163 Discussion regarding updating the purpose and charge for the Public Safety and Infrastructure Technical Review Committee

Attachments: [042015 Agenda Summary.pdf](#)
[PSITRC Purpose and Charge.pdf](#)
[Sawdon Memo 032615 Storm Drain Maint Funding.pdf](#)
[Sawdon Memo 032615 Street Light Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper stated that the Public Safety and Infrastructure Technical Review Committee (PSITRC) discussed several topics over the years. He commented that Allan Schneck, Director of EPS/Engineering, suggested topics where research is requested; and he noted that the packet also includes a couple of memos as well from Keith Sawdon, Finance Director, regarding these topics. He stated that it is his view that the appropriate party to undertake the necessary research and present recommendations to Council would be the PSITRC. He noted that Council is asked to consider modifying the charge of the PSITRC to add these two topics for their review and consideration.

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

Aye 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0126-2015

Resolved, that the Rochester Hills City Council has agreed to alter the charge of the Public Safety and Infrastructure Technical Review Committee to include the tasks of reviewing the Storm Drain Maintenance Funding and Street Light Policy and report back to City Council with their recommendations.

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting, Monday, May 4, 2015 - CANCELLED

Regular Meeting - Monday, May 18, 2015 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:51 p.m.

GREG HOOPER, President
Rochester Hills City Council

TINA BARTON, MMC, 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.