



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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Home Page:
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*Susan M. Bowyer Ph.D., Kevin S. Brown, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins*

Vision Statement: The Community of Choice for Families and Business

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

Monday, February 22, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Susan M. Bowyer, Kevin S. Brown, Dale Hetrick, James Kubicina, Stephanie
Morita, Mark A. Tisdell and Thomas W. Wiggins

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Scott Cope, Director of Building and Ordinance Compliance
Lance DeVoe, Park Ranger II
Ken Elwert, Director of Parks and Forestry
Pamela Gordon, Director of Human Resources
Garren Griffith, Adult Advisor to the Rochester Hills Government Youth Council
Gerry Lee, Forestry Operations Manager
Bob Lemon, General Foreman
Sara Roediger, Manager of Planning
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
Joe Snyder, Senior Financial Analyst
John Staran, City Attorney
Taylor Thorpe, Rochester Hills Government Youth Council Representative
Pamela Valentik, Manager of Economic Development
Bob White, Supervisor of Building Services
Tamara Williams, Chief Assistant to the Mayor*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Morita, seconded by Bowyer, that the Agenda be Approved as Presented. The motion carried by the following vote:

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdel and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council:

Mr. Tisdel introduced **Taylor Thorpe**, Rochester Hills Government Youth Council (RHGYC) Representative. He stated that she is a Senior at Rochester Adams High School and carries a 3.6 grade point average. Ms. Thorpe will attend Western Michigan University this fall. He commented that she is an avid horseback rider and this is her third year on the RHGYC.

Ms. Thorpe introduced **Garren Griffith**, Adult Advisor to the RHGYC. She announced that the RHGYC held a meeting this afternoon and discussed their upcoming 5K Run/Walk slated for June. Rainbow Connection will be the benefactor of the 5K proceeds this year. Rainbow Connection works to fulfill the dreams of children with serious illnesses.

She mentioned that the RHGYC is planning a leadership conference which will be designed to provide a greater connection between the youth of the city and City Government. She commented that RHGYC members are also discussing ways to encourage better voter turnout for the fall Presidential Election.

She stated that a couple of the RHGYC members plan to attend the STEAM (Science, Technology, Engineering, Arts and Math) Conference on March 5, 2016. The Conference, a career exploration fair, will be at Rochester High School from 10:00 a.m. to noon. A brief video highlighting the conference offerings was played.

RECOGNITIONS

2016-0075 Proclamation in Recognition of Bob Lemon

Attachments: [022216 Agenda Summary.pdf](#)
[Proclamation \(Revised\).pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)
[Resolution \(Draft-Revised\).pdf](#)

Mayor Barnett noted that one of the best parts of being Mayor of Rochester Hills is the incredible people he has the opportunity to work with at the City. He invited Bob Lemon to come forward, noting that he is retiring as the City's longest serving employee, having worked here for 43 years. He mentioned that he has been responsible for everything to do with roads, including the crews, repairs and plowing. He expressed his appreciation for Mr. Lemon's service to the City, and read a proclamation.

Bob Lemon expressed his thanks for the recognition, noting that he has always

wanted to do a fine job. He stated that his 43-year career would not have been achievable if it was not for the employees he worked with. He mentioned Bud and Ed Leafdale, and Joni Ogg, who worked with him at the DPS Garage, and expressed his thanks to his family for their support.

Council congratulated Mr. Lemon for his years of service to the City.

Presented.

Whereas, at the young age of 18, after graduating high school, Bob joined Avon Township. Years later, Bob married Jill and together they raised their daughter Wendi. Wendi and her husband Pat blessed Bob and Jill with a beautiful granddaughter, named Tala.

Whereas, these years of service have been marked by exemplary dedication to the best interests of the community. "Doppler Bob," as he is fondly called, has worked diligently for the betterment of the Rochester Hills Public Services System, which contributes to the health, safety and comfort of this community; and

Whereas, Rochester Hills has benefited greatly because of Bob's many abilities ranging from fixing meters, to maintaining roads, to fixing water main breaks; and

Whereas, throughout his life and career Bob has demonstrated a sense of deep responsibility, professional pride and doing the right thing whether it be for his family, his community or the Department of Public Services. This was demonstrated in 1981 when Bob and the DPS team worked tirelessly to rescue a worker from a cave-in on Crooks Road.

Whereas, over the years, Bob has provided the DPS team with a wealth of knowledge on current events including the Bachelor, American Idol, and Dancing with the Stars.

Be It Resolved, that the Mayor and the City Council of Rochester Hills, on behalf of the Department of Public Services family and all employees of the City of Rochester Hills, hereby congratulate Bob Lemon on his retirement and wish him well as he and Jill embark upon their new adventures in Alaska this summer.

PRESENTATIONS

2016-0069 Presentation by the Avondale Youth Assistance; Michael Kazyak, Chairman, presenter

Attachments: [022216 Agenda Summary.pdf](#)
[AYA Annual Report 2015.pdf](#)

Vice President Morita stated that she has served on the Avondale Youth Assistance (AYA) Board for the last two years, and commented that it has been an absolute pleasure mostly because of Chairperson Michael Kazyak. She noted that AYA does much to keep students in school, and without this organization, the area would have much higher delinquency rates. She stated that all youth assistance organizations in Oakland County strive for those goals.

Michael Kazyak, Chairperson of AYA, expressed his appreciation to Vice

President Morita; and stated that he wished to express his thanks to the City on behalf of the organization for its support. He highlighted the organization's annual report, noting that AYA helped over 500 families in the past year, through over 1,500 hours put in by both staff and other volunteers of the organization. He mentioned three upcoming events:

- A family education program at Avondale High School scheduled for Wednesday, March 2, 2016 will highlight the dangers and addictions of technology and social media.
- A parent talk will be held on Tuesday, March 15, 2016 at Deerfield Elementary. Parents will learn to talk with their children and encourage them to become more responsible.
- AYA's Annual Youth Recognition Night is set for Tuesday, March 22, 2016. Over 100 students will be recognized this year.

Mr. Kazyak noted that it is his goal to have 300 students recognized before he retires from the organization. He encouraged Council Members to attend the Youth Recognition Night to see what the students have accomplished. He commented that these are everyday kids in the community who have worked hard to reach their goals.

Presented.

PUBLIC HEARINGS

2016-0040 Public Hearing and Request for Adoption of the 2016-2020 Parks and Recreation Master Plan

Attachments: [022216 Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Memo to PC 021616.pdf](#)
[P&RMstrPln 2016-20 PUB REV DRFT Pt1.pdf](#)
[P&RMstrPln 2016-20 PUB REV DRFT PT2.pdf](#)
[P&RMstrPln 2016-20 PUB REV DRFT PT3 APX D RVR PK.pdf](#)
[P&RMstrPln 2016-20 PUB REV DRFT PT4 APX D RVR PK \(2\).pdf](#)
[P&RMstrPln 2016-20 PUB REV DRFT PT5 APX D RVR PK.pdf](#)
[P&RMstrPln 2016-20 UPDATED PAGES PART 1.pdf](#)
[P&RMstrPln 2016-20 UPDATED PAGES PART 2.pdf](#)
[Proposed Resolution PC.pdf](#)
[021616 Resolution PC.pdf](#)
[Minutes PC 021616.pdf](#)
[Public Hearing Notice-Planning Commission.pdf](#)
[Public Hearing Notice-City Council.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, was accompanied by **Ken Elwert**, Director of Parks and Forestry. She noted that the draft Parks and Recreation Master Plan was distributed for review in January, and she explained that after some small changes, updated pages were provided in the meeting packet for review this evening. She commented that the Administration is looking forward to Council's approval of the Plan tonight.

Mayor Barnett introduced incoming Director of Parks and Forestry, Ken Elwert, and stated that his most recent position was with Independence Township.

Mr. Elwert stated that he was honored to be a part of Rochester Hills and its exciting parks system. He expressed his appreciation to Ms. Roediger and the Planning Department for all their work in moving the draft Plan through during the transition. He commented that Riverbend Park is an incredible opportunity, and he stated that he looks forward to implementing the current and new plans for the future.

Ms. Roediger presented a brief overview of the Master Plan, noting that the Michigan Department of Environmental Quality requires a five-year plan be on record with the State in order to be eligible for grants. She commented that it is hoped that grant funding can be obtained for Riverbend Park and the City's other park projects. She pointed out that the current plan expired in 2015, and explained that the Plan is a guide for City operated recreational facilities and programs.

She highlighted the contents of the Plan noting that it contains information on the Community Description, Administrative Structure, an Inventory of Facilities, highlights Public Involvement, provides Goals and Objectives and presents an Action Program.

The Community Description features updated social characteristics of the community and notes the Natural Features Inventory. She mentioned that age demographics and household composition are detailed, and she noted that one-third of the households in Rochester Hills have children, with the largest group of residents from 45 to 64 years of age.

The Administrative Structure features the City's organizational chart, and reviews other agencies that the City partners with, including the Rochester Avon Recreation Authority and the OPC. Budget and funding is reviewed as a part of the Plan.

The Inventory presents over 1,000 acres of City owned parkland encompassing seven community parks, three neighborhood parks, four special use parks, two linear parks and multiple Green Space properties.

Public Involvement included a 30-day public review period, a Public Opinion Survey which gathered nearly 550 responses, a Social Media campaign which reached 25,000 people, and Public Hearings held at both the Planning Commission and tonight at City Council. Key findings from the Public Involvement Phase noted the following:

- The Clinton River and Paint Creek Trails are the most commonly used parks.
- Walking/biking trails ranked number one where more money should be spent.
- A Splash Pad/Water Park and Dog Park were the most popular type of new facilities desired.
- Natural Feature Preservation and open space are also a priority.
- More paved walking/biking facilities, better maintenance and more diversity in programs and special events, and more restrooms were the most cited improvements to increase participation.

- Over one-half of the respondents would support an operational millage dedicated to preserving the current levels of park services.

Goals and Objectives were the following:

- Maintain and enhance existing facilities.
- Develop innovative new park facilities.
- Improve pathways and connectivity.
- Provide diverse programming.
- Preserve significant natural features.
- In a fiscally responsible fashion.

An Action Program encompassed the following:

- A five-year plan.
- Recommendations totaling over \$5.8 million plus \$480,000 annually (including pathways).
- Costs are anticipated to be from grants and private donors in addition to the Capital Improvement Plan, Green Space Fund, and the General Fund.
- The order of the plan is fluid as funding becomes available for various items. The City plans to be aggressive and apply for grants and court private donations.

Ms. Roediger highlighted each year of the five year action program, noting that a common thread is the development of the Riverbend Park elements. She pointed out that a number of plans that have been on the books for a while, including Borden Park improvements, Paint Creek Trail resurfacing slated for 2018, and implementation of Watertown recommendations were included.

She explained that the Planning Commission held a Public Hearing and adopted the plan. Tonight, Council will hold its Public Hearing and make any desired modifications to the plan, and will hopefully adopt it by resolution. It will then be submitted to the Michigan Department of Natural Resources to allow for the application process to begin for grants to implement the plan.

President Tisdell Opened the Public Hearing at 7:36 p.m.

Seeing no Public Input, President Tisdell Closed the Public Hearing at 7:37 p.m.

Council Discussion:

Mr. Wiggins questioned what improvements to the trails were desired.

Ms. Roediger responded that paving was a big comment for pathways and trails, to fill in gaps along major roads. She added that parking and restrooms along the trails were also noted in comments.

Mr. Hetrick commented that as a user of the Clinton River Trail he would also agree. He stated that he is glad that the residents see the Clinton River Trail as a jewel in the City's parks system and noted that it should be a top priority. He

mentioned that Riverbend Park has an opportunity to become a destination. He stated that Nowicki Park has an opportunity to be potentially innovative, and he commented that he would like to see an active item included in the Plan which will move concept plans for that park toward development.

***Dr. Bowyer** welcomed Mr. Elwert, and expressed her thanks to Ms. Roediger. She commented that the plan covers Riverbend Park nicely and presents a project that is doable over five years. She stated that a restroom is needed on the Paint Creek Trail and noted plans for the Trail's resurfacing.*

***Mayor Barnett** stated that the City is hopeful to move the development of Riverbend Park along. He pointed out that other plans could also move forward if grant monies became available. He stated that Council can be very proud of the park system the City has, and he commented that multiple surveys have suggested that the Parks are why people come to Rochester Hills. He expressed his appreciation to Ms. Roediger for her role in the transition, noting that she had a tight time frame and made it happen.*

***Vice President Morita** expressed her thanks to Ms. Roediger.*

***Mr. Kubicina** expressed his appreciation for the presentation. He noted that he is on the Paint Creek Trailways Commission and commented that many people will be excited about the plans. He welcomed Mr. Elwert to Rochester Hills.*

***Mr. Hetrick** welcomed Mr. Elwert. He stated that he is glad to hear that the plan as stated has some fluidity, and as things come forward there are opportunities to insert some things into the plan.*

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0036-2016

Whereas, the City of Rochester Hills has undertaken a planning process to determine the recreation needs and desires of its residents during a five year period covering the years 2016 through 2020, and

Whereas, the City of Rochester Hills began the process of developing the Rochester Hills Parks and Recreation Master Plan in accordance with the most recent guidelines developed by the Department of Natural Resources and made available to local communities, and

Whereas, residents of the City of Rochester Hills were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions, and discuss all aspects of the parks and recreation plan, and

Whereas, the public was given a well-advertised opportunity and reasonable accommodations to review the final draft plan for a period of 30 days, and

Whereas, a public hearing was held on February 16, 2016 by the Planning Commission and on February 22, 2016 by the City Council at Rochester Hills City Hall to provide an

opportunity for all residents of the planning area to express opinions, ask questions, and discuss all aspects of the Rochester Hills Parks and Recreation Master Plan, and

Whereas, the City of Rochester Hills has developed the plan as a guideline for improving recreation and enhancing natural resource conservation for the City of Rochester Hills.

Whereas, after the public hearing, the Rochester Hills City Council voted to adopt the Rochester Hills Parks and Recreation Master Plan.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby adopts the Rochester Hills Parks and Recreation Master Plan.

2016-0030 FY 2016 1st Quarter Budget Amendments

Attachments: [022216 Agenda Summary.pdf](#)
[2016 - 1st Qtr BA - Overview.pdf](#)
[2016 - 1st Qtr BA - Account Details.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Senior Financial Analyst, reviewed the proposed 2016 1st Quarter Budget Amendments. He explained that this is typically the quarter where carryover requests are included for those projects that were not completed in 2015. He noted that Total Revenues will increase by \$2 million, Total Expenses will increase by \$18.9 million, and the net increase in the use of Fund Balance will be \$16.9 million. He provided the following breakdown of the Amendment:

- The increase in Total Revenues consists of approximately \$2 million from the SAW Grant, which has an offsetting expense. The Older Persons' Commission (OPC) Transportation Millage will increase to reflect the results of November's election.
- The increase in Total Expenses consists of three components: Operating Expenses will increase by \$1.5 million to reflect expenses for the SAW Grant activities; \$14 million in Capital Projects includes the purchase of four fire trucks, Self-Contained Breathing Apparatus, a carryover of the projects for Fire Stations #1, #2, #3 and #5, and \$4.5 million approved at the October 5, 2015 Council Meeting for Fire Station #4. The remainder of the Capital Project expense increase is spread over a variety of Major Road projects which require restoration and finalizing, pathway work, water and sewer work, Facilities and MIS projects and the City Hall Parking Lot.
- Transfers Out increase by \$3.2 million, including \$4.5 million to Facilities to pay for the Fire Station projects, and a decrease of \$1.5 million in the amount transferred to Local Streets. The OPC Transportation Millage is transferred out to the OPC Fund.

President Tisdel Opened the Public Hearing at 7:49 p.m.
Seeing no Public Input, President Tisdel Closed the Public Hearing at 7:50 p.m.

Council Discussion:

Mr. Wiggins questioned whether the surplus expected to cover the Fire Station Projects is included in the figures.

Mr. Snyder responded that while the audit has not been completed, it appears that the draw down of General Fund Fund Balance will not be as large as what was expected, and the City will actually have \$3 million additional surplus at the end of 2015.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdel and Wiggins

Enactment No: RES0037-2016

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

Whereas, the Public Hearing for the proposed FY 2016 1st Quarter Budget Amendments was noticed on February 4, 2016; and

Whereas, the proposed FY 2016 1st Quarter Budget Amendments were available for public viewing beginning on February 12, 2016; and

Whereas, at its February 22, 2016 meeting City Council held a Public Hearing on the proposed FY 2016 1st Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following FY 2016 fund totals as amended:

FUND	2016 Current Budget	Net Change	2016 Proposed Budget
Fund 101 – General Fund	\$ 22,047,740	\$ 3,127,500	\$ 25,175,240
Fund 202 – Major Road Fund	7,747,860	602,940	8,350,800
Fund 203 – Local Street Fund	10,258,360	40,000	10,298,360
Fund 206 – Fire Fund	10,113,740	-	10,113,740
Fund 207 – Special Police Fund	9,638,170	-	9,638,170
Fund 213 – RARA Millage Fund	612,250	-	612,250
Fund 214 – Pathway Millage Fund	584,540	30,730	615,270
Fund 232 – Tree Fund	208,900	-	208,900
Fund 244 – Water Resources Fund	574,110	967,410	1,541,520
Fund 265 – OPC Millage Fund	754,630	314,300	1,068,930
Fund 299 – Green Space Millage Fund	2,213,800	-	2,213,800
Fund 313 – Street Improvement Bond – 2001 Series Fund	261,800	-	261,800
Fund 314 – SAD Street Improvement Bond – 2001 Series Fund	288,530	-	288,530
Fund 331 – Drain Debt Fund	202,990	-	202,990
Fund 369 – Older Persons Building Bond Refunding Fund	785,530	-	785,530
Fund 393 – Municipal Building Refunding Bond – 2010 Series Fund	769,350	-	769,350
Fund 394 – Local Street Refunding- 2011 Series Fund	501,020	-	501,020
Fund 402 – Fire Capital Fund	1,806,200	2,854,250	4,660,450
Fund 403 – Pathway Construction Fund	391,050	345,770	736,820
Fund 420 – Capital Improvement Fund	452,750	-	452,750
Fund 510 – Sewer Operations	15,155,900	-	15,155,900
Fund 530 – Water Operations	17,792,290	-	17,792,290
Fund 593 – Water & Sewer Capital Fund	7,776,190	106,900	7,883,090
Fund 595 – Water & Sewer Debt Fund	1,558,400	-	1,558,400
Fund 631 – Facilities Fund	6,089,270	10,148,500	16,237,770
Fund 636 – MIS Fund	2,789,870	400,000	3,189,870
Fund 661 – Fleet Fund	4,622,570	(21,760)	4,600,810
Fund 677 – Insurance Fund	416,000	-	416,000
Fund 736 – Retiree Health Care Trust	144,940	-	144,940
Fund 752 – Cemetery Perpetual Care Fund	-	-	-
Fund 761 – Green Space Perpetual Care Trust	-	-	-
Fund 843 – Brownfield Redevelopment Fund	-	-	-
Fund 848 – LDFA Fund	337,800	-	337,800
Fund 851 – SmartZone Fund	-	-	-
Fund 870 – Museum Foundation Trust Fund	10,000	-	10,000
Fund 893 – EDC Fund	950	-	950
GRAND TOTAL	\$ 126,907,500	\$ 18,916,540	\$ 145,824,040

PLANNING AND ECONOMIC DEVELOPMENT

- 2015-0348** Request for Conditional Use Approval - Auto Rite Sales, a proposed 714 square-foot office and 1,043 square-foot service bay building for a used car operation on .86 acre at 1923 E. Auburn Rd., located west of Dequindre, zoned C-I, Commercial Improvement; Syed Ahmed, Applicant

Attachments: [022216 Agenda Summary.pdf](#)
[Map aerial.pdf](#)
[021916 Stempien Assoc Letter.pdf](#)
[Autorite Planning PC Conditions 021016.pdf](#)
[Traffic Rev 020916.pdf](#)
[Letter Ahmed 020816.pdf](#)
[Site Plan C1.pdf](#)
[Storm Sewer Utility Plan.pdf](#)
[Landscape Plan S1.pdf](#)
[South Elevation.pdf](#)
[East Elevation.pdf](#)
[North Elevation.pdf](#)
[West Elevation.pdf](#)
[Staff Report 011516.pdf](#)
[Staff Report 111715.pdf](#)
[Site Plans 121515.pdf](#)
[Site Plans.pdf](#)
[Minutes PC 011916.pdf](#)
[Minutes PC 111715.pdf](#)
[Public Hearing Notice PC.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, stated that the Planning Department has been working with the Applicant for some time, and explained that the Applicant is currently operating a used car dealership out of a building on the corner of Auburn Road and Hessel. She stated that he received a Conditional Land Use (CLU) in 2013 to operate the facility, and as a part of the original CLU the Applicant agreed to come back at a future date with plans to develop the site properly. She noted that City Staff has worked with the Applicant for the past year to revise plans. She reported that the Planning Commission tabled the request in November, requesting the Applicant revise plans to reduce the size of the building to include only two bays. She stated that the Planning Commission approved the site plan at the January 19, 2016 meeting and recommended approval by Council subject to conditions.

She noted that the Applicant is requesting Council reconsider the recommendation that a maximum of 12 cars be on display in the parking lot, as he wishes to have 18 cars on site. She noted that another condition is requested for reconsideration is two violations within one year would prompt the revocation of the CLU. She explained that there is a long history with this Applicant of having too many vehicles on the site. Another condition the Applicant wishes Council to reconsider is that the gate on Hessel be removed and replaced to prevent access. He requests that the operational gate be permanently welded shut. She stated that if Council feels comfortable, welding of the gate would be acceptable.

Anam Ahmed was in attendance and stated that she would be speaking on behalf of her father. She requested Council consider the three amendments to the conditions, noting that it will greatly reduce the number of hardships that they will have to endure.

She explained that while 12 vehicles may seem like a reasonable amount, only a fraction of those cars are actually for sale as there are multiple business days

after a car is sold before it will leave the lot due to the amount of paperwork and length of time it takes for loans to come through. She noted that the increase in the size and improvements to the building will increase the taxes the business will pay.

She requested a modification of the condition mandating a revocation of the CLU after two or more violations be made, asking that a monetary penalty doubling with each violation be called for instead. She commented that the business should not be penalized if someone parks in the lot without the owner's permission, thereby adding to the number of cars there.

She asked that the gate on Hessel be allowed to be welded shut to save money rather than replacing it.

Ms. Roediger stated that Planning Staff concurs with the request to allow the gate to be welded. She commented that it is up to Council whether to allow penalties for violations. She pointed out that there have been issues in the past. She stated that 12 cars are recommended for the CLU as open driveways must be maintained.

Mr. Hetrick stated that he would suggest that the Applicant agree to a maximum of 12 cars. He stressed that he wished the condition regarding violations to remain. He commented that he would agree to allow the gate to remain if it is permanently closed.

Syed Ahmed, the Applicant, stated that he would agree to the conditions as stated by Mr. Hetrick.

Mr. Kubicina questioned whether the Applicant has somewhere that a vehicle could be moved to if it is sold but the financing or paperwork is not yet complete.

Mr. Ahmed responded that he does not sell inexpensive cars. He commented that it takes one to two weeks to deliver a car once it is sold.

Mr. Kubicina observed that the site plan allows 14 feet per car. He questioned whether that is the size of a small car.

Mr. Ahmed responded that he mostly deals with compact and medium sized cars.

Dr. Bowyer stated that it seems that the Planning Commission does not seem to want the Applicant to undertake the project. She questioned whether there would be a way for the Applicant to get a CLU back if it is revoked.

Ms. Roediger pointed out that a condition of approval is that the work must be completed by October 31, 2016; however, the Applicant could go back to the Planning Commission and ask for an extension. She commented that she would defer to the City's Legal Counsel to comment on violations. She stated that if the CLU was revoked, the Applicant would have to reapply.

John Staran, City Attorney, stated that a Conditional Land Use is a discretionary process. He explained that when specific conditions are imposed, there is an

agreement that they will be complied with. He commented that anyone who receives a CLU is at risk of having it revoked. He noted that while the Applicant would have opportunity to reapply, it would be viewed as a serious violation.

Dr. Bowyer questioned whether a gate could be installed at the front of the lot to prevent extra cars from gaining access to the lot.

Mr. Staran responded that the 12-car limitation is imposed on cars on display for sale. He stated that this limitation would not include someone that stops and leaves a distressed car. He commented that the City exercises discretion to deal with situations like that.

Dr. Bowyer questioned how it would be determined which cars are for sale, and commented that she expected that the City would look for no license plates or placards noting the vehicle is for sale. She commented that she would have no problem with welding the gate shut, and would favorably consider a monetary penalty.

Mr. Wiggins questioned whether displaying only 12 cars would be a hardship for the business and if it would be able to survive.

Mr. Ahmad responded that it would be difficult for him to have three employees.

Mr. Wiggins questioned whether there were lights on the property.

Ms. Roediger responded that the site plan photometrics met all requirements and included downward lights, and she noted where the lights were placed.

Mr. Wiggins stated that he was in favor of keeping the penalty as recommended by the Planning Commission.

Mr. Ahmed requested Council approve 16 to 17 cars.

Mr. Wiggins questioned what Mr. Ahmed would do if Council were to approve 12 cars and his business would not be successful.

Mr. Ahmed responded that he would still construct the building.

Vice President Morita questioned when the last zoning violation on the property occurred.

Ms. Roediger responded that code enforcement on the property last occurred in January.

Vice President Morita questioned whether the business was already over the limit of the number of cars before they came to the Planning Commission.

Ms. Roediger responded that the site to the west was being used for overflow parking, which was not permitted.

Vice President Morita questioned where the additional cars were moved.

Ms. Roediger responded that they were moved to a facility located in another community.

Vice President Morita questioned how long the business has been operating with a five-car restriction.

Ms. Roediger responded that Code Enforcement has been lenient with them and has been working with them to approve the site.

Vice President Morita noted that the Planning Commission recommended 12 vehicles, and commented that it is her understanding that the Applicant is not content with 12 vehicles. She questioned whether the Applicant is asking for City Council to disregard the Planning Commission's recommendation.

Mr. Ahmed responded yes.

Vice President Morita noted that this makes her very wary of the Applicant's intention. She stated that she has concerns that the Applicant may end up intensifying the use of this property to the detriment of the neighbors. She added that his request for a penalty makes her think that the Application is not planning on following the rules. Regarding the gate, she commented that she wants the hinges to be welded as well as the gate. She stated that she was one of the Planning Commission members who voted in favor of the plan; and she expressed disappointment that the Applicant has come to Council to ask for something that was not recommended. She stated that she cannot support any of the requests that the Applicant has made tonight as she does not believe that he will follow the rules.

Mr. Brown expressed concern that if the Applicant is limited to 12 vehicles his business would be considered at risk.

Mr. Ahmed responded that he rents a place in Shelby Township.

Mr. Brown expressed concern that if the business model requires more than 12 vehicles and fails because of a violation, there would now be a development that is not viable for anyone. He questioned whether 18 cars would be required to support that type of investment for the Applicant or for anyone else.

Mr. Ahmed responded that he will rent a place in Shelby Township to obey the condition.

Mr. Hetrick stated that he concurs with Vice President Morita and has significant difficulty approving the request. He noted that when he and the Applicant talked initially, the Applicant indicated that he would agree to the condition to display 12 cars. After several conversations, the Applicant is now stating that he cannot make things work with fewer than 14 to 15 cars. He stated that there is a challenge to the business model. He stressed that the Applicant's conditions would be 12 cars, violations would result in the permit being revoked, and the gate must be closed permanently.

Mr. Wiggins questioned how the business would operate during construction.

Ms. Roediger responded that there would have to be an interruption in the operation as it is known today for the construction period.

Mr. Wiggins questioned what would occur if Council does not approve the CLU based on the Planning Commission's recommendation.

Mr. Staran responded that if it is Council's decision tonight to deny the application, the Applicant would continue with the prior approval for five cars, or he could come back with a modified application and reapply, perhaps in a way that will address reservations and concerns listed by Council. He noted that the Applicant could also propose an entirely different use for the property.

Dr. Bowyer questioned whether a business model of 12 cars would cause the Applicant to cut employees. She noted the deadline for having the building complete of October.

Ms. Roediger responded that the City does not want to see another two-year gap, and is stating that the facility and all site improvements must be complete by October. She stated that they can apply for an extension, which could be taken to the Planning Commission in October for a status report as to whether progress is being made.

Mr. Tisdell noted that the Applicant is currently allowed to have five cars on display. He pointed out that the Applicant stated that he paid \$102,000 in sales tax in 2015. He commented that with five cars available for display, inventory must be turned almost two-and-one half times each month.

Mr. Ahmed mentioned that he also sells and buys auction cars.

Mr. Wiggins questioned what the penalty has been to exceed five cars.

Ms. Roediger responded that it would be a normal code violation. She explained that a warning is typically issued and then it would proceed through the normal code violation process. She noted that the policy has been that whenever an applicant is working with the City to improve the process, typically a stay is put onto Code Enforcement actions. She commented that Code Enforcement has not been issuing tickets as the City has been working with the Applicant through the site plan review process. She stated that the process is taking much longer than anyone anticipated which is part of the reason that an October 31st deadline is being included.

Mr. Wiggins questioned how violations are applied if the request is denied, the approval stays at five cars, and more cars are there. He questioned whether there is a limit to the fines.

Ms. Roediger stated that she would defer to the Code Enforcement Division to answer questions regarding violations.

Bob White, Supervisor of Building Services, stated that it would be a site plan violation, which falls under the City's Ordinances. He explained that enforcement can begin with a Civil Infraction Notice, which starts at \$70 for the first violation, is \$150 for the second, and up to \$500 for the third. He noted that the City also has the option of assessing the first Civil Infraction at \$70 and then going directly to a Citation, which would then go to the 52nd-3rd District Court. He stated that enforcement is done as many times as it is needed. He commented that District Court typically assesses a fine of \$500 for the tickets.

Mr. Staran stated that when the City undertakes Ordinance Enforcement, in the case of habitual violations where it is apparent that fines are not stopping or correcting the problem, the City does seek an abatement order from the Court which could even mean permanently enjoining the business from continuing. He noted that this is usually determined after several citations have not been a deterrent. The City can then seek injunctive relief from the Court to abate whatever the problem is.

Mr. Wiggins expressed concern that after three or four months of construction, the structure is still not complete, looks worse than it does now, and there has been no progress toward completion. He commented that while he supports small business owners, based on the past history of the behaviors that the City has seen from the Applicant he wishes to try to do the best for the neighborhood as well.

Mr. Kubicina questioned whether the Applicant would continue with building plans if the approval is not granted this evening and only five cars could be displayed.

Mr. Ahmed responded that he cannot spend \$200,000 for five cars.

Ms. Roediger noted that the Planning Commission's condition was that the gate be removed and replaced. She stated that any motion to approve by Council could include a condition that the gate be welded, as was discussed this evening.

A motion was made by Bowyer, seconded by Kubicina, that this matter be Adopted by Resolution. The motion failed by the following vote:

Aye 3 - Bowyer, Kubicina and Tisdell

Nay 4 - Brown, Hetrick, Morita and Wiggins

Enactment No: RES0038-2016

Resolved, that the Rochester Hills City Council hereby approves a Conditional Use Permit for Auto Rite Sales, a proposed 714 square-foot office and 1,043 square-foot service bay building for a used car operation on the eastern .29 acre of Parcel No. 15-25-482-025, located at 1923 E. Auburn Rd., between John R and Dequindre, zoned C-1, Commercial Improvement with an FB-2 Flexible Business Overlay, Syed Ahmed, Auto Rite Sales, Applicant, based on plans dated received by the Planning and Economic Development Department on February 8, 2016 with the following findings and conditions:

Findings:

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. That the construction of the new facility and all site improvements be completed by October 31, 2016. If the completion date is not met, the applicant can request an extension to be granted by the Planning Commission. If no extension is requested, the City will initiate action to revoke the conditional use permit.
2. A total of 12 vehicles shall be allowed for display and two in the bays at one time, prior to City Council consideration of the plans.
3. The use of surrounding, local neighborhood streets by Auto Rite customers shall be strictly prohibited.
4. If two or more violations, as determined by the local district court or violations of the conditions occur in one year on the west or east lot, the Conditional Use Permit shall be considered revoked, and staff shall be directed to initiate legal revocation proceedings of the Conditional Use Permit
5. Add a note to the plans that no cars will be allowed to be displayed or stored on the west property, prior to City Council consideration of the plans.
6. The gate accessing Hessel shall be permanently welded shut.

2015-0348

Resolution to postpone further deliberation and action on a pending motion on the floor to deny the request for Conditional Use Approval - Auto Rite Sales, a proposed 714 square-foot office and 1,043 square-foot service bay building for a used car operation on .86 acre at 1923 E. Auburn Rd., located west of Dequindre, zoned C-I, Commercial Improvement; Syed Ahmed, Applicant

Attachments: [022216 Agenda Summary.pdf](#)
[Map aerial.pdf](#)
[021916 Stempien Assoc Letter.pdf](#)
[Autorite Planning PC Conditions 021016.pdf](#)
[Traffic Rev 020916.pdf](#)
[Letter Ahmed 020816.pdf](#)
[Site Plan C1.pdf](#)
[Storm Sewer Utility Plan.pdf](#)
[Landscape Plan S1.pdf](#)
[South Elevation.pdf](#)
[East Elevation.pdf](#)
[North Elevation.pdf](#)
[West Elevation.pdf](#)
[Staff Report 011516.pdf](#)
[Staff Report 111715.pdf](#)
[Site Plans 121515.pdf](#)
[Site Plans.pdf](#)
[Minutes PC 011916.pdf](#)
[Minutes PC 111715.pdf](#)
[Public Hearing Notice PC.pdf](#)
[Resolution \(Draft\).pdf](#)

Mr. Staran stated that as the motion to approve failed, Council should take action by an alternate motion adopted by at least four members of Council. He suggested that it would be appropriate for someone to make a motion to deny the Conditional Land Use with appropriate findings.

President Tisdell questioned whether additional conditions would be required to a motion to deny.

Mr. Staran responded that there would be no conditions if denying.

Vice President Morita made a motion to deny the Conditional Land Use.

Mr. Hetrick seconded the motion. He questioned whether a denial would prevent Mr. Ahmed from coming back with a plan.

Mr. Ahmed stated that he has already spent \$8,000 to get to this point.

Mr. Hetrick stated that he wished to clarify that the Applicant can return with another plan.

Ms. Roediger confirmed that he could.

Mr. Staran stated that prior to taking a vote on the motion, findings in support of denial should be included as a part of the motion. He commented that if Council is not prepared this evening to set forth those findings in support of denial, he would suggest an additional motion be made to postpone further action on the motion that is on the floor and give instruction to the City Attorney to work with Planning Staff to prepare proposed findings in support of denial for the Council to consider for adoption at the next meeting.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0038-2016

Resolved, that the Rochester Hills City Council hereby postpones further deliberation and action on a pending motion on the floor to deny the Applicant's request for Conditional Use Approval, and directs the City Attorney to work with Planning Staff to prepare proposed findings in support of denial for the Council to consider for adoption at their next Regular Meeting.

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.

2016-0054 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for 2016 Landscaping and Lawn Mowing Services for City owned sites in the amount not-to-exceed \$80,000.00 through December 31, 2016; Green Meadows Lawnscape, Inc., Shelby Township, MI

Attachments: [022216 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0040-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Green Meadows Lawnscape Inc., Shelby Township, Michigan for 2016 Landscaping and Lawn Mowing Services for City owned sites in the amount not-to-exceed \$80,000.00 through December 31, 2016.

Passed the Consent Agenda

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett reported the following:

- A small fire at Meadow Brook Hall today was contained to a boiler in the basement and resulted in no structural damage.

- Twelve Rochester area schools applied for and were accepted as RecycleBank Green Schools. Recyclers have the opportunity to donate their RecycleBank points to the school of their choice, which will receive up to \$2,500 in funding from RecycleBank. The schools are approximately 20 percent of the way to their goal.
- House Bill 303 was signed by Governor Snyder. The Cemetery Investment Bill allows that Trust monies can be invested more freely allowing for a higher return. He credited the efforts of the City's legislative representation firm, Strategic Communication Solutions; and he noted that Keith Sawdon, Director of Finance, and Joe Snyder, Senior Financial Analyst, testified in Lansing advocating for the legislation.
- Rochester Hills resident and runner Desiree Linden qualified for the Olympics by finishing in second place in a recent competition in California. Ms. Linden qualified in 2012 for the Olympics, but could not compete due to an injury.
- The Rochester Hills Museum at Van Hoosen Farm has several events coming up, including a Friday Night Lecture Series.
- Residents wishing to apply for a free street tree should contact the Forestry Department or call the Mayor's office prior to March 4th.
- City Hall will be closed on March 25, 2016 in observance of Good Friday.

City Clerk Tina Barton noted that the City's Passport Service has been extremely busy, with over 400 Passport applications processed so far this year, as opposed to 239 last year at this time. She noted that Clerk's staff members who process passports have not been able to get to their daily work due to the influx of applications. She announced that Passport Hours will be reduced from 10:00 a.m. to 2:00 p.m. Monday through Friday to allow staff to get to their regular workload. She explained that the City is a dual facility, processing both Passports along with Birth and Death Records, and because of this, only two employees are allowed to be dedicated to Passports. She commented that while this has been great for the City's revenues, it has been tough for workloads. She noted that the new hours take effect as of Thursday, February 25, 2016.

Dr. Bowyer announced that Oakland County has a Zika Virus Prevention Plan, available for review on Oakland County's website, oakgov.com. She noted that Oakland County will trap and test mosquitoes to determine whether they carry the virus. She explained that the virus has been linked to serious consequences in pregnant women. She encouraged residents to use mosquito repellent and remove sources of standing water.

She announced that June 4, 2016 is the American Hiking Society's National Trails Day. She noted that the day will have many dedicated events, including a tent at Veterans Memorial Pointe, and a Garlic Mustard Pull along the Paint Creek Trail. She encouraged volunteers to sign up, noting that students can participate as a part of providing community service.

She stated that the Paint Creek Trailways Commission is formalizing a Memorandum of Understanding for the four entities that maintain the Paint Creek Trail. She noted that City Attorney Staran will have an opportunity to review the Memorandum prior to it being submitted to City Council for review.

Mr. Brown announced that there has been ongoing training for election workers, and those planning on working the election should register for training. He noted that the Presidential Primary is set for Tuesday, March 8, 2016.

He noted that while delivering Meals on Wheels with his son, he met a wonderful lady, Miss Frances, who is celebrating her 100th birthday. He wished her a happy birthday.

Mr. Hetrick expressed his congratulations to Bob Lemon for his 43 years of service to the City.

(Mr. Wiggins exited at 8:59 p.m. and re-entered at 9:02 p.m.)

ATTORNEY'S REPORT

2016-0058 Request for Approval of the Purchase Agreement for the Sale of 1544-1600 W. Hamlin Rd.

Attachments: [022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that the City owned approximately 22 acres of land that it had purchased in the late 1990s on the north side of Hamlin Road. He explained that the land was purchased for the purpose of developing facilities to be utilized by City for a DPS facility and the School District for a bus garage. Subsequently, both the City and the School District changed their plans and the project did not go forward. He noted that the City marketed the property over time with a portion of the property being sold; and he stated that 15.4 acres remains at the eastern side of the original parcel.

He commented that as a part of her responsibility, **Pamela Valentik**, Manager of Economic Development, has been marketing the parcel, which is zoned Office-Research-Technology. He explained that while there have been many interested parties, none have gotten to this point until now. He stated that Council is asked this evening to authorize the Administration to sell the City's property to Jenoptik Automotive, noting that the company is familiar to the City as they operate just across the street from the parcel. He introduced **Andreas Blind** of Jenoptik Automotive.

Ms. Valentik stated that while a large portion of her job is to attract investment in Rochester Hills, she spends a great deal of time in retaining firms. She explained that when it came up in one of her retention visits that Jenoptik might be looking for a larger space, she introduced them to the property across the street from them.

Mr. Blind commented that he is pleased to return to Council to discuss an expansion, noting that the firm first came before Council six or seven years ago requesting tax abatements. He noted that the firm has reinvested the money that they received from the abatement and has become a high technology

company in Rochester Hills, which focuses on metrology and laser technology. He commented that the German-based company has been here since 2007, and he mentioned that his children are in school here and his family spends their money here. He stated that the parcel has the right size and layout for the firm to begin construction of a 100,000 square foot building, with expansion capability over time. He stated that Phase 1 will include a \$15 million investment in the building, with a Phase 2 at \$5 million, and a separate building in Phase 3 for \$8 million. He noted that it is a noninvasive project to the city, very light industrial, with quiet work, no fumes produced, little truck traffic and one shift projected. He added that the company will also invest in personnel, providing high paying jobs with average annual salaries just short of \$80,000.

Mayor Barnett stated that the City has not only sought a good business partner, it has sought a good neighbor. He commented that tonight the Administration is seeking approval for the property sale, and he noted that plans will be presented within the next month. He noted that he cannot remember a time when there has been a company that meets the needs of the community, and he stated that the Engineering team has responded to concerns expressed by residents. He commented that the development will improve the current parcel and eliminate current runoff that exists, and will not only save 80 to 110 jobs, but add to them. He stated that this will provide a significant positive development for the City, and will return the property back to the tax rolls.

Mr. Kubicina expressed his appreciation for the firm's investment in the City, and commented that Jenoptik is a fantastic company.

Mr. Brown commented that it says something to the strength of the area to see a German-headquartered company invest here.

Mr. Hetrick stated that he is appreciative that the firm has a solid business plan, and will be good for the neighbors. He added that the fact that the firm took time to meet with the adjacent residents speaks volumes to how the development will work.

Dr. Bowyer expressed her appreciation to Ms. Valentik for her efforts.

Vice President Morita expressed her appreciation to Jenoptik for staying in the community. She commented that this is a great way to use the property and is very neighbor-friendly.

Mayor Barnett commented that the proposed Purchase Agreement and price proposed is at, if not above, current market value. He stated that the Administration is getting the best value for the City. He noted that this has been an absolute labor of love for Ms. Valentik, and noted that she deserves most of the credit for this evening.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0041-2016

Resolved, that the Rochester Hills City Council hereby approves the Purchase Agreement for the sale of 1544-1600 Hamlin Rd., Rochester Hills, Michigan 48309, located on the north side of Hamlin between Crooks and Livernois, Parcel Nos. 15-21-376-010 and -011, the sale of the subject property upon the price, terms and conditions set forth in the Purchase Agreement.

Be It Further Resolved, that the Mayor of Rochester Hills, on behalf of the City of Rochester Hills is authorized to execute the Purchase Agreement between the City and Jenoptik Automotive.

Be It Finally Resolved, that the Mayor shall undertake such actions and to execute and deliver such additional documents (including warranty deed) that are reasonable and necessary to consummate this transaction.

NOMINATIONS/APPOINTMENTS

2016-0066 Acceptance of the Resignation of Maria Willett from the Historic Districts Study Committee

Attachments: [022216 Agenda Summary.pdf](#)
[Willet Resignation Letter.pdf](#)
[Resolution \(Draft\).pdf](#)

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0042-2016

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Maria Willett as a member of the Historic Districts Study Committee effective February 11, 2016.

NEW BUSINESS

2016-0068 Request for Approval of Michigan Department of Natural Resources Canada Goose Nest Destruction for Lochmoor Hills

Attachments: [022216 Agenda Summary.pdf](#)
[Request from HOA.pdf](#)
[Application for Goose Nest Destruction.pdf](#)
[Application for Round Up.pdf](#)
[Resolution \(Draft\).pdf](#)

Dan Collins, representing the Lochmoor Hills Association, noted that the Association is requesting a new resolution that is required for them to apply for a five-year Canada Goose Nest Destruction permit. He explained that the previous resolution expired, and he noted that he has been involved for the past five years assisting one of the residents in destroying the nest eggs. He commented that even with the destruction, a large population of geese remain, and he noted that droppings pose a hazard and get into the lake, presenting a health risk. He explained that residents have tried measures to harass the geese; however, not all are doing it and the geese return. He noted that there have been six to eight

nests on the island in Lochmoor Lake, with each nest having five to seven eggs. He commented that it is a safe haven for geese, with 50 geese typically each year and seven to eight new families of geese.

Vice President Morita questioned what other measures were tried.

Mr. Collins responded that neighbors have dogs that chase the geese, wire fences were installed along the water, and silhouettes of coyotes used. He stated that it is pointless to undertake deterrent measures if all residents do not do them.

Vice President Morita questioned why the necessary amount of signatures could not be obtained, and noted that 70 percent of lakefront properties had to agree.

Mr. Collins responded that it is challenging to go door to door this time of year as 14 signatures would be needed.

Vice President Morita stated that she has difficulty authorizing the destruction of life on any level. She suggested that services be employed to deter the geese.

Mr. Kubicina mentioned that the resolution includes language that the geese may be euthanized.

Mr. Collins responded that the intent is that nest destruction will be undertaken; however, the Michigan Department of Natural Resources required the specific language that is included in the resolution. He commented that the other option of caging them and taking them away is not recommended. He stated that the eggs will be disposed of.

Mr. Brown commented that the Subdivision has had this permit and is requesting its renewal.

Mr. Collins responded yes.

Mr. Tisdell mentioned that a round up was undertaken in Minnesota, and in the process several hundred geese were killed.

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

Aye 6 - Bowyer, Brown, Hetrick, Kubicina, Tisdell and Wiggins

Nay 1 - Morita

Enactment No: RES0043-2016

Resolved, that the City of Rochester Hills requests the Michigan Department of Natural Resources (MDNR) allow Lochmoor Hills Neighborhood Association to conduct a program of Canada Goose Nest Destruction for a period of five (5) years. The residents of Lochmoor Hills are aware that the geese may be euthanized.

2016-0051 Request for Purchase Authorization - HR: Blanket Purchase Order for labor and employment legal services in the amount not-to-exceed \$220,000.00 through January 31, 2019; Keller Thoma, P.C., Detroit, MI

Attachments: [031416 Agenda Summary.pdf](#)
[022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Pamela Gordon, Director of Human Resources, introduced **Richard Fanning**, Keller Thoma, and noted that the firm has represented the City since 2009. She requested Council approve extending the relationship with this law firm for the next three years with the possibility of a renewal for two additional years after that.

Mr. Hetrick questioned whether the fee structure will change.

Ms. Gordon responded that an additional \$5 to the hourly rate is proposed.

Mr. Fanning explained that the \$5 per hour rate increase will be effective immediately, with another \$5 per hour effective July 1, 2017.

Vice President Morita questioned what the current hourly rate is, and if it is considered a market rate.

Ms. Gordon responded that the current rate is \$165. She explained that as this relationship is that of a professional service, the City is exempt from the requirement to go out for bid. She noted that the City has an established relationship with the firm, similar to that with the City Attorney.

Vice President Morita noted that the Administration undertook a survey of other communities a couple of years ago, and questioned whether it undertook a survey this time.

Ms. Gordon responded that the Administration did not.

Vice President Morita stated that she has difficulty approving this contract for three years, and commented that the City owes the taxpayers to perform its due diligence before locking itself into a three-year contract. She noted that she would be willing to approve it for one year and have the information ready the next time it comes around for renewal.

Ms. Gordon commented that Mr. Fanning's current market rate is \$225 per hour.

Mr. Fanning noted that the firm has not raised its rates for the City since 2009.

Vice President Morita commented that while she is certain his rate is competitive, Mr. Staran was also asked to go through the same process.

Mr. Wiggins stated that he would concur with Vice President Morita.

President Tisdell questioned whether Council wished to consider a one-year approval.

Vice President Morita commented that Council could consider it at the next meeting if the survey could be completed. She suggested that the item be postponed to the next meeting pending receipt of the additional information.

Mr. Hetrick questioned whether the expiring contract presents a risk or concern.

Keith Sawdon, Director of Finance, responded that technically it is a violation of the City's Ordinance; however, as the fact that Council is seeking additional information and only a two-week gap will occur, he does not see it as an issue. He commented that the intent of the Ordinance will be followed, as the Administration is always aware that the contract should be presented to Council for renewal.

Mr. Brown questioned whether a resolution to extend the contract temporarily is needed.

City Attorney John Staran responded that it is not.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Resolved, that the Rochester Hills City Council hereby postpones consideration of this item to the next Regular meeting pending the receipt of additional information.

2016-0053 Request for Purchase Authorization - PARKS/FORESTRY: Blanket Purchase Order for 2016 Street Tree Planting in the amount not-to-exceed \$225,000.00; Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, MI

Attachments: [022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Gerry Lee, Forestry Operations Manager, stated that Sherman Nursery Farms has been the City's contractor since 2006 and have been consistently reliable. He explained that the request includes spring and fall tree planting, with each project having two component programs. He noted that the Subdivision Control Ordinance of 1979 includes a per lot fee by developers, which is placed into an escrow account. He mentioned that a fully-funded street tree program will plant existing open sites in compliance with current ordinances, with a goal to plant up to 500 trees per year up to 2020. He noted that it is funded by the Tree Fund, and no General Fund dollars are required for any of these programs.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0044-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, Michigan in the not-to-exceed amount of \$225,000.00.

(Mr. Brown exited at 9:53 p.m. and re-entered at 9:55 p.m.)

2015-0419 Request for Purchase Authorization - FACILITIES: Increase to Blanket Purchase Order for Architectural/Engineering Services for Fire Stations #1, #2, #3, and #5 in the amount of \$20,000.00 for a new not-to-exceed amount of \$106,335.00; H2A Architects, Davison, MI

Attachments: [022216 Agenda Summary.pdf](#)
[022216 Updated Proposed Service Fees.pdf](#)
[102615 Agenda Summary.pdf](#)
[H2A Proposed Fees.pdf](#)
[102615 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, explained that the increase of \$20,000 is requested for the architectural and engineering services for Fire Stations #1, #2, #3 and #5. He noted that the original architect for the project no longer works with the City, and H2A was hired to work with construction management. He stated that a number of details in the plans and specifications were lacking and additional requests for information and for construction changes were generated. He commented that it is important to note that Staff is very understanding of the budget for this project, and is not looking to increase the cost of the project going forward. He stated that he has contacted the Construction Manager to inform them that any additional costs will come out of the contingency, with no increase in the total cost of this project.

Mr. Wiggins commented that the Architect put forth an estimate of \$86,000.

Mr. Cope responded that this was based on a number of requests for information, which they felt was reasonable at 24. He explained that 40 requests were needed; and in addition, to date 20 project issues were encountered. He noted that it is not often that an hourly basis is needed, and he commented that he believes it is a fair price.

Mr. Hetrick stated that he would support approval as long as the contingency will not be exceeded.

Mr. Brown questioned what initiates a request for information.

Mr. Cope responded that it originates from the Construction Manager, which is why they were informed that it is coming out of their contingency.

Dr. Bowyer commented that as she is newer to Council, she was not sure why a second architect was needed.

Mr. Cope responded that issues were encountered with the original project cost, and the City felt it best to seek other services.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdel and Wiggins

Enactment No: RES0045-2016

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for Architectural/Engineering Services for Fire Stations #1, #2, #3, and #5 to H2A Architects, Davison, Michigan in the amount of \$20,000.00 for a new not-to-exceed amount of \$106,335.00.

(Mr. Hetrick exited at 10:00 p.m.)

Present 6 - Susan M. Bowyer, Kevin S. Brown, James Kubicina, Stephanie Morita, Mark A. Tisdel and Thomas W. Wiggins

Absent 1 - Dale Hetrick

2016-0050 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for electric energy for City facilities in the amount not-to-exceed \$351,000.00 through December 31, 2016; DTE Energy, Detroit, MI; Michigan Municipal Risk Management Authority, Livonia, MI

Attachments: [022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Bob White, Supervisor of Building Services, explained this is an annual request for approval, and he noted that Electric Services come through DTE and the Michigan Municipal Risk Management Authority as a part of the Electric Choice program. He stated that services are provided to the City's three largest buildings, including City Hall, Fire Station 1 and the DPS Building.

Mr. Wiggins questioned how the usage compares to previous years.

Mr. White responded that the City receives the report sometime in the second half of March.

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 - Bowyer, Brown, Kubicina, Morita, Tisdel and Wiggins

Absent 1 - Hetrick

Enactment No: RES0046-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for electric energy to DTE Energy, Detroit, Michigan and Michigan Municipal Risk Management Authority, Livonia, Michigan in the amount not-to-exceed \$351,000.00 through December 31, 2016.

(Mr. Hetrick re-entered at 10:04 p.m.)

Present 7 - Susan M. Bowyer, Kevin S. Brown, Dale Hetrick, James Kubicina, Stephanie Morita, Mark A. Tisdel and Thomas W. Wiggins

2016-0067 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for City Hall Parking Lot Rehabilitation Project in the amount of

\$469,954.64 with a 10% contingency in the amount of \$46,995.46 for a total not-to-exceed amount of \$516,950.10; Pavex Corporation, Trenton, MI

Attachments: [022216 Agenda Summary.pdf](#)
[City Hall Parking Lot Bid Tab.pdf](#)
[Suppl Presentation.pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, reviewed the scope of the proposed project, and highlighted an alternate resulting in a 15 year life span versus a 20 year life span. He noted that the original proposal included green walls and infiltration (Bid D) and a vegetative swale (Bid E). He noted that the Administration did not feel that it could bring an additional \$103,810 forward for Bid D, and recommended a reduced scope without walls which would have the same stormwater benefit but would reduce the cost to approximately \$20,000.

He explained that after discussion with the Engineer, the Administration felt it would be prudent to present the original option as well. He stated that the project budget was \$313,500, from an estimate that was provided in 2008. He noted that there have been significant changes in the cost of asphalt paving over the past seven years and based on the total project cost, \$268,547.20 would be needed from Facilities Retained Earnings. If Council wishes to approve the original project scope, the project total would be \$497,315.64, the 10 percent contingency would be \$49,731.56, and the total not-to-exceed would be \$547,047.20.

He pointed out that Option 2 is to do the main parking lot only with both green alternatives and would fall within the budget. He noted that this is not recommended as the entire City Hall parking lot needs repair.

President Tisdell noted that the project was initially slated for 2007-2008, but was held off. He pointed out that the numbers have not been updated until now.

Mr. Wiggins questioned why pricing from 2008 was being utilized.

Mr. Cope responded that the project estimate was developed in 2008; however, the project was held back because of the recession. The City's Engineers reviewed the estimate in 2015 and determined that the project cost would be significantly above that figure.

Mr. Brown questioned whether budgeted items that are seven or eight years old can be updated to reflect newer estimates.

Keith Sawdon, Director of Finance, stated that the budgeting process begins with the Capital Improvement Plan (CIP). He noted that as the recession set in, projects were set aside. He explained that the Administration works with those numbers until new information is available. He commented that only recently did the price of asphalt products change, and he mentioned that demand of new high-profile projects such as the Red Wings Arena influence prices as well. He stated that he believes that this will influence prices for the next couple of years, and he noted that it will be difficult to provide estimates for projects for 2017, 2018 and 2019.

President Tisdell commented that this is an anomaly, as typically the Fiscal Department is conservative in its estimates.

Mr. Sawdon stated that the Administration works in July on budget figures to be adopted in October, for the following January. He commented that these numbers are often already six months behind.

Dr. Bowyer questioned whether the slide displayed with updated numbers were reflective of any savings.

Mr. Cope responded that they were.

Mr. Wiggins commented that CIP numbers should be updated, or the numbers should be taken off the list.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0047-2016

Resolved, that the Rochester Hills City Council authorize a Blanket Purchase Order/Contract to Pavex Corporation, Trenton, Michigan in the amount of \$497,315.64 with a 10% contingency in the amount of \$49,731.56 for a total-not-to-exceed amount of \$547,047.20 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.

2016-0060

Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2016 Asphalt Rehabilitation Program in the amount of \$3,111,704.00 with a 10% contingency in the amount of \$311,170.40 for a total not-to-exceed amount of \$3,422,874.40; Pro-Line Asphalt, Washington Twp, MI

Attachments: [022216 Agenda Summary.pdf](#)
[2016 HMA Program Bid Tabs.pdf](#)
[Names and Bids as Read.pdf](#)
[2016 HMA Rehab Program Cover.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the bid for the annual program for Asphalt Rehabilitation came in under budget. He acknowledged Paul Shumejko's efforts and forward thinking to develop plans and specifications to take advantage of good unit pricing.

Vice President Morita questioned what the plan will be for notifying subdivisions of the work.

Mr. Schneck responded that the City's website includes an interactive construction map. Residents affected will receive a personalized letter from the Mayor, along with door hangers prior to mobilization. Information will include frequently asked questions and information on the scope of work.

Mr. Hetrick commented that he is happy to see the communication with affected residents.

Mr. Brown noted that this is another project under consideration this evening where the low bidder is recommended.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0051-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2016 Asphalt Rehabilitation Program to Pro-Line Asphalt, Washington Township, Michigan in the amount of \$3,111,704.00 with a 10% contingency in the amount of \$311,170.40 for a total not-to-exceed amount of \$3,422,874.40, 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 contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2016-0062 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2016 Concrete Road Replacement Program in the amount of \$2,346,767.88 with a 10% contingency in the amount of \$234,676.78 for a total not-to-exceed amount of \$2,581,444.66; Mark Anthony Contracting, Utica, MI

Attachments: [022216 Agenda Summary.pdf](#)
[2016 Overall Concrete Project Map.pdf](#)
[2016 Concrete Road Program Bid Tab.pdf](#)
[Concrete Road Repl Names As Read.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that Paul Shumejko and his team did a fantastic job preparing plans and specifications early, resulting in the City receiving good unit prices.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0048-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2016 Concrete Road Replacement Program to Mark Anthony Contracting, Utica, Michigan in the amount of \$2,346,767.88 with a 10% contingency in the amount of \$234,676.78 for a total not-to-exceed amount of \$2,581,444.66, 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 contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2016-0063** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for 2016 Pathway Program in the amount of \$549,474.75 with a 10% contingency in the amount of \$54,947.48 for a total not-to-exceed amount of \$604,422.23; Pro-Line Asphalt Paving Corporation, Washington, MI

Attachments: [022216 Agenda Summary.pdf](#)
[Overall Project Map.pdf](#)
[2016 Pathway Bid Tab.pdf](#)
[Pathway Names As Read.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that bids yielded favorable unit pricing compared to last year's project when the bids were solicited later. He explained that while the project went out for bids a little later and came in over the Engineer's estimate, after consulting with the Fiscal team there is adequate Fund Balance. He noted that \$1.6 million is in the Fund Balance as of December 31, 2015, and the project balance has grown by \$160,000 over the past two years, ensuring that there is enough budget to deliver the project as presented.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0049-2016

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract to Pro-Line Asphalt Paving Corporation, Washington, Michigan in the amount of \$549,474.75 with a 10% project contingency in the amount of \$54,947.48 for a total not-to-exceed amount of \$604,422.23 and further authorizes the Mayor to execute the 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.

- 2016-0074** Gravel to Asphalt Special Assessment District (SAD) Suspension

Attachments: [022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell explained that he asked Vice President Morita, Mr. Brown and Mr. Wiggins to form a study group along with select members of the City's Finance and DPS Engineering Staff to review the Special Assessment District (SAD) Policy and ensure that the Policy reflects proper oversight and budgeting for the future. He noted that it is requested Council suspend action on SADs until the study group submits recommendations to the Public Safety and Infrastructure Technical Review Committee and then on to Council.

Mr. Brown noted that there is one open SAD request that was postponed pending this action. He questioned what would happen with the SADs for Norton Lawn and Hickory Lawn.

President Tisdell noted that petition signatures were accepted for the one open

SAD request. Further consideration of that SAD has been postponed. He explained that Norton Lawn and Hickory Lawn SADs were initiated in the 2015 Budget and will proceed.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0050-2016

Resolved, that the Rochester Hills City Council has decided to form a study group to consider questions and concerns relating to the gravel road paving special assessment process. Pending completion of the study group's work and further determination by Council whether to continue, discontinue or modify that process, Council hereby suspends its current Local Road Policy relative to paving gravel roads until further notice.

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting - Monday, March 14, 2016 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 10:35 p.m.

*MARK A. TISDELL, 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.