



# 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, Dale A. Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita,  
Mark A. Tisdell and Thomas W. Wiggins*

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

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

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Monday, February 9, 2015

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

**Present** 6 - Kevin S. Brown, Dale Hetrick, Adam Kochenderfer, Stephanie Morita, Mark A.  
Tisdell and Thomas W. Wiggins

**Absent** 1 - Greg Hooper

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Sean Canto, Chief of Fire and Emergency Services  
Sharanya Pai, Rochester Hills Government Youth Council Representative  
Tara Presta, Chief Assistant to the Mayor  
Keith Sawdon, Director of Finance  
Allan Schneck, Director of DPS/Engineering  
Leanne Scott, Deputy Clerk  
Joe Snyder, Senior Financial Analyst  
Bob White, Supervisor of Ordinance Services*

*President Hooper provided prior notice that he would be unable to attend.*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

## COUNCIL AND YOUTH COMMITTEE REPORTS

### Older Persons' Commission (OPC):

*Mr. Brown* announced that the OPC's annual fund raising event would be held on May 8, 2015. He noted that the donation to attend will remain \$150, which will benefit the Meals on Wheels program.

### Avondale Youth Assistance (AYA):

*Ms. Morita* announced that nominations for the AYA annual awards are due this coming Friday. She noted that information is available from the Clerk's Office or on her Facebook page.

### Rochester Hills Government Youth Council (RHGYC):

*Sharanya Pai*, RHGYC Representative, announced that the RHGYC's annual 5K will be held on Saturday, June 13, 2015, at Bloomer Park. She reported that the group recently volunteered at fund raising events for the Rochester Area Youth Assistance during the Downtown Rochester Fire and Ice Festival.

## PUBLIC HEARINGS

2015-0035 FY 2015 1st Quarter Budget Amendments

Attachments: [020915 Agenda Summary.pdf](#)  
[2015 - 1st Qtr BA - Overview.pdf](#)  
[2015 - 1st Qtr BA - Detail.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Joe Snyder*, Senior Financial Analyst, presented the 1st Quarter Fiscal Year 2015 Budget Amendments. He explained that the first quarter amendments typically contain the addition of projects which were carried over from the previous fiscal year and will be completed in the current fiscal year. He added that the amendments also include the budgetary impact of the recently-approved Fire Millage, increasing that portion of the millage from 1.9 to 2.7 mills. He noted that revenues are proposed to increase by \$4.9 million and expenses by \$7.9 million, resulting in a net increase in the use of Fund Balance by approximately \$3 million.

He explained that the largest part of the change in revenues is the result of an increase of \$2.3 million to the Fire Charter Millage. Revenues will also increase due to the anticipation of the receipt of SAW Grant funding in the amount of \$640,000, by \$440,000 from donations for the Calf Barn Phase II, and by \$1.5 million due to internal transfers within City department funds.

He noted that the proposed \$7.5 million increase in expenses is primarily due to three components, including an increase in Operating Expenses of \$2.4 million, \$1.5 million of which is the result of additional Fire staffing; \$710,000 allocated on

*the expense side for SAW Grant expenditures; and an increase in Capital Projects of \$4 million primarily comprised of projects not completed in the prior fiscal year. He mentioned that the three largest factors influencing the increase in Capital Projects are the Tienken Road stretches from Livernois to Rochester and from Adams to Livernois, right-of-way acquisition dollars needed for road projects, a fire ladder truck which was deferred to this year, and the financial system upgrade. Additionally, the Calf Barn Renovation will be undertaken this year, with offsetting revenues.*

*He pointed out that transfers increase by \$1.5 million, as the Capital Improvement Funds sends \$700,000 to the Water Resources Fund to implement the SAW Grant Program, and \$700,000 will be transferred into the Fire Capital Fund for future Fire Capital related expenditures.*

**Vice President Tisdell Opened the Public Hearing at 7:09 p.m.  
Seeing No Public Comment, Vice President Tisdell Closed the Public Hearing at 7:10 p.m.**

**Council Discussion:**

**Mr. Hetrick** questioned how the expenditures for the Calf Barn Project will be offset.

**Mr. Snyder** responded that the vast majority if not all of the funds needed were secured through private donations and fund raisers. He explained that \$440,000 will be entirely offset by donations generated and received, and as expenses are incurred, the City will request reimbursement from the Community Foundation of Greater Rochester.

**Mr. Hetrick** questioned where the Tienken Road right-of-way acquisition funds appear in the amendment.

**Mr. Snyder** responded that the Tienken Road item under consideration later in tonight's agenda will actually affect the 2014 budget. He noted that while the invoice for the acquisitions was received in mid-January, it was incurred for 2014 work, and will affect last year's financial statements.

**Mayor Barnett** noted that community donations were first secured for the Calf Barn to ensure that the City would be able fund the project. He explained that expenses will be reimbursed from the Community Foundation as they are incurred, and he stated that the project should be completed by sometime in mid-March or April.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0021-2015

**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 2015 1st Quarter Budget Amendments was noticed on January 22, 2015; and

**Whereas**, the proposed FY 2015 1st Quarter Budget Amendments were available for public viewing beginning on January 30, 2015; and

**Whereas**, at its February 9, 2015 meeting City Council held a Public Hearing on the proposed FY 2015 1st Quarter Budget Amendments.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council hereby approves the following FY 2015 fund totals as amended:

FUND	2015 Current Budget	Net Change	2015 Proposed Budget
Fund 101 – General Fund	\$ 24,626,600	\$ 64,600	\$ 24,691,200
Fund 202 – Major Road Fund	10,041,040	1,646,270	11,687,310
Fund 203 – Local Street Fund	10,265,970	114,700	10,380,670
Fund 206 – Fire Fund	7,618,230	2,236,280	9,854,510
Fund 207 – Special Police Fund	9,498,320	-	9,498,320
Fund 213 – RARA Millage Fund	590,780	-	590,780
Fund 214 – Pathway Millage Fund	564,100	55,610	619,710
Fund 232 – Tree Fund	60,580	-	60,580
Fund 244 – Water Resources Fund	508,700	710,000	1,218,700
Fund 265 – OPC Millage Fund	997,970	-	997,970
Fund 299 – Green Space Millage Fund	1,079,910	-	1,079,910
Fund 313 – Street Improvement Bond – 2001 Series Fund	273,160	-	273,160
Fund 314 – SAD Street Improvement Bond – 2001 Series Fund	274,980	-	274,980
Fund 331 – Drain Debt Fund	202,290	-	202,290
Fund 369 – Older Persons Building Bond Refunding Fund	773,840	-	773,840
Fund 393 – Municipal Building Refunding Bond – 2010 Series Fund	790,870	-	790,870
Fund 394 – Local Street Refunding- 2011 Series Fund	494,820	-	494,820
Fund 402 – Fire Capital Fund	2,755,770	652,780	3,408,550
Fund 403 – Pathway Construction Fund	407,800	298,880	706,680
Fund 420 – Capital Improvement Fund	2,426,620	710,000	3,136,620
Fund 510 – Sewer Operations	15,455,560	-	15,455,560
Fund 530 – Water Operations	18,282,050	-	18,282,050
Fund 593 – Water & Sewer Capital Fund	11,939,320	285,070	12,224,390
Fund 595 – Water & Sewer Debt Fund	1,541,040	-	1,541,040
Fund 631 – Facilities Fund	12,440,670	515,000	12,955,670
Fund 636 – MIS Fund	2,203,760	600,000	2,803,760
Fund 661 – Fleet Fund	3,235,030	24,850	3,259,880
Fund 677 – Insurance Fund	417,180	-	417,180
Fund 736 – Retiree Health Care Trust	137,390	-	137,390
Fund 752 – Cemetery Perpetual Care Fund	-	-	-
Fund 761 – Green Space Perpetual Care Trust	-	-	-
Fund 843 – Brownfield Redevelopment Fund	-	-	-
Fund 848 – LDFA Fund	323,450	-	323,450
Fund 851 – SmartZone Fund	85,000	-	85,000
Fund 870 – Museum Foundation Trust Fund	3,000	-	3,000
Fund 893 – EDC Fund	720	-	720
<b>GRAND TOTAL</b>	<b>\$ 140,316,520</b>	<b>\$ 7,914,040</b>	<b>\$ 148,230,560</b>

## PLANNING AND ECONOMIC DEVELOPMENT

**2014-0502** Request for Conditional Use Approval for a drive-through at a proposed Taco Bell located west of Crooks and south of Avon Industrial, a 2,159 square-foot restaurant on .63 acres, zoned B-3, Shopping Center Business, Guggenheim Retail Real Estate Partners, Applicant

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Staff Report 011615.pdf](#)  
[Map Aerial.pdf](#)  
[EIS.pdf](#)  
[Floor Plans.pdf](#)  
[Site Plan.pdf](#)  
[Minutes PC 012015.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, introduced Kurt Overmeyer, Guggenheim Retail Real Estate, in attendance representing the Applicant. He explained that tonight's request for Council consideration is for a drive-through at a new Taco Bell to be constructed on Crooks Road north of M-59 and south of the Shell Gas Station and Al's Auto Wash. He pointed out that the property is slightly less than an acre, and previously had a driveway access. He mentioned that extensive landscaping is proposed, and he noted that the Road Commission for Oakland County (RCOC) has approved a four-way turn movement from the driveway access. He added that a cross access is being sought to connect the property to Avon Industrial Drive, and he noted that staff is meeting with the RCOC to explore this possibility.

**Mr. Overmeyer** presented renderings showing the proposed building elevations and views from the site entrance.

**Public Comment:**

**Scot Beaton**, 655 Bolinger, noted that the Rochester Road Taco Bell is one of the busiest in North America; and he stated that the new Taco Bell will be an excellent addition to Rochester Hills.

**Council Discussion:**

**Ms. Morita** questioned why the driveway is not being placed across from the driveway for the BFD Restaurant.

**Mr. Anzek** responded that it was determined that the offset distances were not that significant. He explained that the intention is to keep the driveway as far away from the M-59 entrance ramp as possible.

**Ms. Morita** questioned whether a Traffic Impact Study was undertaken with respect to the proposed placement of the drive versus aligning it with the drive across Crooks.

*Mr. Anzek* responded that the RCOC made the decision on the placement and has not recommended a relocation or removal of the driveway.

*Ms. Morita* questioned whether there are any problems anticipated with traffic exiting the BFD driveway. She commented that exiting the property during rush hour can be difficult, and with this addition it could be much more unmanageable.

*Mr. Anzek* responded that the Planning Commission discussed this at length and staff has spoken with the RCOC with regard to cross-access.

*Ms. Morita* questioned where staff was in the discussions and whether any pushback from the RCOC was anticipated.

*Mr. Anzek* responded that while the RCOC does not favor the cross-access, he believes that it will be a solution to traffic concerns.

*Mr. Wiggins* commented that he has the same concerns over traffic access, and noted that Crooks Road can be very busy. He stated that obtaining cross-access would be a great idea.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0022-2015

**Resolved**, that the Rochester Hills City Council hereby approves a Conditional Use for a drive-through at Taco Bell, located west of Crooks and south of Avon Industrial, a 2,159 square-foot restaurant on .63 acres, zoned B-3, Shopping Center Business, Parcel No. 15-29-276-005, based on plans dated received by the Planning and Economic Development Department on December 22, 2014, Guggenheim Retail Real Estate, Applicant, with the following findings and subject to the following condition.

Findings:

1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The expanded use will promote the intent and purpose of the Zoning Ordinance.
3. 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.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
5. 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.

6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. 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.

Condition:

1. The Conditional Use shall be applied to the Taco Bell operation only.

**2012-0158** Request for Conditional Use Approval - To construct a drive-through at the west end of The Walton Shoppes, a 22,880 square-foot retail center on a 6.33-acre portion of the development at 1200 Walton Blvd., east of Livernois, zoned B-2, General Business, Tower Construction, LLC, Applicant

Attachments: [020915 Agenda Summary.pdf](#)  
[Map Aerial.pdf](#)  
[PC Reconsideration Memo Walton Shoppes Drive Thru 1-20-15.pdf](#)  
[Jonna Updated Plans Memo 011415.pdf](#)  
[Letter Armstrong 010915.pdf](#)  
[Letter Labadie 011915.pdf](#)  
[WALTON SHOPPES RETAIL 011515-SUPPLEMENT LANDSCAPE PLAN \(AERIAL\).pdf](#)  
[WALTON SHOPPES RETAIL 011515-SUPPLEMENT LANDSCAPE PLAN.pdf](#)  
[Staff Report 121214.pdf](#)  
[Site Plans.pdf](#)  
[Minutes PC 121614.pdf](#)  
[Minutes PC 012015.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, explained that the Applicant is proposing a drive-through facility added to the western side of a newly constructed building that opened early in the summer of 2014. He introduced Arkan Jonna, representing A.F. Jonna Development and Management Company, the Applicant. He noted that when the Applicant came before the Planning Commission in December, the Commission expressed concerns and recommended denial. Subsequent to that recommendation, Mr. Jonna met with the residents and with City staff and requested a reconsideration after he developed a more intense landscape plan which also added speed bumps and addressed concerns regarding the dumpster. The Planning Commission recommended approval under the reconsideration by a vote of six to two.

He pointed out that 33 additional trees are included, and stated that Mr. Jonna expressed that even if it takes 50 trees to fill in the gap, he would be willing to plant them. He noted that the area directly north of Walgreens is not under Mr. Jonna's control; however, Mr. Jonna expressed that he would participate with Walgreens to address concerns. He mentioned that Walgreens' Real Estate Division has been eliminated and it has not been yet determined who should be contacted. He mentioned that the City has a code enforcement file opened regarding the dead trees.

*Mr. Anzek noted that the City's Traffic Engineer has reviewed the proposal to determine that it would not conflict with Walgreens.*

*Mr. Jonna mentioned that neighbors' concerns regarding the trash receptacle were addressed. He explained that the compactor on site is farther to the east for the use of all tenants. He commented that stock and delivery staff would leave the gates open; and to address this, it is proposed to cut a walk-through hole in the side wall and keep the large access doors locked at all times. He explained that only those accessing the receptacle to empty it would have keys.*

**Council Discussion:**

*Mr. Kochenderfer noted that he has received complaints from residents adjacent to the Walgreens regarding noise, dead trees, and nuisance from the trash receptacles. He commented that while he knows there is much that went into the plan, he would question whether there would be any gaps at all in the proposed landscape buffer.*

*Mr. Anzek responded that he would hope that there will not be any visual gaps. He pointed out that there is an existing access drive to a retention basin and noted that trees will be staggered there. He explained that the Planning Commission directed Staff to work with Mr. Jonna to review the site and drive stakes to direct the planting activities and create a green wall.*

*Mr. Kochenderfer noted that ensuring a buffer is critical. He questioned whether the trash receptacle shown on the plans is already in existence or is proposed.*

*Mr. Anzek responded that it is existing. He pointed out that three trees are to be added for screening the receptacle.*

*Mr. Kochenderfer encouraged staff to ensure the screening is complete.*

*Mr. Wiggins questioned whether the speaker will be quiet and if lighting will be a nuisance.*

*Mr. Anzek responded that the order board is on the building itself and will not be separate or close to the residences. He pointed out that the speaker box is actually farther south than Walgreens' speaker and will be directed away from residences. He noted that no overhead lighting is proposed and noted that the fixtures will be low-level ground units to ensure that drivers do not hit the curb lanes. He mentioned that a sidewalk was originally proposed; however, the traffic study recommended its removal to ensure that the pedestrians do not mix with cars.*

*Mr. Wiggins questioned whether there are any traffic concerns behind the building.*

*Mr. Anzek responded that while residents raised concern on drivers cutting through behind the building, he noted little cut-through traffic during the time he observed the development. He stated that the developer is offering to install a speed*



*hump in the area, and he noted that the Traffic Engineer will determine where it would be best placed.*

**Mr. Wiggins** questioned what would happen if approval is granted and the developer determines that a speaker box is warranted.

**Mr. Anzek** responded that no user is lined up as yet. He commented that if noise gets out of hand, staff will be having conversations with the developer.

**Mr. Hetrick** noted that the hours of operation for the drive-through will be limited. He requested Mr. Anzek elaborate on how the developer will coordinate and collaborate with Walgreens to ensure that the developments are consistent. He commented that it appears that concerns expressed in a letter from the Applicant's traffic consultant, Michael Labadie of Fleis & Vandenbrink, had been addressed.

**Mr. Anzek** noted that the City's Code Enforcement has an established file regarding the dead trees. He commented that staff has notified the Planning Department, which in turn contacted Mr. Jonna. He stated that the developer is expected to pay for the trees that have died. He mentioned that the original plan was approved in 2006, and the landscaping should grow into a healthy screen. He mentioned that the very tall pines near the driveway were a part of the original screening when the previous mall was built, and he noted that they are now dying off. It was hoped that the screening planted in 2005 and 2006 would grow into an adequate screen; however, some gaps exist. He explained that efforts will be coordinated between Code Enforcement, Walgreens and Jonna to undertake the landscape all at once. He stated that the Planning Commission took Mr. Labadie's points into consideration, noting that his letter requested the elimination of the walkway and additions of proper signage including stop signs for pedestrians.

**Mr. Hetrick** stated that he would assume that feedback from a residents' forum drove some of the changes.

**Mr. Jonna** commented that resident comments centered around screening and concerns regarding the trash receptacle. He stated that he was not aware of the dead trees and commented that he will work to replace trees and fill the holes.

**Mr. Brown** questioned the project's timing and if the developer is looking to receive approval to attract a tenant.

**Mr. Jonna** responded that at one time Tropical Smoothie was a prospective tenant. He explained that the smoothie shop originally did not wish to wait for drive-through approval and did not sign a lease. He noted that they have approached him again in the past two weeks and again expressed interest.

**Mr. Brown** noted that if approved this will be the third drive-through in the area, noting that Walgreens and the adjacent bank both have drive-throughs.

**Mr. Anzek** responded that this was one of the concerns expressed by the Planning Commission, and was the reason why they recommended the limiting of the hours of operation from 7:00 a.m. to 10:00 p.m.

**Mr. Jonna** responded that his company owns other properties, and stated that this will be a drive-through for a beverage place. He noted that at his other properties containing Starbucks in Grand Blanc and Clawson he did not think that they ever had ten cars stacked up even during busy times.

**Mr. Brown** commented that limiting the hours of operation will help.

**Mr. Tisdell** noted that rather than dictating an exact number of trees to be planted, Mr. Jonna has agreed to work with the Planning Department to arrive at a positive end result for screening rather than a fixed number of trees.

**Mr. Anzek** confirmed that was accurate, noting that while the plan shows 33 trees, Mr. Jonna has expressed that if it takes as many as 50 trees for proper spacing and screening, he would agree to plant them.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0023-2015

**Resolved**, that the Rochester Hills City Council hereby approves a Conditional Use to construct a drive-through for the west end tenant of the Walton Shoppes, a 22,880 square-foot retail center located at 1200 Walton Blvd., east of Livernois, north of Walton Blvd., Parcel No. 15-10-351-081, zoned B-2, General Business with an FB-3, Flexible Business Overlay, based on plans dated received by the Planning and Economic Development Department on November 14, 2014, with an updated Landscape Plan dated received January 15, 2015, Arkan Jonna, A. F. Jonna Development Company, with the following findings and subject to the following condition:

Findings:

1. The proposed drive-through meets the standards of the Zoning Ordinance.
2. The new drive-through will promote the intent and purpose of the Zoning Ordinance for the FB-3 district.
3. With the addition of the updated landscaping plan, the proposed drive-through 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 land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by expanding the options for dining services.
5. The proposed drive-through should generate no net impact on public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.

6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. With the addition of updated landscaping plan, 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.

Condition:

1. Hours of operation of the drive-through shall be limited from 7:00 a.m. to 10:00 p.m.

## **PUBLIC COMMENT for Items not on the Agenda**

**Shawn Ciavattone**, District Director for State Senator Marty Knollenberg, introduced himself and stated that his goal is to visit every Council and Board in his District. He commented that while the Senator holds office hours in Rochester Hills, anyone wishing to contact the Senator's staff should call 517-373-2523. He added that the Senator's office is at 520 Farnum Building in Lansing. He announced that Governor Rick Snyder is unveiling his budget this week and commented that he hopes that the next time he visits he will be able to report on the budget.

**Scot Beaton**, 655 Bolinger Street, expressed his thanks to DPS staff for the great job they did in clearing the snow from the big snowstorm. He commented that he wished the City had a better way to get the word out about snow emergencies. He stated that anyone wishing to serve on City Council or run for the Mayor's seat should attend Council meetings and use the microphone to get their names out to the public. He encouraged anyone thinking of running for office to read the City Charter and study the Budget.

**Lee Zendel**, 1575 Dutton, stated that a recent Facebook post by Mayor Barnett highlighted the City's accomplishments for 2014 and goals for 2015, including to improve communications with residents. He suggested that the City consider allowing public comment or comment on agenda items by webcam.

## **CONSENT AGENDA**

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

**2015-0038** Approval of Minutes - City Council Special Meeting - January 5, 2015

Attachments: [CC Special Mtg Min 010515.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0024-2015

**Resolved**, that the Minutes of a Rochester Hills City Council Special Meeting held on January 5, 2015 be approved as presented.

**2015-0039** Approval of Minutes - City Council Special Meeting - January 6, 2015

**Attachments:** [CC Special Mtg Min 010615.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0025-2015

**Resolved**, that the Minutes of a Rochester Hills City Council Special Meeting held on January 6, 2015 be approved as presented.

**2015-0040** Approval of Minutes - City Council Regular Meeting - January 12, 2015

**Attachments:** [CC Min 011215.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0026-2015

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 12, 2015 be approved as presented.

**2015-0049** Request for Acceptance of Pedestrian-Bicycle Pathway Easement, Temporary Easement, and Driveway Grading License granted by George R. Felice and Joyce Lynn Felice, 2825 Tienken Road, Rochester Hills, Michigan 48309, and authorization of payment to the landowners in the amount of \$1,900.00

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Driveway Grading License.pdf](#)  
[Pathway Easement.pdf](#)  
[Temporary Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0027-2015

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement, Temporary Easement, and Driveway Grading License granted by George R. Felice and Joyce Lynn Felice, of 2825 Tienken Road, Rochester Hills, Michigan 48309, over, on, under, through and across land more particularly described as Parcel No. 15-08-100-003, and authorizes payment to the landowners in the amount of \$1,900.00.

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

**2015-0050** Request for Acceptance of Highway Easement and Temporary Construction Easement granted by Rochester-Hamlin Retail Center, L.L.C., a Michigan Limited Liability Company, 50 W. Hamlin Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Temporary Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0028-2015

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Highway Easement and Temporary Construction Easement granted by Rochester-Hamlin Retail Center, L.L.C., a Michigan Limited Liability Company, of 50 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-030, and authorizes payment to the landowners in the amount of \$1.00.

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

- 2015-0051** Request for Acceptance of Pedestrian-Bicycle Pathway Easement granted by Nichols Investment Properties, L.L.C., a Michigan Limited Liability Company, for vacant property, identified as Parcel No. 15-24-401-041, Rochester Hills, Michigan 48307, and authorization of payment to the landowners in the amount of \$5,000.00

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Pathway Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0029-2015

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a granted by Pedestrian-Bicycle Pathway Easement granted by Nichols Investment Properties, L.L.C., a Michigan Limited Liability Company, for vacant property, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-24-401-041, and authorizes payment to the landowners in the amount of \$5,000.00.

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

- 2015-0027** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for 2015 Landscaping and Lawn Mowing Services for City-owned sites in the amount not-to-exceed \$80,000.00 through December 31, 2015; Green Meadows Lawnscape, Inc., Shelby Township, MI

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0030-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Green Meadows Lawnscape, Inc., Shelby Township, Michigan for 2015 Landscaping and Lawn Mowing Services for City-owned sites in the amount not-to-exceed \$80,000.00 through December 31, 2015.

**2015-0041** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for on-call electrical contractor services in the amount not-to-exceed \$40,000.00; Design & Quality Electric, Inc., Rochester, MI

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0031-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Design & Quality Electric, Inc., Rochester, Michigan for on-call electrical contractor services in the amount not-to-exceed \$40,000.00 through December 31, 2016.

**2015-0052** Request for Purchase Authorization - BUI/FAC: Increase to Blanket Purchase Order for Phone System Maintenance Contract in the amount of \$14,750.00 for a new not-to-exceed amount of \$36,000.00 through August 31, 2015; Suntel Services, Troy, MI

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0032-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Suntel Services, Troy, Michigan for Phone System Maintenance Contract in the amount of \$14,750.00 for a new not-to-exceed amount of \$36,000.00 through August 31, 2015.

## Passed the Consent Agenda

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Mr. Kochenderfer expressed his appreciation to those who came out for the meeting. He thanked Mr. Zendel for his comments on engaging more public input via allowing webcam comments; and he stated that this is an idea he would like to explore further with staff. He noted that while he senses there are logistical issues with allowing web cam commentary, this is an innovative idea.*

**Mr. Wiggins** expressed his thanks to Allan Schneck, Director of DPS/Engineering, and his staff for their work in clearing the roadways during the recent storm.

**Mayor Barnett** displayed photographs of the snowstorm that occurred on Super Bowl Sunday. He noted that information on snow emergencies not only appear on the City's website, but also on Rochester Hills Television, the City's web application, Twitter feed, Facebook page, and the electronic sign in front of City Hall. He explained that much of the information can be updated remotely. He commented that with social media, information can get out much better than it used to.

He commented that the City called off the snow emergency on Tuesday at noon, and he mentioned that the City received more compliments than complaints about snow removal. He stated that most of the DPS team worked 16-hour shifts, with eight hours off for rest in between. He pointed out that snow removal expenses are about one-half of last year, as to date the City has had 36 inches of snow versus 94 last year in total.

He mentioned several events that recently happened, including:

- Last Friday, EEI Global celebrated its ten-year anniversary in the City.
- A new location for Dunham's Sporting Goods opened at Hamlin and Rochester Roads.
- Fresh Thyme Market will be opening soon in that same shopping center.
- Rochester Taphouse will be opening in the former Luca's Chophouse location.
- The Rochester Hills Fire Department held a Recognition/Awards Night to honor several individuals last Friday.
  - \* Paid-on-Call Captain Steve Sebert received the Benjamin Franklin Fire Service Leadership Award.
  - \* Lieutenant Bill Cook received the Mark Belkoff Officer of the Year Award.
  - \* Firefighter/Paramedic Rich Markovitch was named Firefighter of the Year.
  - \* Firefighter/Paramedic Rick Welch received the EMS Provider Award.
  - \* Community members Linda Raschke and Lee Zendel shared the Spirit of Volunteerism and Community Service Award for their work in promoting the successful Fire Millage.
- The Boy Scouts hosted a successful Fish-O-Ree at Spencer Park with 600 in attendance.
- The Spencer Park was also host to a hockey tournament.
- Oakland University and Rochester College Hockey Teams participated in this year's Battle for the Jug Hockey Tournament at the Onyx Ice Arena. The winning team from Rochester College will attend the next Council Meeting to lead the Pledge of Allegiance.
- City Offices will be closed Monday, February 16th in observance of Presidents' Day.

## ATTORNEY'S REPORT

None.

## NOMINATIONS/APPOINTMENTS

**2015-0031** Nomination/Appointment of one (1) Citizen Representative to the Public Safety and Infrastructure Technical Review Committee, to fill the unexpired term of Dale A. Hetrick ending December 31, 2015

**Attachments:** [Suppl 020915 Agenda Summary \(Revised\).pdf](#)  
[020915 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Brown CQ.pdf](#)  
[Suppl Chambers CQ.pdf](#)  
[Duda CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Moore CQ.pdf](#)  
[Paurazas CQ.pdf](#)  
[Price CQ.pdf](#)  
[Schroeder CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Vice President Tisdell Opened the Floor for Nominations.**

*Mr. Brown* nominated Donald Price. He noted that Mr. Price was one of the applicants for the vacant City Council seat; and he stated that he was glad to see that he has taken Council's advice to become involved. He commented that he could not serve on a more important committee.

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

**Vice President Tisdell** asked for a motion to appoint Mr. Price to the Public Safety and Infrastructure Technical Review Committee to fill the seat vacated by Mr. Hetrick's appointment to Council.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0033-2015

**Resolved**, that the Rochester Hills City Council appoints Donald Price to the Public Safety and Infrastructure Technical Review Committee, to fill the unexpired term of Dale A. Hetrick ending December 31, 2015.

## NEW BUSINESS

**2015-0053** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Classic Boosters Club, Inc.



**Attachments:** [020915 Agenda Summary.pdf](#)  
[Cover Letter.pdf](#)  
[Bylaws.pdf](#)  
[Articles of Incorporation.pdf](#)  
[IRS Determination Letter.pdf](#)  
[Form 990.pdf](#)  
[Board of Directors.pdf](#)  
[Organization Summary.pdf](#)  
[Board Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Natalie Luyckx**, President of Classic Booster Club, Inc., explained that their organization is a parent booster club for the Gymnastic Training Center of Rochester Hills (GTC). She noted that GTC has been in existence for 33 years and the booster club for 25 years. She noted that children from over 100 families are on the competitive team and supported by the boosters; and mentioned that GTC also offers recreational gymnastics to the community. She stated that the group seeks the license in order to hold a 50/50 raffle.

**Vice President Tisdell** questioned whether the group has had nonprofit status for many years.

**Ms. Luyckx** responded that it has, and stated that the club was recently recognized by the State Attorney General as a charitable organization. She stated that the organization is all volunteer, has no paid staff, and 100 percent of the funds raised go to the charity. She commented that gymnastics is an expensive sport and the charity allows children who otherwise would not be able to afford to compete the chance to participate.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0034-2015

**Resolved**, that the request from the Classic Boosters Club, Inc., located at 1813 Northfield Drive, Rochester Hills, MI 48309, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

## APPROVAL OF AGENDA

**2015-0070** Resolution to clarify the discrepancy between the paper and electronic version of the agenda to ensure the inclusion of Legislative File 2014-0368 Resolution to Extend Oil and Gas Well Drilling Moratorium

*Council Members noted that the online agenda appearing on Council's computers did not match the published paper agenda, and a Legislative File 2014-0368 Resolution to Extend the Oil and Gas Drilling Moratorium was missing from the online version.*

*Upon discussion, Council members noted that they had received an agenda*

with the file included, had the opportunity to review it, and expected its inclusion this evening. **Deputy Clerk Leanne Scott** confirmed that the agenda distributed and posted for the public contained the file. Members of the public in attendance acknowledged that the agendas they had viewed contained the file.

As it was determined that only the electronic version of the agenda on display was incorrect and the item was intended to be included, **Ms. Morita** questioned whether a motion should be offered to approve an amended agenda with the missing file added. She commented that the approval of the agenda at the beginning of the meeting with the file's omission from the online version might be construed to mean that Council did not approve its inclusion this evening.

Upon further discussion, it was determined that a motion to clarify the agenda to include the file was warranted.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0040-2015

**Resolved**, that the Rochester Hills City Council acknowledges Legislative File 2014-0368 Resolution to Extend Oil and Gas Well Drilling Moratorium was published and included in the paper distribution of the agenda and hereby clarifies that it is made part of the electronic agenda this evening.

## NEW BUSINESS

**2014-0368** Resolution to Extend Oil and Gas Well Drilling Moratorium

**Attachments:** [020915 Agenda Summary.pdf](#)  
[082614 Agenda Summary.pdf](#)  
[082614 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Vice President Tisdell** noted that the moratorium which became effective on August 26, 2014 is set to expire on February 26, 2015.

**Public Comment:**

**Philip Barker**, 1434 Burhaven, requested Council approve the moratorium extension for an extended period of time, citing the example of a Boulder County, Colorado moratorium in place for 3.5 years. He commented that it is moot to ask the Michigan Attorney General's Office for an opinion when they will not provide advice on local Ordinances. He commented that Home Rule can dictate where drilling is allowed. He suggested language prohibiting specific activities be added to the proposed resolution to extend the moratorium which he stated would strengthen it.

**Erin Howlett**, 3597 Aynsley, commented on the Planning Commission meeting noting that not all residents questions were addressed by the Michigan

Department of Environmental Quality (MDEQ) staff. She stated that while she is happy to see the moratorium up for an extension, she is concerned that the last paragraph of the resolution reads like an open invitation for anyone objecting to it to challenge it.

**James Lewis**, 3223 Parkwood, requested Council extend the moratorium, noting that the City does not have a risk management plan in place for the risks associated with oil and gas exploration in populated areas of Rochester Hills. He commented that a safety zone of 450 feet is inadequate. He expressed concern over the City's financial liability and stated that should an accident occur, both the oil company and the landowners granting the mineral rights could be sued.

**Scot Beaton**, 655 Bolinger, stated that during the building boom of the 1990s, Rochester Hills did not have woodlands or historic district ordinances. He noted that these ordinances were subsequently developed; and he stated that the City should follow the lead of other communities and develop oil and gas ordinances.

**Joe Doyle**, 1446 Burhaven, stated that a risk analysis should be undertaken similar to that which goes into a business decision. He mentioned that Auburn Hills calls for a 1,000 foot setback and Dallas has a 1,500 foot setback.

**Phillip Barker**, 1434 Burhaven, cited information he found on the Harvard Law website which acknowledge conflicts between state and local authorities regarding Home Rule. He commented that ordinances regulating where something can occur is more likely to be held than ordinances regulating how. He stated that zoning restrictions are more likely to be upheld along with ordinances that address areas of municipal concern such as light, dust and traffic. He mentioned that Auburn Hills adopted ordinances to permit activities only in light industrial, general and heavy industrial districts, and not within 1,000 feet of residential-zoned buildings, religious institutions, schools, child care facilities or hospitals. He added that injection wells used for brine disposal are prohibited in Auburn Hills. He stated that Rochester Hills is currently wide open with no zoning limitations.

**Vice President Tisdell** stated that City Attorney John Staran has repeatedly told Council that a six-month-long moratorium is a finite time that is known to be upheld by courts. He noted that there have not been any drilling permits issued in Rochester Hills, nor have there been any developmental leases signed within Rochester Hills. He commented on the recent Planning Commission meeting, noting that Commissioners and the public submitted their questions ahead to the MDEQ to allow for information to be gathered for presentation at the meeting. He noted that the 450-foot setback is a MDEQ rule that applies to cities with a population of 70,000 or more. He noted that a November 2012 white paper produced by Attorney James Olson, of the organization For the Love of Water (FLOW), which noted that Michigan cities, counties and townships are specifically and expressly prohibited from regulating drilling site selection and completion; however, they can regulate flow lines or gas lines, traffic, dust, noise and other nuisances. He mentioned the Auburn Hills regulations, noting that Auburn Hills has one-third of Rochester Hills' population, with a significant portion zoned industrial, and has received assurance that the restrictions will stand.

*He commented that Ed Anzek, Director of Planning and Economic Development, did a great job presenting information at the Planning Commission meeting that showed that there are very few sites in Rochester Hills that are not affected by current State regulations and setbacks; and he noted that even those sites are not suitable for drilling. He listed Pine Trace Golf Course, Great Oaks Golf Course, and former landfills; however, he noted that the MDEQ is not aware of any landfills where drilling activities have taken place. He added that there is an area on Oakland University's property out of the City's jurisdiction along with small pockets of wetlands which are sensitive areas requiring more scrutiny by the MDEQ, that have a very low probability that drilling activities will occur. He noted that while the City did sign a mineral rights lease for several City-owned properties, the lease specifically prohibits surface activities.*

**Council Discussion:**

**Mr. Brown** mentioned that the City experienced a disaster event when a tornado came through its northern region last summer, and he commented that it would be interesting to note whether Auburn Hills or any existing communities with active well sites have disaster plans. He stated that the city is a long way away from having any active drilling sites; however, it would be prudent to look into other communities' disaster plans.

**Mr. Hetrick** commented that risks are being addressed and nuisance control added to ordinances as they are being developed by the Planning Commission; and Auburn Hills and Rochester versions are under review for relevant information.

**Mr. Kochenderfer** stated that it is his understanding that drilling permits come from the State. He commented that the City Attorney has instructed Council that a six-month moratorium would be upheld because the City is working toward developing ordinances. He mentioned that the City is monitoring case law and regulations from the MDEQ. He stated that the City wants to get ordinances on the books as soon as possible.

**Ms. Morita** stated that one of her campaign promises was that she would never merely agree with others on the dais. She pointed out that the City has two new representatives in the State Legislature, State Representative Michael Webber and State Senator Marty Knollenberg, who are both aware of what the community is dealing with; and she noted that she is receiving feedback from them that they are working on proposing new laws that would hopefully provide cities and townships with more protections. She commented that while the moratorium is a good thing, she hopes that the City can tie the moratorium to new legislation to provide the City with more protection as well. She asked resident Philip Barker to email his comments to her.

**Mr. Wiggins** stated that he is anxious to get Ordinances on the books as well to balance the risk and reward.

**Mayor Barnett** stated that the purpose of the moratorium is to allow Council and the Administration to work through the ordinance process. He pointed out that Shelby Township passed a three-month extension, and commented that this extension is not inconsistent with that. He stated that Mr. Lewis' comments were spot on, and noted that Council is hoping for legislative assistance. He commented that Council is after the most strictest and most restrictive ordinance it can put into place that will be enforceable, and noted that the moratorium is a continuation of the process.

**Vice President Tisdell** read the resolution extending the moratorium.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0035-2015

**Whereas**, at a special meeting held on August 26, 2014, the Rochester Hills City Council adopted Resolution No. RES0190-2014 establishing a six (6) month moratorium, through February 26, 2015, on the consideration, review or action by any City boards, departments, officials, employees and/or agents on applications, proposals, requests, permits, approvals, zoning compliance or certificates regarding oil and gas well siting and drilling operations in the City, and that during the moratorium period, no oil and gas well siting or drilling shall be allowed to take place in the City; and

**Whereas**, the purposed of the moratorium was to allow time, while maintaining the status quo, for the state legislative process to proceed regarding Senate Bill 1026; and also for the City to further study, consider and adopt, within the confines of applicable state and federal law, appropriate local regulations of oil and gas well siting and drilling in the City; and

**Whereas**, the City Council's moratorium resolution also directed the City's Planning Commission to consider, develop and recommend to City Council local ordinances to regulate oil and gas well siting and drilling, pipelines and other aspects of oil and gas exploration, development, processing and transport as determined to be appropriate, necessary and lawful to protect and balance property rights; protect, preserve and conserve our environment, natural resources and community character and values, and to protect and promote the public health safety and general welfare of the City and its residents; and

**Whereas**, although Senate Bill 1026 has apparently failed to garner enough support to be enacted, the City's Planning Commission continues to study, consider and develop appropriate local regulations on oil and gas exploration and development and has held public meetings including a recent public hearing with presentations from MDEQ officials and questions from residents; and

**Whereas**, the City Council, at its regular meeting on December 15, 2014, also authorized the Mayor to request an opinion from the Michigan Attorney General clarifying what powers cities have to regulate oil and gas development through local zoning; and

**Whereas**, it appears the Planning Commission's work and the City Council's consideration of the Planning Commission's recommendation and proposed local regulations will not likely be completed before the current moratorium expires on February 26 and additional time is needed, and

**Whereas**, upon information and belief, there are no pending applications filed with the City or State to drill or site an oil or gas well in the City that will be affected by an extension of the current moratorium.

**Therefore, It Is Resolved**, that the moratorium established on the consideration, review or action by any City boards, departments, officials, employees and/or agents on applications, proposals, requests, permits, approvals, zoning compliance or certificates regarding oil and gas well siting and drilling operations in the City is hereby extended an additional six (6) months, through August 26, 2015, and that during the moratorium period, no oil and gas well siting or drilling shall be allowed to take place in the City.

**It Is Further Resolved**, that the Rochester Hills City Council directs the City Planning Commission to continue, with all due diligence, to consider, develop and recommend to City Council local ordinances to regulate oil and gas well siting and drilling, pipelines and other aspects of oil and gas exploration, development, processing and transport as determined to be appropriate, necessary and lawful to protect and balance property rights; protect, preserve and conserve our environment, natural resources and community character and values, and to protect and promote the public health safety and general welfare of the City and its residents.

**It Is Further Resolved**, that any property owner or lessee aggrieved by this moratorium may request an opportunity to be heard by City Council and to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate federal or state law.

- 2012-0077** Request for Purchase Authorization - DPS/ENG - Authorization of Payment for the Cost Participation Agreement for right-of-way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$591,282.13; Road Commission for Oakland County

**Attachments:** [020915 Agenda Summary.pdf](#)  
[RCOC Invoice 012015.pdf](#)  
[031912 Agenda Summary.pdf](#)  
[Ref LF#2009-0203.pdf](#)  
[RCOC Cost Participation Agreement.pdf](#)  
[MDOT Agreement with RCOC.pdf](#)  
[031912 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, explained that the City's share of the Tienken Road right-of-way costs were originally estimated during the development of the Environmental Assessment, where the Federal Highway Administration reviews the proposed project's impacts to properties. Once the alignment of the roadway is approved, and the negotiation and acquisition process begins, the actual costs are determined. Acquisition costs are \$4.6 million, with Federal Aid in the amount of \$2.7 million. As a part of the tri-party agreement for the project, the costs are allocated between the Road Commission for Oakland County, Oakland County, and the City. Tonight's request is to approve the City's equal share of right-of-way costs.

**Public Comment:**

**Scot Beaton**, 655 Bolinger, noted that the request is for an additional \$600,000, which will be coming out of the Major Road budget which will not be able to be used for maintenance. He questioned whether the goal is to have a 120-foot right-of-way when the project is completed, and noted that this is also the right-of-way required for a five-lane highway.

**Mr. Schneck** responded that right-of-way is also required for pathway easements and utility grading. He stated that the City places its assets within those easements. He commented that he would confirm whether the right-of-way is actually 120-feet wide.

**Vice President Tisdell** noted that Tienken Road east of Livernois was designed for three lanes in exchange for including a roundabout at the Livernois intersection. He questioned what the possibility would be for coming back with a five-lane road and a roundabout.

**Mr. Schneck** responded that the original plan for that stretch of road was for a five-lane road and a conventional signal at Livernois. He noted that when the Federal Government is providing funds for road improvements, they want to ensure improvement in the level of service. He noted that when the three-lane section was considered, inclusion of a roundabout provided a higher level of service for the roadway. He commented that Federal funds would have to be obtained before pursuing a five-lane road; and he stated that he would not foresee a designation in the future for a widening.

**Vice President Tisdell** questioned whether there were any plans to widen Tienken Road west of Livernois.

**Mr. Schneck** responded that the City has entered into an agreement with the Road Commission for Oakland County to undertake advance construction for the western portion of Tienken this year, originally slated for 2017. He pointed out that the reconstruction of Tienken Road west of Livernois includes one intersection for signalization improvements including acceleration and deceleration lanes; however, no full-length improvements are included.

**Mr. Wiggins** questioned whether acquisition of more than these two properties are necessary.

**Mr. Schneck** responded that these are the remaining two properties; he noted that one is a smaller negotiation and one will be larger.

**Mayor Barnett** stressed that the change in the amount needed for acquisition costs had nothing to do with a change in scope or additional right-of-way. He commented that negotiations happen over a multi-year period. He noted that the project was the result of an earmark which began under former Congressman Knollenberg. He stated that these changes are the result of market increases and negotiations, and are not due to any additional widening beyond what was planned for three lanes. He commented that the City is receiving much positive feedback on the roundabout.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdel and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0036-2015

**Resolved**, that the Rochester Hills City Council approves the payment for additional right-of-way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$591,282.13.

**2015-0044** Request for Purchase Authorization - FISCAL: Project Budget for purchase of water and sewer utility billing system in the amount not-to-exceed \$413,500.00; TruePoint Solutions, Loomis, CA and other select vendors

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Cost Proposals.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Keith Sawdon**, Director of Finance, noted that the amount of \$413,500 is requested to fund the purchase of a new utility billing system, which should be in place by the end of the year. He explained that the current system has been in place since the 1980s. He explained that a request for information on various systems available was issued in 2013. Subsequently, a Request for Proposal was issued yielding seven qualified proposals, which were whittled down to three. After viewing demonstrations of the various software packages, it was determined that TruPoint offered the best solution for today and provided the best options for growth into the future.

**Vice President Tisdel** noted that TruPoint was the low bidder. He questioned what the funding source for the software will be.

**Mr. Sawdon** responded that the cost is allocated to the Water and Sewer Capital Fund. He pointed out that money had been set aside with the goal that someday the system would require replacement.

**Vice President Tisdel** questioned how long the software remains viable for use.

**Mr. Sawdon** responded that it is expected that an additional request will not be needed for five to ten years.

**Mr. Wiggins** commented that he observed that their bid was significantly lower than the others. He questioned why there was such a great difference.

**Mr. Sawdon** responded that their experience is mostly on the west coast and is geared more toward conservation. He commented that while cost is an important factor, the Administration found their product unique, flexible, and easy to use and understand.

**Mr. Wiggins** questioned whether there were any concerns going forward that the company might try to make up the costs.

**Mr. Sawdon** responded that there were not. He noted that the company has had some very large customers and received good references.



*Mr. Brown* questioned whether Rochester Hills will be their first Michigan municipal client.

*Mr. Sawdon* responded that while the company has most likely been reviewed by other municipalities, Rochester Hills will be their first Michigan customer. He commented that this may have been a factor in their pricing.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0037-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a project budget for the purchase of a water and sewer utility billing system to TruePoint Solutions, Loomis, California and other appropriate vendors in the amount not-to-exceed \$413,500.00 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.

#### 2014-0580

Request for Purchase Authorization - FISCAL: Blanket Purchase Order for 2015 City Attorney Services in the amount not-to-exceed \$250,000.00; Hafeli Staran & Christ, P.C., Sylvan Lake, MI

**Attachments:** [020915 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Keith Sawdon*, Director of Finance, explained that the Blanket Purchase Order for City Attorney Services is coming to its end; and the Administration is requesting that a new Blanket be authorized for 2015. He noted that there has been a downward movement in the amounts authorized; and he commented that the Administration's experience has been on average that amounts have been slightly north of that number. He commented that \$250,000 should be enough to carry the City through 2015.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0038-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for City Attorney Services to Hafeli Staran & Christ, P.C., Sylvan Lake, Michigan in the amount not-to-exceed \$250,000.00 through December 31, 2015.

#### 2015-0059

Request for Approval of the prepayment of the Oakland-Macomb Interceptor Drain District, Segment 4

**Attachments:** [020915 Agenda Summary.pdf](#)  
[OMI-2015-Oakland Segment 4, Contract 5B.pdf](#)  
[OCWRC Letter 020415.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\) \(REVISED\).pdf](#)

**Keith Sawdon**, Director of Finance, explained that last Wednesday morning the City received notice from the Oakland County Drain Commissioner that the City had an opportunity to prepay for capital improvements to the interceptor that is a part of Segment 4, Contract 5B. He noted that prepayment would avoid interest costs in the amount greater than \$800,000. He pointed out that funds are on hand in the Capital Improvement Fund for Water and Sewer, and these funds are currently earning interest at 0.23 percent. He commented that it is deemed appropriate that the City avoid the \$800,000 in interest charges and prepay the \$2.6 million dollar amount.

**Vice President Tisdell** questioned how the amount of savings is calculated.

**Mr. Sawdon** responded that the City received a debt schedule on Wednesday afternoon, which detailed that interest for the City's portion is \$835,680. He reiterated that the cash on hand is only earning 0.23 percent. He noted that if approved, the funds will be in the 2nd Quarter Budget Amendments.

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

**Aye** 6 - Brown, Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Hooper

Enactment No: RES0039-2015

**Whereas**, the Oakland-Macomb Interceptor ("OMI") Drain Drainage District (the "District") intends to secure financing of up to \$20 million for the final phase of construction to complete the rehabilitation of the Oakland-Macomb Interceptor systems as initiated in 2009; and,

**Whereas**, necessary improvements to the Northeast Sewage Pump Station will also be completed with this financing; and,

**Whereas**, a State of Michigan SAW loan will be secured in April 2015 for approximately \$10 million with an anticipated rate of interest at 2.50% for the next twenty years; and,

**Whereas**, in April 2015, the District is planning on selling publicly its Drain Bonds, Series 2015, in an amount not to exceed \$10 million with an anticipated rate of interest of 3.20% for the next twenty years; and,

**Whereas**, the State of Michigan SAW loan will be used to fund the work in Segment 4-Contract 5B for the repair of the sewer on the Oakland Arm of the system in Shelby Township and the City of Utica; and,

**Whereas**, the Drain Bonds, Series 2015, will be used to fund the necessary repairs and upgrades to the Northeast Sewage Pump Station; and,

**Whereas**, the City has the option of prepaying the entire assessment for the State of Michigan SAW loan, or the public bond sale, or both; and,

**Whereas**, the City's estimated drain assessment based on the apportionment adopted by the Drainage Board for the OMI Drainage District is \$2,586,520; and,

**Whereas**, to avoid finance charges associated with the State of Michigan SAW loan and the OMI Drain Bonds, Series 2015, the City agrees to prepay the drain assessment.

**Now Therefore Be It Resolved** that the City of Rochester Hills, hereby agrees to prepay the drain assessment based on the apportionment adopted by the Drainage Board for the OMI Drain Drainage District for the work associated with Segment 4 - Contract 5B and the Northeast Sewage Pump Station.

**Be It Further Resolved** that the Mayor and the Clerk are authorized and directed to forward this Resolution on behalf of the City to the OMI Drain Drainage Board Secretary, the Oakland County Water Resources Commissioner.

## ANY OTHER BUSINESS

*None.*

## NEXT MEETING DATE

*Regular Meeting - Monday, February 23, 2015 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, Vice President Tisdell adjourned the meeting at 9:23 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*LEANNE L. SCOTT, CMC, Deputy 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.*