



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

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

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

*Vision Statement: The Community of Choice for Families and Business*

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

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Monday, March 3, 2014

7:00 PM

1000 Rochester Hills Drive

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

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Tracey Balint, Public Utilities Engineer  
Bryan Barnett, Mayer  
Tina Barton, City Clerk  
Jim Breuckman, Manager of Planning  
Alan Buckenmeyer, Parks Operations Manager  
Scott Cope, Director of Building/Ordinance Compliance  
Paul Davis, City Engineer/Deputy Director of DPS  
Captain Michael Johnson, Oakland County Sheriff's Office  
Tara Presta, Chief Assistant  
Shreya Reddy, Rochester Hills Government Youth Council Representative  
Allan Schneck, Director of DPS/Engineering  
Joe Snyder, Senior Financial Analyst  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

A motion was made by Webber, seconded by Kochenderfer, that the Agenda be Approved as Amended to move Legislative File 2014-0010 Request to Rezone four parcels of land totaling approximately 27 acres, located on the east side of Rochester Road between Avon and Hamlin; G&V Investments, LLC, Applicant to immediately follow Legislative File 2010-0094 Acceptance for First Reading - City File No. 020-027 - An Amendment to Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills to Rezone four parcels of land totaling approximately 27 acres (Parcel Nos. 15-23-152-022, 15-23-152-023, 15-23-301-002 and 15-23-300-035) located on the east side of Rochester Road between Avon and Hamlin from B-2 General Business with an FB-2, Flexible Business Overlay district and a Planned Unit Development (PUD) Overlay to R-4, One-Family Residential with an FB-2, Flexible Business Overlay district and to prescribe a penalty for violations thereof. The motion carried by the following vote:

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

## PUBLIC COMMENT

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

**Erin Howlett**, 3597 Aynsley Drive, stated that she had assembled documents regarding oil and gas leases that Council had possibly not had access to when making their initial decision to sign a lease.

**Chris Morris**, 1398 Burhaven, commented that groups of citizens have been meeting regularly to discuss oil and gas leasing in an attempt to understand the issue as it pertains to the community, the impact on property values, insurance and public safety. He noted that this information needs to be distributed to the community.

**Amy Whipple**, 3248 Parkwood Drive, stated that she has worked with ALS patients for 11 years, and it is suspected that an underlying environmental reason could be a cause for the disease. She expressed fear that oil and gas exploration could produce an environmental reason that could cause a disease such as this.

**Philip Barker**, 1434 Burhaven Drive, noted that drilling being done in the city of Troy was done on property where the mineral rights were owned by Michigan State University (MSU), not the City of Troy. He pointed out that MSU has retained the mineral rights to the land where the Van Hoosen Farmhouse is located.

**Jay Hohouser**, 2948 Mohawk Lane, expressed his concern that drilling would occur in his neighborhood. He mentioned that drilling activities should not occur on dedicated green space.

**John Czubay**, 1857 Jason Circle, stated that there is too much environmental risk to allow oil drilling under Rochester Hills and commented that the City should secure insurance to cover all of its residents. He requested a town hall meeting be held.

**Chuck Schmidt**, 3736 Newcastle, commented that the lease violates the City's Parks Charter Amendment and requested it be cancelled.

**Mike Powers**, 3632 Aynsley Drive, stated that his years of experience in the petrochemical industry gives him the opinion that drilling does not belong in a residential community. He commented that he recently attended a meeting in Auburn Hills with staff from the Michigan Department of Environmental Quality, and stated that it appeared to him that the MDEQ staff member lacked concern on the issue.

**Clark Barrett**, 1376 Kingspath Drive, commented that other communities, including Ann Arbor, have regulated drilling and activities. He stated that while the Michigan Zoning and Enabling Act preempts Townships from regulating drilling, an ordinance could be crafted to regulate related activities such as processing, refining and transport of oil and gas so it is no longer worth it for the oil companies to seek gas and oil here.

**Rachel Ferhadson**, 1525 Monica Court, questioned whether Jordan Oil representatives went through the City's background screening for solicitors. She stated that the City should adopt ordinances to stop, constrain or mitigate activities and questioned what types of chemicals would be tracked into her home.

**Jeannie Morris**, 1398 Burhaven, commented that the lease should be rescinded, as subspace activities violate the City Charter's intent that open space be preserved for recreation and environmental preservation. She commented that officials should work with neighboring cities and the Michigan Municipal League to enact changes to the laws to return power back to local control.

**Lee Zendel**, 1575 Dutton Road, commented that oil must come from somewhere and pointed out that everyone uses gas and oil-related products. He mentioned that Michigan State University is receiving roughly a million dollars each year in oil royalties from a drilling site located roughly at Crooks and I-75, and stated that this money could buy additional police or fire protection, improve city parks or repair streets. He mentioned that over three million wells have been drilled in the United States.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to Public Comment regarding gas and oil exploration, **President Hooper** commented that the topic of an oil and gas exploration lease was discussed during two publicly advertised meetings in 2012. He pointed out that the lease signed by the City does not allow any surface drilling in any City park, nor will the park property be used for any industrial purpose. He mentioned that oil and gas drilling is regulated by the Michigan Department of Environmental Quality, and added that the stipulation that no drilling can occur within 450 feet of any

occupied building will severely restrict where it could occur in the city. He stated that there are over 18,000 functioning wells in the State of Michigan currently extracting oil and gas, and commented that the lease signed specifies that no fracking will be allowed. He commented that Council Member Morita and City Attorney John Staran have been exploring ordinances, and noted that an ordinance cannot regulate the actual drilling of a well. He pointed out that the decision to enter into the lease was based on compensation. He noted that under the lease, the City will receive a one-sixth share of royalties paid, instead of receiving a one-eighth share less expenses without a lease.

**Mr. Webber** noted that Allan Schneck, Director of DPS/Engineering, has been working diligently with the Road Commission for Oakland County to address deteriorating road conditions due to the harsh winter. He pointed out that the City budgeted approximately \$5 million this year for Local Roads, and he stated that work will commence once the weather improves. He mentioned that work will begin on Avon and Hamlin Roads with Tri-Party Funding, which will maximize the City's dollars.

**Mr. Brown** stated that oil and gas exploration in Michigan is driven by State Laws enacted almost 20 years ago. He suggested that residents get involved during this election year and urge State representatives to change the laws. He expressed his thanks to the road crews for their efforts, noting that over eight tons of material was used to make repairs on Tienken Road last week alone.

**Mr. Kochenderfer** commented that efforts should focus on what could be accomplished moving forward to develop ordinances that provide regulation to the oil and gas exploration process. He stated that the City cannot stop drilling activities; however, it might be able to put additional safeguards into place. He mentioned that Jordan Development has stated that they are not currently looking to sign any additional leases. He pointed out that the lease signed by the City prohibits fracking and noted that its cancellation would mean that this prohibition would not be in place.

**Ms. Morita** expressed her thanks to Captain Michael Johnson, Oakland County Sheriff's Office, and Deputy Zajac, who provided assistance to her subdivision during a situation that occurred; and Tina Barton, City Clerk, for responding quickly to resident requests for documents. She expressed her appreciation to Mr. Schneck, who agreed to take Cub Scout Pack 195 through the DPS Facility for a tour after hours on his own time, even though he has had to focus efforts on snow clearing and repairs to the city's roads. She noted that Mayor Barnett arranged for Olympian Peter Vanderkaay to speak at the upcoming Avondale Youth Assistance banquet.

In response to public comment regarding oil and gas exploration, she expressed thanks to resident Erin Howlett for providing information. She noted that the possibility of developing ordinances to control ancillary issues regarding trucks, traffic, transmission, noise and potential environmental contamination is being explored. She commented that ordinances enacted by other communities are also being reviewed, and commented that any proposed ordinance will be presented for public discussion once a draft is completed.

**Mr. Tisdell** noted that when Council was first presented with the prospect of an oil and gas lease, it was approached by a company that was issued a permit by the State for exploration. He commented that they have a legal right to pursue their legitimate business interests. He stated that relative to the business case, the City could have opted not to sign a lease. State regulations protect minority lease holder issues with compulsory pooling leases. He explained that if the City had chosen not to sign a lease and exploration and extraction did proceed, it would have been involved in a compulsory pooling lease, resulting in one-eighth royalties instead of one-sixth royalties, with no language prohibiting hydraulic fracking. He added that there will be no fracturing or drilling in backyards. He pointed out that Michigan is the tenth largest producer of natural gas in the country. In response to comments regarding increased truck traffic, he mentioned that there is an oil production cap within Oakland County of 200 barrels per day. He stated that Rochester Hills currently has 22 gas stations, each receiving tanker deliveries. He noted that according to Michigan State University Extension, the geology in the region is already naturally fractured; therefore, the fracking process is not an issue.

**Mr. Wiggins** stated that as a new Council Member, he noted that in his review of Council's actions, the lease was signed as exploration was going to happen anyway. He noted that Farmington Hills was sued and lost quite a bit of money. He pointed out that while Ann Arbor has passed an ordinance to prohibit drilling, no one has tried to drill in Ann Arbor as the geology indicates that it is not a location that has oil and gas. He stated that the City is looking at solutions.

**Shreya Reddy**, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC is hosting activities to promote the AAA and Ford Motor Strive 4 a Safer Drive campaign. She announced that the group has been selling Community Days Coupon Books at Carson's, raising over \$1,000 toward their upcoming 5K Run/Walk, with proceeds to benefit Blessings in a Backpack. RHGYC members recently visited Blessings in a Backpack to learn more about the charity. Donors, sponsors and participants are sought for the race, scheduled for Saturday, June 14th at Bloomer Park.

**Mayor Barnett** made the following announcements:

- With the past weekend's snowfall, the area has now experienced the second worst winter in recorded history, trailing only the winter of 1880-1881. With 84 inches of snow to date, the record of 93 inches could be reached before winter's end. Once the weather improves the focus will change from snow to potholes. The City is 80 percent through its budget to date; during most years, it would be approximately 40 percent through at this point. Thanks to the City's DPS team for keeping roadways clear.
- The Communities First Award was presented to Marye Miller, retiring Executive Director of the Older Persons Commission.
- Rochester College and Oakland University squared off against each other on the ice as their hockey teams played a "Battle for the Jug". The trophy was presented to the Oakland University Grizzlies.
- Officials from Rochester, Rochester Hills and Oakland Township came together to highlight their respective community's accomplishments at the recent

*Community Outlook Luncheon on February 26th, hosted by Mr. Webber.*

- Rochester Hills has partnered with Google to promote small business in the community. Businesses can take advantage of a free custom domain name for one year and promote their companies online.*
- The Red Cross will host a blood drive at City Hall on Thursday, March 6th.*
- The City has retained its AAA Bond Rating from Standard and Poors.*
- RecycleBank's Green Schools Program encourages recycling customers to donate their points to two local elementary schools. University Hills and Meadow Brook Elementaries are participating in the program this year.*

*Regarding public comment regarding oil and gas exploration, he reiterated that the process of fracking is not going to be permitted, nor is City parkland being given away for exploration activities. He noted that the oil companies are here in Rochester Hills on authority granted by the State. He reported that State representatives Jim Marleau and Tom McMillin met with three residents a couple of weeks ago to discuss oil and gas exploration. He pointed out if the goal is to stop drilling in a neighborhood, 80 percent of the residents must be in opposition.*

*He noted that four bills were introduced in February in the State House of Representatives that could be considered pro gas and oil, proposed to lower the tax on gas and oil companies and include carbon dioxide methods for extraction. He mentioned that a bill was introduced into the House last June to increase the allowable distance to a dwelling from 450 feet to 1,000 feet, and it did not receive a hearing to move forward. He added that the industry is getting its lead from a State government that is pro gas and oil industry.*

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## CONSENT AGENDA

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

**2014-0038** Approval of Minutes - City Council Special Meeting - January 27, 2014

**Attachments:** [CC Special Mtg Min 012714.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0042-2014

**Resolved,** that the Minutes of a Rochester Hills City Council Special Meeting held on January 27, 2014 be approved as presented.

**2014-0039** Approval of Minutes - City Council Regular Meeting - January 27, 2014

**Attachments:** [CC Min 012714.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0043-2014

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 27, 2014 be approved as presented.

- 2014-0075** Request for Adoption of a Street Resolution to place newly constructed Newstead Lane and Wren Lane (Northbrooke East Condominiums) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

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

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0044-2014

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

**Now Therefore, Be It Resolved,**

1. That the said streets described as:

Newstead Lane and Wren Lane, as depicted in the condominium subdivision plan of "Northbrooke East", as recorded in Liber 44761, Pages 733 through 736, Oakland County Condominium Subdivision Plan No. 2033, to the Master Deed of Country Club Village of Rochester Hills, Oakland County Records. Being located within Section 33, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said streets are certified as public streets and are for public street purposes, and
4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic on December 21, 2012 and have been constructed according to City standards.

- 2014-0076** Request for Adoption of a Street Resolution to place newly constructed Queensboro Drive, Sheffield Drive, Robinson Drive, Pembroke Drive and Pembroke Court (Vistas of Rochester Hills) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

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

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0045-2014

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

***Now, Therefore, Be It Resolved,***

1. That the said streets are described as:

Queensboro Drive, Sheffield Drive, Robinson Drive, Pembroke Drive and Pembroke Court as depicted in the subdivision plat of "Vistas of Rochester Hills", as recorded in Liber 297, Pages 1 through 5 of Oakland County Records, being part of the northeast 1/4 of Section 23, T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan, and

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

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

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

5. That said streets are open for traffic on September 17, 2013 and have been constructed according to City standards.

**2014-0093** Request for Approval of Agreement with Oakland County for Election Services

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

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0046-2014

**Resolved**, that the Rochester Hills City Council approves the agreement between the City of Rochester Hills and Oakland County for Election Services and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

### **Passed the Consent Agenda**

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

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

### **ORDINANCE FOR INTRODUCTION**

**2010-0094** Acceptance for First Reading - City File No. 02-027 - An Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to Rezone four parcels of land totaling approximately 27 acres (Parcel Nos. 15-23-152-022, 15-23-152-023, 15-23-301-002 and 15-23-300-035) located on the east side of Rochester Road between Avon and Hamlin from B-2 General Business with an FB-2, Flexible Business Overlay district and a Planned Unit Development (PUD) Overlay to R-4, One-Family Residential with an FB-2, Flexible Business Overlay district and to prescribe a penalty for violations thereof



**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance Amendment.pdf](#)  
[030314 Agenda Summary.pdf](#)  
[Map aerial.pdf](#)  
[Suppl Beier Howlett Ltr 022814.pdf](#)  
[Suppl Letter Staran 102413.pdf](#)  
[Minutes PC 012114.pdf](#)  
[Minutes PC 121713.pdf](#)  
[1998 99 MLUP Corridor Study.pdf](#)  
[Staff Report 121713.pdf](#)  
[Letter Kragt 111913.pdf](#)  
[Suppl MDOT Letter 091613.pdf](#)  
[Beier Howlett Ltr 100913.pdf](#)  
[102813 Agenda Summary.pdf](#)  
[WWRP Request 100213.pdf](#)  
[Staff Report.pdf](#)  
[062413 Agenda Summary.pdf](#)  
[Letter Anzek 060413.pdf](#)  
[WWRP Request 061213.pdf](#)  
[Beier Howlett Ltr 062113.pdf](#)  
[Ltr from RH Chrysler Jeep Dodge.pdf](#)  
[Ltr from Winchester Vlg HOA.pdf](#)  
[Ltr from Meadowfield Condo Assn.pdf](#)  
[Minutes CC 092010.pdf](#)  
[Agenda Summary 030110.pdf](#)  
[PUD Comparison Chart.pdf](#)  
[WWRP Ltr 021610.pdf](#)  
[City Place PUD Site Plan.pdf](#)  
[Land Use Site Plan.pdf](#)  
[PC Minutes 081809.pdf](#)  
[Suppl July 2010 City Place PUD.pdf](#)  
[PUD Agreement.pdf](#)  
[Minutes PC 031604.pdf](#)  
[030110 Resolution.pdf](#)  
[102813 Resolution.pdf](#)  
[030314 Resolution.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, presented a brief synopsis of the history of the proposed City Place Planned Unit Development (PUD). He noted that the PUD reached its expiration in 2013, and noted that Council directed the Planning Commission to determine the appropriate zoning for the site. The Planning Commission recommends R-4 base zoning, as it was in 1998, with a Flexible Business-2 (FB-2) overlay.

**Jim Breuckman**, Manager of Planning, explained that the 2009 revision to the Zoning Ordinance specifies Flexible Business overlay districts, which allow a developer to either utilize the base zoning or an overlay zoning on a property and are typically located in commercially-developed areas. He highlighted several current developments, and pointed out that the FB overlay districts permit a wider range of uses, without requiring a PUD. He mentioned that FB-3 is the most dense development permitted, and stated that the Planning Commission determined that the subject site is not large enough to accommodate an FB-3 overlay and recommends a lesser-dense FB-2 district.

**Mr. Anzek** noted that the Planning Commission's recommendation was by a six to one vote, with two members absent. He mentioned that the Planning Commission recommends denial of the applicant's request to have the land behind the bank zoned as Multi Family and the remaining property as Office.

**Public Comment:**

**Scot Beaton**, 655 Bolinger, expressed support for the Planning Commission's recommendation that this property be rezoned to R-4. He stated that he concurred with a Flexible Business overlay for the property and stated that it should be FB-1, which could support up to 130 homes.

**James Coon**, 707 Tewksbury, requested that Eddington Boulevard not be realigned with Drexelgate, as it is his professional experience that the intersection is safer without being realigned.

**Cynthia Zalewski**, 920 Little Hill Court, commented that the City should bring in viable retailers to fill up current vacancies before approving more retail development. She noted that she lives in the Avon Hills Cooperative development and stated that a realigned Eddington would increase traffic and present a danger to pedestrians as there are no sidewalks in her development.

**Kathleen Sheldon**, 1110 Liberty Belle Court, commented that she does not want to see more retail development, nor does she want to see Drexelgate become a thoroughfare. She stated that she also lives in the Avon Hills Cooperative.

**Lisa Winarski**, 194 Bedlington, expressed her thanks to Mr. Wiggins and Mr. Webber for meeting with the Eddington Property Owners Association. She commented that most rezoning requests include a site plan and stated that the land should revert to R-4 with no overlay.

**President Hooper** questioned whether site plans are typically submitted with any rezoning request.

**Mr. Anzek** responded that they usually are not. He stated that the zoning should stand on its own merit.

**President Hooper** commented that once a developer abandons their end of a PUD, it is difficult to enforce it.

**John Staran**, City Attorney, stated that it is difficult to enforce a contract and require a developer to build something. He noted that the City's option is to either abandon or terminate the agreement and revisit and reevaluate the zoning, or to keep it in place.

**President Hooper** noted that the developer requested that the PUD be abandoned. He questioned whether the PUD was still in effect.

**Mr. Staran** responded that the PUD was determined abandoned pending referral to the Planning Commission as to what the zoning should be.

**President Hooper** questioned whether once the PUD was terminated, the property should automatically be rezoned to R-4.

**Mr. Staran** responded that there is no automatic reversion. He explained that one of Council's options is to zone the property back to residential and he noted that the current recommendation from the Planning Commission is to have a base zoning of single family residential with the FB-2 overlay.

**President Hooper** noted that a site plan is not a part of the rezoning application process. He commented that the site plan would be developed after the zoning has been determined. He requested that the developer comment on the Planning Commission's recommendation and their request for an appeal of the Commission's denial of their rezoning request.

**John Gaber**, Attorney, introduced developer Bill Gilbert, G&V, and explained that while they are in agreement that FB-2 is an appropriate overlay for the property, their request is that the parcel behind the bank be zoned multi-family and the remainder be zoned office. He commented that the entire area along Rochester Road including Fifth Third Bank, this property and the Bordine's Property to the south had been Master Planned for Mixed Use development. He stated that the Master Plan states that FB-2 areas are intended to provide a transition between residential land categories and the more intense business flex use, and noted that the Bordines' site to the south is a more intense FB-3. He stated that R-4 is not the appropriate underlying zoning as single-family is not appropriate for this area. He mentioned that the 1998 Rochester Road Corridor Study notes that single family residential uses are not desirable on the Rochester Road frontage. He mentioned that the parcel proposed for multi-family zoning is isolated by office and ITC utility lines; and shares a cross-access agreement with the Fifth Third Bank for access to Rochester Road. He added that office and other commercial zoning is often found in multiple parcels adjacent to each other; and he explained that a site plan would be developed that would control the site and the building design to make the structures and development compatible and could also require cross-access between the sites.

**President Hooper** confirmed that the City's request for a FB-2 overlay is the same as the developer's request for a FB-2 overlay.

**Mr. Gaber** confirmed that is correct.

**President Hooper** questioned whether the property could be developed with the RM-1 behind the Fifth Third Bank and the O-1 in the frontage under an FB-2 overlay.

**Mr. Gaber** confirmed that was correct.

**President Hooper** stated that it does not really matter what the underlying zoning is if the property can still be developed under FB-2 with RM-1 and O-1.

**Mr. Gaber** stated that while that is correct, a developer or property owner would have a choice between FB-2 or the underlying zoning classification.

**President Hooper** stated that he wanted to ensure that the developer understood. He called for Council comments, and requested Planning Department staff address any Council questions.

**COUNCIL DISCUSSION:**

**Mr. Tisdel** commented that the walkability of a development is typically determined in quarter-mile increments.

**Mr. Breuckman** responded that this is typically the case. He noted that distances over one-quarter mile, gaps of more than 75 feet, or unpleasant walking areas will often compel individuals to move their cars.

**Mr. Tisdel** commented that many of the older retail developments have blank walls and large distances between store entrances and stated that this could be part of the problem in bringing new retail into existing single use developments. He pointed out that FB-2 with the emphasis on mixed use returns to that kind of common sense where people can live, work and shop in the same area. He questioned what kind of impact this type of development will have on additional traffic.

**Mr. Breuckman** stated that there have been a number of traffic studies done for large Traditional Neighborhood Developments (TNDs) that noted that in almost every instance the traffic is far lower than they expected the impact to be. He commented that realistically the site is most likely not large enough to make much of a difference in terms of the type of traffic that it will generate.

**Mr. Tisdel** questioned whether the site is large enough to act as a seed or a demonstration for other underperforming single use parcels just to the south of Bordines.

**Mr. Breuckman** responded that it could.

**Mr. Tisdel** questioned whether there were any thoughts of clustering the residential on the north end as opposed to mid-block transitions or including residences on second floors or loft spaces.

**Mr. Gaber** responded that it would depend on how the site is developed. He stated that FB-2 would allow the flexibility to mix and match the different components. He pointed out that utilizing the underlying zoning classification would restrict the development to single family if R-4 or office if O-1.

**Mr. Tisdel** commented that he would love to see a true mixed-use development there with as many of the design elements in the traditional neighborhood design as possible as it could be a catalyst for other development in the city. He questioned whether it would be possible to eliminate the need to reengineer Eddington Boulevard.

**Mr. Breuckman** responded that the design displayed was merely a concept drawing to show how a development could work. He commented that discussions held with Michigan Department of Transportation (MDOT) officials noted that road alignment is part of the site planning process and is not a rezoning issue.

**Mr. Tisdell** stated that he sees FB-2 as an excellent idea as it gives the City the most authority to ensure mixed use versus clustering or smaller single use.

**Mr. Webber** expressed appreciation for the presentation and the residents' comments. He requested a summary of the Planning Commission's recommendation of FB-2 versus FB-1.

**Mr. Breuckman** responded that only minor differences exist between FB-1 and FB-2 with the exception that retail is allowed in FB-2. He explained that while the 2010 PUD Amendment applied the FB-1 for design standards, it allowed up to 45,000 square feet of retail, specified building height and allowed for a specific buffer. He pointed out that the same result could have been achieved by specifying a PUD of FB-2 with only 45,000 square feet of retail.

**Mr. Webber** commented that it is important to end up with a development that is compatible with the community. He stated that the landowner has the legal ability to develop his land; however, the City has to strike a balance with the concerns of the residents who live behind the parcel. He stated that the market will dictate retail and each individual landowner will have a vision for their parcel of land.

**Mr. Brown** questioned how many residents live within a quarter-mile of the property who could access a development by walking.

**Mr. Breuckman** responded that he did not have that information.

**Mr. Brown** questioned whether the zoning consideration is completely independent of whether Drexelgate and Eddington is aligned.

**Mr. Breuckman** responded that was correct.

**Mr. Brown** expressed concerns that mixed use on the site could result in adjacent residents having views of dumpsters.

**Mr. Breuckman** responded that these concerns would be addressed in the site planning process. He commented that while some existing commercial areas might currently have that situation, a dumpster would not be sited next to an existing house. He added that there is plenty of room on the site that would allow designing around that possibility.

**Mr. Wiggins** noted that while FB-1 zoning does not allow commercial uses, it does allow for conditional approval of commercial use, along with conditional uses for a bar, tavern, drive-through facility, or a restaurant.

**Mr. Gaber** responded that a variety of uses are permitted as conditional uses in the FB-1 zoning classification, and are included as permissible uses in FB-2.

**Mr. Wiggins** pointed out that there is an opportunity to have those types of uses approved as conditional. He added that uses that are not permissible in FB-1 include entertainment or recreation. He mentioned that there appears to be limited space for those uses on that parcel. He stated that there are options for flexibility in FB-1.

**Mr. Gaber** responded that retail is not permitted as a conditional use in the FB-1 classification, while it is in FB-2. He commented that the process allows for certain other protections in general, such as requiring conditional land use approval by City Council for all drive-throughs in the city.

**Mr. Wiggins** noted that the property has been under different zoning ordinances, along with a PUD, for the past ten years and nothing has worked. He questioned why more flexibility would provide opportunities to have different uses not already available on Rochester Road or anywhere else.

**Bill Gilbert**, G&V, responded that the first PUD was a very specific plan with architectural drawings and buildings in specific areas. That design was much more intense by at least three times of what ever could be permitted today, and included four story structures and hundreds of thousands of square feet of building. He noted that the market changed and potential buyers were not interested in mixing residential above due to the insurance and financing complications. An amendment was requested three years or so ago to provide a little more flexibility and add the retail component, with a design to be compatible architecturally with the bank. He mentioned that during that time flex zoning, which adds much flexibility, did not exist in the city. He pointed out that much of the city's vacant retail space includes large boxes, which are from a 1970s model of design and are not particularly attractive. He mentioned that the Bordines property is FB-3 and noted that they have expressed an interest in G&V's project to secure a cross access easement and eventually tie the parcels all together. He stated that the Bordines property would most likely be the larger retail component and the G&V parcel would be more of a neighborhood service type retail. He commented that fears of a WalMart coming in are unfounded as there is not enough property for a large development such as that, and stated that zoning the property FB-2 now would eliminate a return with another PUD in three years if it was found that FB-1 was not feasible. He reiterated that the individual parcels would be developed through the site planning process. He stated that the market will dictate what is developed; and noted that if there is no more market for retail, there will not be any retail.

**Mr. Wiggins** noted that the latest communication sent on behalf of the Eddington Property Owners Association referred to questions regarding the FB overlay and how it applies to commercial properties.

**John Staran**, City Attorney, referred to Mr. Breuckman's earlier mention of the appropriateness of FB-2 for the site during his initial remarks.

**Mr. Breuckman** noted that by and large, the FB districts sit on top of already developed areas. He mentioned two exceptions, including Lorna Stone, a PUD that was developed before the real estate crash. He stated that the exceptions implement mixed use visions in places that were not already developed, and were cited in the 2007 Master Land Use Plan for business flex. He commented that it is impossible to cover every single situation with general intent language from a zoning ordinance.

**Mr. Wiggins** questioned whether the statutes referenced by the homeowners' communication citing a R-4 reversion apply to this situation.

**Mr. Staran** responded that they do not.

**Mr. Wiggins** questioned whether there is any historical information on how this type of development will impact neighborhoods by means of increased traffic or pedestrian safety, or if that question would be something more for MDOT to comment on.

**Mr. Breuckman** responded that when a development on an MDOT road moves into the site plan stage, it is most likely that a traffic impact study will be required. He stated that any improvements to mitigate any potential traffic impacts would have to be determined during the site plan phase.

**President Hooper** questioned whether the property will be presented as a single homogeneous development even if it is built in phases.

**Mr. Gilbert** responded that it would not. He explained that the site will most likely be developed over a period of one to three, or one to ten years, with certain design criteria, setbacks, relationship between buildings, cross-access, sidewalk and parking.

**Mr. Breuckman** confirmed that the property could be developed in that manner. He noted that the road layout would have to be determined first, as it will be the framework off of which everything else would be built. He mentioned that the layout would set the road location and address where the accesses will be.

**President Hooper** questioned whether the core areas will be layed out and the core infrastructure developed to provide all cross-access agreements and traffic flow.

**Mr. Gilbert** stated that while specific buildings would not be shown, the infrastructure would.

**Mr. Breuckman** stated that the first site plan would set the road layout along with all cross-access, in addition to engineering for sizing of the detention pond and infrastructure.

**President Hooper** noted Council could accept or deny the City's request for First Reading on the rezoning.

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

**Aye** 6 - Brown, Hooper, Kochenderfer, Morita, Tisdell and Webber

**Nay** 1 - Wiggins

Enactment No: RES0063-2014

**Resolved**, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone four parcels of land totaling approximately 27 acres (Parcel Nos. 15-23-152-022, 15-23-152-023, 15-23-301-002 and 15-23-300-035) located on the east side of Rochester Road between Avon and Hamlin from B-2, General Business with an FB-2, Flexible Business Overlay district and a Planned Unit Development (PUD) Overlay to R-4, One-Family Residential with an FB-2, Flexible Business Overlay district and to prescribe penalties for the violation thereof, is hereby accepted for First Reading.

## NEW BUSINESS

**2014-0010** Request to Rezone four parcels of land totaling approximately 27 acres, located on the east side of Rochester Road between Avon and Hamlin; G&V Investments, LLC, Applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Map aerial.pdf](#)  
[Rezoning Application.pdf](#)  
[Staff Report.pdf](#)  
[Memo Anzek 010214.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution.pdf](#)

**See discussion under Legislative File 2010-0094.**

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

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

Enactment No: RES0047-2014

**Resolved**, that the request to rezone four parcels of land totaling approximately 27 acres, located on the east side of Rochester Road between Avon and Hamlin, including 3.56 acres (Parcel No. 15-23-152-022) from B-2 General Business with an FB-2, Flexible Business Overlay and a Planned Unit Development (PUD) Overlay district to RM-1, Multiple-Family Residential with an FB-2, Flexible Business Overlay district and 23.9 acres (Parcel Nos. 15-23-152-023, 15-23-301-002 and 15-23-300-035) from B-2, General Business with an FB-2, Flexible Business Overlay and a Planned Unit Development (PUD) Overlay district to O-1, Office Business with an FB-2, Flexible Business Overlay district is hereby denied.

## ORDINANCE FOR INTRODUCTION

**2014-0092** Acceptance for First Reading - An Ordinance to amend Sections 54-46, 54-151, 54-154, 54-156, 54-163, 54-192, 54-197, 54-226, 54-229, 54-234, 54-261, 54-262, 54-265, 54-270, 54-302, 54-319, 54-471, 54-590, 54-711, 54-742, 54-748, 54-776 and 54-806, Section 54-193 Repealed of Chapter 54, Fees of the Code of



Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify fees charged for Roadside Stands, Permits, Plan Reviews, Fire Suppression, Pressure Testing, Plumbing Licenses, Electrical Service, Contractor Registration/License, Fuel Burning Equipment, Mechanical Licenses, Sports Field Rental, Other Activities, Service Calls, Public Hydrants, Tap, Municipal Water and Sanitary Sewer Connections, and to Repeal Conflicting or Inconsistent Ordinances

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[030314 Agenda Summary.pdf](#)  
[030314 Resolution.pdf](#)  
[Resolution.pdf](#)

***Scott Cope, Director of Building/Ordinance Compliance, noted that the Building Department fee changes are proposed to simplify the permitting process.***

**A motion was made by Brown, seconded by Morita, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote:**

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

Enactment No: RES0062-2014

***Resolved***, that an Ordinance to amend Sections 54-46, 54-151, 54-154, 54-156, 54-163, 54-192, 54-197, 54-226, 54-229, 54-234, 54-261, 54-262, 54-265, 54-270, 54-302, 54-319, 54-471, 54-590, 54-711, 54-742, 54-748, 54-776 and 54-806, Section 54-193 Repealed of Chapter 54, Fees of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify fees charged for Roadside Stands, Permits, Plan Reviews, Fire Suppression, Pressure Testing, Plumbing Licenses, Electrical Service, Contractor Registration/License, Fuel Burning Equipment, Mechanical Licenses, Sports Field Rental, Other Activities, Service Calls, Public Hydrants, Tap, Municipal Water and Sanitary Sewer Connections, and to Repeal Conflicting or Inconsistent Ordinances, is hereby accepted for First Reading.

## NOMINATIONS/APPOINTMENTS

**2014-0071** Nomination/Appointment of two (2) Citizen Representatives to the Liquor License Technical Review Committee, each for a one-year term to expire December 31, 2014

**Attachments:** [Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Blackstone CQ.pdf](#)  
[Pixley CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

***President Hooper noted that two citizens are sought for the Liquor License Technical Review Committee.***

**President Hooper Opened the Floor for Nominations.**

***Mr. Webber nominated Thomas Blackstone and Vern Pixley.***

**Seeing no further nominations, President Hooper Closed the Floor for Nominations.**

*Council appointed Thomas Blackstone and Vern Pixley.*

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

**Aye** 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0048-2014

**Resolved**, that the Rochester Hills City Council appoints Thomas Blackstone and Vern Pixley to the Liquor License Technical Review Committee, each to serve a one-year term to expire December 31, 2014.

**2014-0069** Appointment of two (2) to three (3) Council Members to the Liquor License Technical Review Committee for a one-year term to expire November 30, 2014

**Attachments:** [Nomination Form.pdf](#)

**President Hooper** noted that two to three Council members would be appointed to the Liquor License Technical Review Committee.

**President Hooper Opened the Floor for Nominations.**

**Mr. Brown** nominated Mr. Tisdel.

**Mr. Webber** nominated President Hooper and himself.

**President Hooper** announced that he, Mr. Tisdel and Mr. Webber were appointed to the Liquor License Technical Review Committee.

Appointed Greg Hooper, Mark Tisdel and Michael Webber.

**(Recess 9:49 p.m. to 10:00 p.m.)  
(Mr. Wiggins entered at 10:02 p.m.)**

## **NEW BUSINESS**

**2006-0425** Request for designation of the Frank Farm Historic District; 1290 E. Auburn; 1304 E. Auburn, 1344 & 1356 E. Auburn

**Attachments:** [Agenda Summary.pdf](#)  
[Holtz Ltr 011814.pdf](#)  
[Agenda Summary 120913.pdf](#)  
[Hyska Ltr 102813.pdf](#)  
[Holtz Ltr 112513.pdf](#)  
[Frank Farm Final Report.pdf](#)  
[CC Minutes 060109.pdf](#)  
[HDSC Update Memo 110409.pdf](#)  
[Holtz Ltr 042409.pdf](#)  
[SHPO 012908 Comments.pdf](#)  
[Frank Farm Survey Sheets.pdf](#)  
[Suppl Frank Farm Presentation.pdf](#)  
[HDSC Minutes 060911.pdf](#)  
[HDSC Minutes 120910.pdf](#)  
[HDSC Minutes 111209.pdf](#)  
[HDSC Minutes 051409.pdf](#)  
[HDSC Minutes 031209.pdf](#)  
[PC Minutes 102108.pdf](#)  
[HDSC Minutes 091108.pdf](#)  
[Public Hearing Minutes 043008.pdf](#)  
[HDSC Minutes 031308.pdf](#)  
[HDSC Minutes 110807.pdf](#)  
[HDSC Minutes 021207.pdf](#)  
[HDSC Minutes 060806.pdf](#)  
[Agenda Summary 060109.pdf](#)  
[Draft Resolution 060109.pdf](#)  
[Draft Resolution 120913.pdf](#)  
[Resolution.pdf](#)

*Jim Breuckman, Manager of Planning, explained that Mentor Hyska, the owner of 1304 East Auburn, purchased the property last summer and upon learning of the potential for historic designation, requested that the question be resolved. He noted that the Historic Districts Study Committee (HDSC) completed its review of the property in 2006 and 2007 and determined it was qualified for designation. He commented that at the last meeting of Council, it was requested that inside pictures be obtained of the properties.*

*He stated that Anita Holtz, the daughter of the woman who owns 1290 East Auburn, submitted a letter indicating that she was no longer pursuing designation. He added that last week, he contacted Mr. Hyska, who reported that he has had some landlord/tenant issues and could not gain access to the inside of the home at 1304 East Auburn. He commented that photographs were added taken from the outside of the houses.*

*Mr. Breuckman noted that the 2009 recommendation for designation from the HDSC still stands, and a resolution for designation is included in the packet. Council has an option to move the motion to designate; and should that motion fail, it would have the effect of removing the properties from the potential list. He added that **Kristine Kidorf**, the City's historical consultant, is in attendance if to answer any questions.*

**Public Comment:**

*Dr. Richard Stamps, 2900 Heidelberg Court, expressed his appreciation to the*

City for enacting Historic District Ordinances that help preserve a sense of history in place. He noted that the concept of historic tourism is gaining interest, and he reported that the State Barn Preservation Network will be hosting a tour through various areas of the City. The Van Hoosen Farm will also be hosting a national conference and feature the historic mills in this area. He commented that the City is a destination because it has preserved structures and historic features. He stated that while this is a small piece, it is still historic, as family members fought in the Civil War and were early founders of the city. He pointed out that there is a prehistoric archaeological site on the property, with findings that were donated to the Museum. He requested the piece be designated historic.

**Mentor Hyska**, owner of 1304 East Auburn, stated that when he bought this property last summer, he had no idea that it was potentially historic. He commented that he does not have the funds to make the major investment needed to bring the home into a safe condition. He stated that should the City deem it historic, he would ask that the City contribute to some of the expense as it would be three to four times the cost of demolition to rehabilitate the property.

**President Hooper** noted that Council requested that the interior of the homes be evaluated.

**Mr. Hyska** responded that he is currently in the process of evicting the tenants and they are not responding to him.

#### **Council Discussion:**

**Ms. Morita** commented that the properties look to be in good condition from the exterior. She noted that as the property has tenants, she would assume that it is inhabitable. She stated that she is in favor of designating the property in the aggregate.

**Mr. Tisdell** stated that when the issue was brought before Council in December, Ms. Holtz was here as a proponent. He noted that she has now backed out for whatever reason. He pointed out that when Mr. Hyska purchased the property, there was no indication during the search process that this was on a list of potential historic sites. He commented that it is his opinion that it is unfair to Mr. Hyska to put this burden on him after the purchase. He stated he would support Mr. Hyska in his request to eliminate the parcel from historic consideration.

**Mr. Wiggins** questioned what upgrades Mr. Hyska would be responsible for if the property were designated historic.

**Mr. Breuckman** responded that designation would not impact any work happening inside the homes, and would only affect any request to alter the exterior or demolish the structure. He explained that the Historic Districts Commission must approve any potential work he would want to do. He pointed out that it is difficult to clear the hurdle for demolition of a historic property.

**Mr. Wiggins** questioned how information would be disclosed during the purchase process.

**Mr. Breuckman** explained that back when first designated, they did file designations on property titles. He added that larger districts, such as the Stoney Creek Historic District, are known. He stated that it is difficult to gain information on these scattered properties.

**Mr. Brown** commented that it was not apparent at Council's previous meeting that information on the potential historic nature of 1304 East Auburn was communicated at the time the parcel was sold. He questioned whether there would be any value to removing 1304 from the list and keeping the remaining parcels.

**Ms. Kidorf** responded that 1304 is a fairly important resource, as it is the original farmhouse and the oldest house in the district. She noted that removing that piece from designation takes away the heart of the district and she commented that she is not certain that the rest of the district would stand on its own.

**Mr. Brown** questioned whether it would be fair to say that in the four years between 2009 and 2013, if someone wanted the property designated historic, it could have been.

**Ms. Kidorf** responded that it would.

**Mr. Kochenderfer** noted that there is a property owner who has stated that he does not want historic designation. He requested confirmation that if 1304 were removed, the remainder of the district would not be certain to stand on its own as historic.

**Ms. Kidorf** stated that was correct.

**Mr. Breuckman** commented that it is his belief that this is the reason why Ms. Holtz rescinded her request. She noted that if 1304 was removed, she did not believe that the remainder of the property owners would support the designation.

**Ms. Morita** moved the motion in the packet to designate the entire parcel.

The motion died for lack of a second.

**President Hooper** suggested that a motion could be made to accept the recommendation of the Historic Districts Study Committee and file the final report as presented, but decline to designate the Frank Farm properties and remove them from the Potential Historic Districts List.

**Mr. Brown** questioned whether the other two property owners could approach Council at a later date and request designation.

**Mr. Breuckman** responded that it could always be designated later. He explained that removing it from the potential list will remove it from the Building Department's list of properties to be flagged.

*President Hooper commented that it is tough to put the designation on an unwilling property owner. He noted that this often leads to demolition by neglect of a property.*

*Mr. Tisdell stated that at one point in time titles were flagged and commented that this should be done again to notify potential property owners.*

*Mr. Webber commented that these are not easy decisions and finding a way to flag the properties will prevent these occurrences. He stated that properties should stand on the merits of whether they are historic or not.*

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

**Aye** 6 - Brown, Hooper, Kochenderfer, Tisdell, Webber and Wiggins

**Nay** 1 - Morita

Enactment No: RES0049-2014

**Whereas**, 1290 E. Auburn Road (Parcel Identification Number 15-36-126-004); 1304 E. Auburn Road (Parcel Identification Number 15-36-126-005); and 1344 and 1356 E. Auburn Road (Parcel Identification Number 15-36-126-029), were listed on the City's Potential List, commonly known as "The Frank Farm"; and

**Whereas**, the Historic Districts Study Committee studied the property and all known family names associated with the property; prepared a Preliminary Report; forwarded the Preliminary Report to the State Historic Preservation Office, the City's Planning Commission and City Council for review; and

**Whereas**, on April 30, 2008 the Historic Districts Study Committee held the required Public Hearing and received comment on the potential designation of the property; and

**Whereas**, based on the research conducted, the review comments received from the State Historic Preservation Office, and the input from the Public Hearing, the Historic Districts Study Committee concluded the property meets two of the National Register criterion for designation as a Local Historic District (Criteria A - Significant Contribution to the broad patterns of our history), and (Criteria D - Have yielded information important in prehistory or history); and

**Whereas**, the Historic Districts Study Committee prepared its Final Report on the property known as The Frank Farm (comprised of 1290 E. Auburn Road; 1304 E. Auburn Road, and 1344 and 1356 E. Auburn Road), and recommends that The Frank Farm be locally designated within the City of Rochester Hills and established as The Frank Farm Historic District.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council accepts the recommendation of the Historic Districts Study Committee, declines to designate the property known as The Frank Farm, receives and files the final report as presented, and removes The Frank Farm properties from the Potential Historic Districts List.

**2014-0089** Request to Approve Amendment No. 1 to the Oakland County Sheriff's Office 2014-2015 Law Enforcement Services Agreement with the City of Rochester Hills

**Attachments:** [Agenda Summary.pdf](#)  
[OCSO Staffing Changes.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** introduced Captain Michael Johnson, Oakland County Sheriff's Office (OCSO), and Joe Snyder, Senior Financial Analyst. He stated that currently two City employees provide clerical staffing for the Rochester Hills Substation of the OCSO. He explained that the original thought was to have the City's eyes at the Substation. He commented that the City has a great relationship with the OCSO and does not have much oversight of these employees. He mentioned that while they are hired by the City and technically report to him, he does not have much oversight of these employees and only sees them a few times a year. He stated that both individuals have pending retirements. He explained that it is proposed to have OCSO hire the positions, resulting in a lower cost to the City.

**Captain Johnson** stated that OCSO has a career path for its clerical staff and it is proposed that the full-time position will be posted and two part-time employees will be hired.

**Mr. Webber** stated that he concurred with the recommendation.

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

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

Enactment No: RES0050-2014

**Resolved**, that the Rochester Hills City Council hereby approves Amendment No. 1 to the Oakland County Sheriff's Office 2014-2015 Law Enforcement Services Agreement with the City of Rochester Hills and hereby authorizes the Mayor to execute the Amendment on behalf of the City.

**2014-0087** Request for Approval of a Grant Application to the Michigan Department of Natural Resources Recreation Passport Grant Program and Matching Funds for the Borden Park Roller Hockey Rink Board and Tile Replacement Project

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

**Alan Buckenmeyer**, Parks Operations Manager, stated that if approved, a grant application will be submitted for the replacement of boards and tile for the hockey rinks at Borden Park. He noted that the project is estimated at \$80,000. The grant, if received, would cover \$45,000 of the cost, requiring a financial commitment by the City for the matching funds. He pointed out that applications are due April 1, with a projected notice of the project for bid in November for construction in 2015. He stated that the rinks' boards are plastic and are damaged, and the company supplying those boards has gone out of business. He explained that staff has been cannibalizing one rink to fix the other.

**Mr. Wiggins** questioned how long the rinks will last.

**Mr. Buckenmeyer** responded that the current system is approximately eight

years old. He noted that with regular maintenance and available parts, the rinks would still be serviceable. He commented that it is hoped that the system would last for 20 years before another total replacement is warranted.

**Mr. Wiggins** questioned whether the project is currently in the budget.

**Mr. Buckenmeyer** responded that while the 2015 Budget has not been developed, it is proposed to go forward with the request not knowing whether the City will receive the grant.

**Mr. Brown** commented that this is a great example of looking out for these grant opportunities.

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

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

Enactment No: RES0051-2014

**Whereas**, the roller hockey rink boards and tiles at Borden Park are in serious need of replacement; and

**Whereas**, the Parks & Forestry Department has obtained soft quotes of approximately \$80,000 for this project as the required minimum 25% match to the grant; and

**Whereas**, one of the objectives of the City of Rochester Hills Parks and Recreation Master Plan 2011-2015 includes maintaining park equipment; and

**Whereas**, this project has been identified in the City's Capital Improvement Plan (CIP #PK-05B) scheduled for Planning Commission review in April, 2014; and

**Whereas**, if awarded the grant, the City would competitively bid and purchase the materials and installation with reimbursement by the DNR of the grant amount upon completion; and

**Whereas**, the grant application deadline is April 1, 2014;

**Be it Resolved**, that Rochester Hills City Council does hereby support the application for a grant to the Michigan Department of Natural Resources Recreation Passport Grant Program for the purpose of replacing roller hockey rink boards and tiles at Borden Park and commits to the minimum required 25% financial match as well as the cost difference for this not-to-exceed \$80,000 project.

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

**2014-0085** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2014 Sanitary Sewer Rehabilitation Project in the amount of \$586,600.91 with a 10% contingency of \$58,660.09 for a total not-to-exceed amount of \$645,261.00; Liqui-Force Services (USA), Romulus, MI



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

**Tracey Balint**, Public Utilities Engineer, explained that the proposed sanitary sewer rehabilitation program will utilize several methods, including linings and manhole repairs. She noted that the proposed firm was used three years ago and performed well. She commented that a small grant received from Wayne County in 2012 is a part of the project.

**Allan Schneck**, Director of DPS/Engineering, stated that repairs will be performed in non-destructive ways, from inside of the pipe eliminating the need for digging up the street. He explained that the program manages inflow and infiltration into the system.

**Mr. Webber** noted that the amount allocated in the adopted budget was only \$500,000.

**Ms. Balint** responded that the bids came in a little higher than expected. She stated that the City has a good sewer system; however, it needs to use different methods to make repairs.

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

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

Enactment No: RES0052-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2014 Sanitary Sewer Rehabilitation Project to Liqui-Force Services (USA), Romulus, Michigan in the amount of \$586,600.91 with a 10% contingency of \$58,660.09, for a total not-to-exceed amount of \$645,261.00, 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.

**2014-0086** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for right-of-way acquisition services related to Hamlin Road Improvements from Hamlin Court to Dequindre in the amount not-to-exceed \$301,215.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

**Attachments:** [Agenda Summary.pdf](#)  
[HRC Proposal.pdf](#)  
[2014 ROW Schedule.pdf](#)  
[ROW Budget final.pdf](#)  
[Hamlin ROW 021414.pdf](#)  
[Resolution.pdf](#)

**Allan Schneck**, Director of DPS/Engineering, and **Paul Davis**, City Engineer/Deputy Director of DPS/Engineering were in attendance to discuss this item.

**Mr. Davis** stated that Orchard Hiltz & McCliment, Inc. (OHM) is currently

designing the Hamlin Road project; however, OHM does not offer right-of-way acquisition services. If approved, Hubbell, Roth & Clark, Inc. (HRC) will be undertaking the right-of-way acquisition; and the company has come with an estimate of needs. He explained that HRC provided right-of-way acquisition services for both the Hamlin Road project between Crooks and Livernois and the John R project. The right-of-way acquisition phase is estimated to be approximately nine months, which will keep the project on track for a February 2015 bid letting and 2015 construction.

**Mr. Brown** questioned whether the City typically takes these services out for competitive bids.

**Mr. Davis** responded that the City undertook a quality-based process to select three engineers to provide design services to the City. OHM, HRC, and Spalding deDecker were selected in a process that was weighted both on cost and overall best service. This process allows the City to select one of the three firms based on the type of project available and what other projects have already been given out. Council must still approve the contract award.

**President Hooper** questioned how the Administration knows the City is getting a fair value.

**Mr. Davis** responded that estimates were compared to the previous Hamlin Road project undertaken three years ago. He noted that while the estimate is a little higher per parcel for acquisition services, the project is a not-to-exceed. He commented that it is difficult to put a precise number on the costs as it is difficult to know how homeowners will react when approached. Estimates are based on a level of effort they will need to go through to provide the services.

**Mr. Wiggins** questioned whether HRC may come back for additional funding.

**Mr. Davis** responded that this is a conservative proposal. Council would need to approve any additional funding requested.

**Mr. Wiggins** questioned whether these services are funded from the General Fund.

**Mr. Davis** responded that the project is a Major Road and is budgeted through the Major Road Fund. He explained that the City's Act 51 monies contribute to a mixture of revenues that come into that fund. He noted that the City is decreasing the amount of funding that the General Fund provides to Major Roads.

**Mr. Wiggins** questioned whether any incentives exist for HRC to stay within budget.

**Mr. Davis** responded that HRC does have competition and has an incentive to keep costs down. He noted that there are not many companies that provide right-of-way acquisition services. He mentioned that the City has also used Greenstar Associates, a smaller company, for smaller projects. He commented that the Administration could look to another company if it feels that it is being taken advantage of.

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

**Aye** 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0053-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Hubbell, Roth, and Clark Inc., Bloomfield Hills, Michigan for right-of-way acquisition services related to Hamlin Road Improvements from Hamlin Court to Dequindre in the amount not-to-exceed \$301,215.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2014-0088** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement approval between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland for the reconstruction of Avon Road from Adams Road to Livernois Road in the amount of \$536,035.00; Board of Road Commissioners for the County of Oakland; Beverly Hills, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Agreement Proj. No. 51121- Avon Rd.pdf](#)  
[Resolution.pdf](#)

*Allan Schneck, Director of DPS/Engineering, explained that the Avon Road Reconstruction Project has been bid out by the Road Commission for Oakland County, and the request is for the City's participatory share and non-participatory items. He noted that the project will hopefully begin in April, as soon as the weather breaks.*

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

**Aye** 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0054-2014

**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 reconstruction of Avon Road from Adams Road to Livernois Road in the amount of \$536,035.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2014-0073** Request for Purchase Authorization - DPS/Gar: Blanket Purchase Order for Calcium Chloride and Brine for dust control in the amount not-to-exceed \$135,000.00; Liquid Calcium Chloride Sales, Kawkawlin, MI

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

*Allan Schneck, Director of DPS/Engineering, stated that approval of the request will provide dust control agents for gravel roads. He explained that mineral well brine was used last year, at half the cost of calcium chloride. He commented that the need for dust control is weather-dependent, with more needed during long dry spells. He mentioned that the City only spent about \$60,000 on dust control in 2013. He stated that if the Administration finds that the brine does not perform as well, it can return to using calcium chloride.*

**Mr. Kochenderfer** questioned whether the control agents are used on Local Roads and separate from those used on County Roads.

**Mr. Schneck** responded that they are used on roads under the jurisdiction of the City. He explained that dust control on County roads is separate.

**Mr. Kochenderfer** questioned whether there has been a move toward utilizing other road surfaces.

**Mr. Schneck** responded that the Administration has contacted the Road Commission for Oakland County (RCOC) to schedule a meeting to discuss alternative surfaces and RCOC's experience with using limestone, 22A and 23A gravel. He pointed out that a fifth application of dust control agents was completed last year on County roads.

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

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

Enactment No: RES0055-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Liquid Calcium Chloride Sales, Kawkawlin, Michigan for the purchase of Calcium Chloride and Brine for dust control in the amount not-to-exceed \$135,000.00 through December 31, 2014.

**2014-0074** Request for Purchase Authorization - DPS: Blanket Purchase Order for shoulder right-of-way, detention basin and pathway mowing in the amount not-to-exceed \$115,000.00 through December 31, 2015; Kleen Kut, Gilbertsville, KY

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

**Allan Schneck**, Director of DPS/Engineering, stated that the request will provide mowing services to maintain vegetative areas adjacent to pathways and roadways. He explained that the contractor has been used in the City since 1987, and has been found to be reliable.

**President Hooper** questioned when the contract was last bid out.

**Mr. Schneck** responded that it was last bid out in 2011, and noted that the City's Purchasing Ordinance allows for an extension.

**President Hooper** questioned whether it will be rebid next year.

**Mr. Schneck** confirmed that it will.

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

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

Enactment No: RES0056-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Kleen Kut, Gilbertsville, Kentucky for the shoulder right-of-way, detention pond, and pathway lawn maintenance in the amount not-to-exceed \$115,000.00 through December 31, 2015.

**2014-0082** Request to Approve the Interlocal Service Agreement between the City of Rochester Hills and the City of Pontiac for Public Works and Fleet Services

**Attachments:** [Agenda Summary.pdf](#)  
[Interlocal Agreement Public Works & Fleet - Pontiac.pdf](#)  
[Resolution.pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that the City has entered into similar agreements with other entities. He explained that a number of meetings and conversations have been held with the City of Pontiac to arrive at an agreement to provide services for public works and fleet.

**President Hooper** noted that this is another example of stepping up to the plate to provide shared collaborative services.

**Mr. Schneck** commented that it is good to work in an environment where the Mayor encourages and empowers collaborative efforts.

**Ms. Morita** questioned whether Pontiac still has an Emergency Financial Manager (EFM).

**John Staran**, City Attorney, responded that Pontiac no longer has an EFM. He noted that services will be billed in a rather timely manner and will not get out of hand. The City will have a remedy to suspend any further service if amounts become delinquent.

**Ms. Morita** questioned the extent and amount of services anticipated.

**Mr. Schneck** responded that Pontiac has six city vehicles and Rochester Hills would provide preventative maintenance, including oil changes, brake jobs and some sign fabrication. He commented that there would not be a great deal of exposure. He mentioned that when the EFM made his exit from Pontiac, he was required to have a three-year balanced budget submitted to the State. He added that these costs have been built into their budget. He estimated that services would be in the range of approximately \$1,000 per month.

**Mr. Wiggins** questioned whether the agreement format is the same as what is used for most interlocal agreements.

**Mr. Staran** responded that the City developed the language template approximately two years ago and customizes it for each agreement.

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

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

Enactment No: RES0057-2014

**Resolved**, that the Rochester Hills City Council hereby approves the Interlocal Service Agreement between the City of Rochester Hills and the City of Pontiac for Public Works and Fleet Services, and authorizes the Mayor to execute the agreement on behalf of the City.

**2014-0084** Request for Purchase Authorization - CLERKS: Blanket Purchase Order for monument/marker sales in the amount not-to-exceed \$50,000.00; Patten Monument Company, Comstock Park, MI

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

**Tina Barton**, City Clerk, noted that Monument and Marker sales are a pass-through account, with sales revenue covering expenses. She noted that last year's Blanket Purchase Order (BPO) of \$25,000 was exceeded and required a request for an additional \$25,000. The amount requested represents the total amount of last year's sales.

**Mr. Wiggins** questioned whether the City makes the purchase and resells the monuments.

**Clerk Barton** responded that it does.

**Mr. Wiggins** commented that the BPO has been with Patten Monument for quite a while.

**Mayor Barnett** noted that this provides full-service to families.

**Clerk Barton** added that people want the easiest way to handle this type of purchase during a difficult time.

**Mr. Tisdell** pointed out that the Cemetery Sexton assists the family with the order and ensures that the monument or marker meets the Cemetery's specifications.

**John Staran**, City Attorney, noted that the City has had issues with some oversized or uniquely designed markers and headstones. He commented that providing this service also affords the City some measure of control.

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

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

Enactment No: RES0058-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Patten Monument Company, Comstock Park, Michigan for Monument/Marker Sales in the amount not-to-exceed \$50,000.00 through December 31, 2014.

## COUNCIL COMMITTEE REPORTS

**Rochester Area Youth Assistance (RAYA):**

*Mr. Brown reported that RAYA's annual Youth Recognition Dinner is scheduled for March 25th, and their regular meeting is rescheduled to March 18th. He noted that RAYA is looking for youth mentors, and stated that those interested do not have to be Rochester Hills residents.*

**ANY OTHER BUSINESS**

*None.*

**NEXT MEETING DATE**

*Regular Meeting - Monday, March 17, 2014 - 7:00 p.m.*

**ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 11:01 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*TINA BARTON, Clerk  
City of Rochester Hills*

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

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