



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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*Susan M. Bowyer Ph.D., Kevin S. Brown, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins*

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

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

Monday, October 23, 2017

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Keri Bright, Purchasing Analyst
Scott Cope, Director of Building/Ordinance Compliance
Lisa Cummins, Purchasing Manager
Bob Grace, Director of MIS
Deb Hoyle, Senior Financial Analyst
Andrea Quinn, Administrative Assistant
Sara Roediger, Director of Planning and Economic Development
Allan Schneck, Director of DPS/Engineering
Deborah Scully, Senior Purchasing Analyst
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Audrey Weber, Rochester Hills Government Youth Council Representative
Maria Willett, Chief Assistant to the Mayor*

PLEDGE OF ALLEGIANCE

Mr. Brown invited the members of Troop 125 Boy Scouts of America to lead the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

President Tisdel introduced **Audrey Weber**, RHGYC Representative, and noted that she is in her second year on the RHGYC. He stated that she is a senior at Rochester High School and is on Student Council. He mentioned that she plans to attend Northern Michigan University next fall.

Ms. Weber announced that at their last meeting on October 9, the RHGYC selected their Chairperson and Vice Chairperson for the first half of the year. She reported that the RHGYC will be participating in the Carson's Community Days fund raiser from November 8 through November 11, and will be selling coupon books with over \$500 in savings. Funds raised by the RHGYC will go toward their 5K Run/Walk coming up next June. She noted that members will be volunteering at the Light the Village event set for November 17, 2017, handing out glow sticks.

Green Space Advisory Board (GSAB):

Dr. Bowyer reported that an assessment performed on the Ruby Green Space Property deemed it a high quality green space with mature trees and two fertile water pools. She stated that the GSAB members walked the property last week and noted that when in the middle of the densely treed property it was as if it were way up north. She explained that the home on the property will be demolished soon and plantings will take its place.

Rochester Area Youth Assistance (RAYA):

Mr. Kubicina reported that RAYA held its annual Halloween Spaghetti Dinner last Saturday evening in downtown Rochester, with a record turnout. He expressed his thanks to the members of the Rochester Fire Department for their help cooking the spaghetti.

Rochester Avon Recreation Authority (RARA):

Mr. Kubicina reported that RARA hosted its Boo Bash last Saturday evening, and children attended in costume and carved pumpkins, enjoyed a magician, and played games.

RECOGNITIONS

2017-0509 Proclamation in Recognition of Troop 125 Boy Scouts of America 60th Anniversary

Attachments: [102317 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mr. Brown introduced Troop 125 Boy Scouts of America Senior Patrol Leader Arya Sunil, who accepted a proclamation in honor of the Troop's 60th anniversary. He related stories of how Eagle Scouts help each other throughout their lives, and commented that numerous projects throughout the City have been undertaken by Eagle Scouts. He read the proclamation in honor of the Troop's anniversary.

Mayor Barnett congratulated the Scouts, stating that the City is proud of the work that they have undertaken in projects throughout the City.

Presented.

Whereas, Troop 125 Boy Scouts of America has continually served the City from 1957 to 2017; and

Whereas, since its founding, Troop 125 has engaged over 1,300 youth in developing youth leaders and responsible citizens; and

Whereas, Troop 125 has provided service to the community throughout the Greater Rochester Area by donating several thousands of hours of community service at a multitude of community events; and

Whereas, 147 Troop 125 scouts have receive the rank of Eagle Scout since 1957. Many of their projects have supported Dinosaur Hill, Rochester Community House, Rochester Schools, city parks, and more; and

Whereas, the City of Rochester Hills congratulates Troop 125 on its 60th anniversary and wishes it continued success in its mission.

Now, Therefore Be It Resolved, that the Mayor and City Council of the City of Rochester Hills hereby recognize, honor, and thank Troop 125 Boy Scouts of America and its charter organization the Rochester Community House Inc. for 60 years of outstanding and dedicated service to the citizens and the City of Rochester Hills, Michigan.

2017-0506 Proclamation in Recognition of Lisa Cummins

Attachments: [102317 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that the City spends in excess of \$100 million each year; and commented that it is fantastic knowing that **Lisa Cummins**, Purchasing Manager, runs the best Purchasing Department in the state. He noted that she has been named the Michigan Public Purchasing Officer's Association's Manager of the Year, and credited Ms. Cummins and her team for their efforts. He read a proclamation honoring Ms. Cummins.

Ms. Cummins credited the support of her staff members and the City's internal users. She thanked Mayor Barnett and Council for the recognition.

Mayor Barnett asked the Purchasing Team members in attendance to stand and be recognized. He pointed out that over the past few years the City has had the Clerk of the Year, the Electrical Inspector of the Year, and now the Purchaser of the Year. In addition, the City's Fleet Services have won national acclaim.

Presented.

Whereas, Lisa Cummins has been employed with the City of Rochester Hills since January 2003 and was promoted to Purchasing Manager in February 2014; and

Whereas, Lisa excels at leading the Purchasing Department to procure, review, and approve purchases, ensuring every dollar spent on the City's needs is done so ethically, transparently, and professionally as well as in the best interest of the City and our residents; and

Whereas, Lisa is known and respected for many admirable character traits and professional strengths including her sense of humor, her work/life balance, her extensive experience and knowledge, her willingness to share her expertise and be an invaluable sounding board, her extra mile effort to build relationships with internal customers, and her commitment to the profession shown by her involvement in procurement organizations and boards; and

Whereas, Lisa's hard work and dedication have earned her the esteem of a committee of her peers, who have selected her as the Michigan Public Purchasing Officers Association 2017 Manager of the Year.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby congratulate Lisa Cummins on rising to the top of her profession and earning this prestigious award.

Be It Further Resolved, that we acknowledge, with great pride and appreciation, that Lisa does indeed serve the City of Rochester Hills with superior competence and integrity. We commend her for her commitment to excellence and outstanding representation of our city.

PUBLIC HEARINGS

2017-0439 3rd Quarter Budget Amendments

Attachments: [102317 Agenda Summary.pdf](#)
[3rd Qtr BA \(Overview\).pdf](#)
[3rd Qtr BA \(Detail\).pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, stated that the proposed 3rd Quarter Budget Amendments will decrease revenues by \$469,000, and decrease expenses by \$685,000, with a \$216,000 positive impact to Fund Balance. He explained that the 3rd Quarter Budget Amendments are typically the lightest of the Amendments, applying the prior year interfund look-backs and true-up charges and adjusting the 2016 Budget estimates to reflect the actual numbers. He noted that the true-up charges do not reflect any net dollars coming in or leaving, and are simply a redistribution of monies. He mentioned that additional revenue is also included in the 3rd Quarter Budget Amendments in the amount of \$247,000 from the Michigan Municipal Risk Management Authority. In addition, four separate projects are included in the Amendments: Booster Station #2, Fire Station #4's Watermain, Training Tower Repairs and Fire Station #1 and #2's solid and oil interceptors. He noted that these projects have been approved by Council and are moving forward.

**President Tisdell Opened the Public Hearing at 7:22 p.m.
Seeing No Public Input, President Tisdell Closed the Public Hearing at 7:23 p.m.**

Mr. Hetrick pointed out that the Fire Capital Fund will increase by \$156,000, which continues to make a positive impact on the Fund going forward.

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

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

Enactment No: RES0301-2017

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 2017 3rd Quarter Budget Amendments was noticed on October 5, 2017; and

Whereas, the proposed FY 2017 3rd Quarter Budget Amendments were available for public viewing beginning on October 13, 2017; and

Whereas, at its October 23, 2017 meeting City Council held a Public Hearing on the proposed FY 2017 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following FY 2017 fund totals as amended:

	Current Budget	Change	Amended Budget
TOTAL BUDGET SUMMARY			
101 - General Fund	\$23,450,270	(\$360,800)	\$23,089,470
202 - Major Road Fund	7,446,150	(36,720)	7,409,430
203 - Local Street Fund	9,445,090	(72,200)	9,372,890
206 - Fire Department Fund	10,522,820	-	10,522,820
207 - Special Police Fund	9,643,940	47,270	9,691,210
213 - RARA Millage Fund	624,500	-	624,500
214 - Pathway Maintenance Fund	599,310	-	599,310
232 - Tree Fund	203,630	-	203,630
244 - Drain Maintenance Fund	1,674,200	14,380	1,688,580
265 - OPC Millage Fund	1,090,300	-	1,090,300
299 - Green Space Fund	966,090	-	966,090
331 - Drain Debt Fund	209,550	-	209,550
369 - OPC Building Refunding Debt Fund	784,960	-	784,960
393 - Municipal Building Refunding Debt Fund	838,670	-	838,670
394 - 2012 Refunding Debt Fund	506,420	-	506,420
402 - Fire Capital Fund	2,918,690	-	2,918,690
403 - Pathway Construction Fund	485,650	-	485,650
420 - Capital Improvement Fund	456,140	-	456,140
510 - Sewer Department	15,718,880	(114,340)	15,604,540
530 - Water Department	19,437,100	(37,480)	19,399,620
593 - Water & Sewer Capital Fund	13,560,210	-	13,560,210
595 - Water & Sewer Debt Fund	1,401,660	-	1,401,660
631 - Facilities Fund	13,767,240	(57,710)	13,709,530
636 - MIS Fund	2,538,440	17,730	2,556,170
661 - Fleet Fund	4,085,830	(85,870)	3,999,960
677 - Insurance Fund	402,000	-	402,000
736 - Retiree Healthcare Trust Fund	148,470	-	148,470
752 - Cemetery Perpetual Care Trust Fund	-	-	-
761 - Green Space Perpetual Care Trust Fund	-	-	-
843 - Brownfield Redevelopment Fund	-	-	-
848 - LDFA Fund	708,230	-	708,230
853 - SmartZone Fund	19,050	-	19,050
870 - RH Museum Foundation Fund	10,000	-	10,000
893 - EDC Fund	950	-	950
GRAND TOTAL - ALL FUNDS	\$143,664,440	(\$685,740)	\$142,978,700

ORDINANCE FOR INTRODUCTION

- 2017-0507** Request for Acceptance for First Reading - An Ordinance to amend Section 70-323 of Chapter 70, Offenses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and update regulations relating to purchase, consumption, or possession of alcoholic liquor by a minor; to repeal conflicting ordinances; and to prescribe a penalty for violations

Attachments: [102317 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Resolution \(Draft\).pdf](#)

John Staran, City Attorney, explained that the City currently has a Minors In Possession of Alcohol prohibition in the City Ordinance based on a corresponding State Law. He noted that there have been a number of changes to the State Law over the past couple of years, including a recent significant change which now makes the first offense a Civil Infraction. He commented that in order to have an enforceable ordinance, changes are warranted to the City's Ordinance to mimic the latest State Law revisions, and Council is asked to accept an Ordinance Amendment for First reading that will reflect the changes.

Vice President Morita stated that when the City adopted the E-Cigarette Ordinance a couple of years ago, it was determined that it would be more appropriate to treat a violation of the E-Cigarette Ordinance as a Civil Infraction rather than a Misdemeanor. She commented that she is glad to see that the State of Michigan realized that youth make mistakes and should not have a criminal record for a first Minors In Possession offense.

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

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

Resolved, that an Ordinance to amend Section 70-323 of Chapter 70, Offenses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and update regulations relating to purchase, consumption, or possession of alcoholic liquor by a minor; to repeal conflicting ordinances; and to prescribe a penalty for violations is hereby Accepted for First Reading.

PLANNING AND ECONOMIC DEVELOPMENT

- 2017-0508** Request for Adoption of a Moratorium on conversion of Residential Dwellings to Places of Worship

Attachments: [102317 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Director of Planning and Economic Development, stated that the request for Council's approval of a moratorium on conversion of residential dwellings to places of worship is in direct response to last week's Planning Commission meeting. She explained that the Planning Commission approved a site plan as it met the Ordinance requirements; however, immediately

following the approval, the Commission expressed a desire to see an Ordinance Amendment that would look at the impacts of these conversions on neighboring properties in residential districts. She stated that Council is requested to approve a moratorium for 180 days to allow staff and the Planning Commission to work on an Ordinance Amendment that would address concerns.

President Tisdell noted that it was perfectly clear that the moratorium does not address the current issue in front of the Planning Commission. He stated that the Commission reluctantly unanimously voted for approval as they had no ordinance to reject the request. He commented that the moratorium would allow them to address that concern and provide the Planning Commission with additional tools and oversight moving forward.

Ms. Roediger noted that the applicant followed the laws of the City at the time. She stated that the moratorium will place a hold on existing single family homes; however, vacant property can proceed.

Vice President Morita stated that she sits on the Planning Commission, and noted that the Commission struggled with the site plan because it is an existing single family residence surrounded by existing residences. She noted that adjacent residences do not expect to back on to a meeting house as it is a current residence. She commented that this will allow the matter to go back to the Planning Commission for the creation of an ordinance to create some better protections. She pointed out that the Planning Commission was limited to asking them to put a six-foot fence around the property and extend the arborvitae as far to the front of the house as possible. She explained that they will be using the property early in the morning and headlights will be coming onto the property at 5:30 a.m. She stated that from a neighbor's perspective, it is not ideal. She noted that the Planning Commission wishes to have some additional tools and protection for the residents. She stressed that if it were not an existing residential property surrounded by residential use, there would be no issue.

Mr. Brown questioned whether the interior of the home would require upgrade to meet fire safety code.

Ms. Roediger responded that it would, and stated that the site plan is reviewed in conjunction with Engineering and Fire. She commented that the applicant will be required to go to the Building Department for their permit as they are changing the building for assembly. She noted that these requirements must be met separately from the Planning Commission.

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

Enactment No: RES0302-2017

Whereas, the City's Zoning Ordinance allows Places of Worship to be located in one-family residential zoning districts as a principal permitted use; and

Whereas, the City Planning Commission has expressed concern about conversion of residential dwellings to Places of Worship, and whether that is compatible and harmonious with the character of, and residents' reasonable expectations in, residential neighborhoods; and

Whereas, the Planning Commission has asked the City Council to adopt a temporary moratorium on the conversion of residential dwellings to Places of Worship to allow the Planning Commission to study and recommend to the City Council possible ordinance changes to regulate the conversion of residential dwellings to Places of Worship; and

Whereas, the City Council believes a temporary moratorium for this limited purpose is appropriate.

Therefore, the City Council of the City of Rochester Hills resolves that a temporary moratorium is hereby adopted and imposed, effective immediately, for a period of 180 days, unless sooner repealed by further resolution of the City Council.

It Is Further Resolved that during this moratorium, there shall be no consideration or action by the City or any City board, commission, official, employee or agent relating to any application, proposal or plan to convert or otherwise change the use of a residential dwelling to a Place of Worship within a one-family residential zoning district.

It Is Further Resolved that the City Council directs the Planning Commission to, during the moratorium, study, process and recommend to the City Council possible ordinance changes to regulate the conversion of residential dwellings to Places of Worship.

It Is Further Resolved that this moratorium shall not apply to a Place of Worship that received site plan approval prior to adoption of this moratorium.

PUBLIC COMMENT for Items not on the Agenda

Lee Zendel, 1575 Dutton Road, reported that last week the Ann Arbor City Council voted ten-to-one to increase their contract with White Buffalo, Inc., to an amount of \$205,940 for the third year of their four-year deer culling program, with an objective to cull between 250 to 350 deer. He pointed out that 63 deer were culled in the first year, and 96 this past year. He mentioned that the management plan also calls for 40 does to be surgically sterilized. He commented that Ann Arbor has a deer management committee, while Rochester Hills has a people management committee. He stated that Ann Arbor's methodology for culling is vastly different and safer than what Rochester Hills undertook several years ago.

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.

2017-0427 Approval of Minutes - City Council Regular Meeting - September 25, 2017

Attachments: [CC Min 092517.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0303-2017

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 25, 2017 be approved as presented.

- 2017-0428** Request for Approval of the Amendment to the Agreement for Maintenance of the Storm Water Detention System between the City of Rochester Hills and C & D Building, LLC, a Michigan limited liability company, for Hamlin Industrial Condos, Unit 3

Attachments: [102317 Agenda Summary.pdf](#)
[Amend to Storm Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0304-2017

Resolved, that the Rochester Hills City Council hereby approves the Amendment to the Agreement for Maintenance of the Storm Water Detention System from C & D Building, LLC, a Michigan limited liability company, whose address is 12955 23 Mile Rd., Shelby Township, MI 48315, for Hamlin Industrial Condos, Unit 3, Parcel No. 15-28-126-034.

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

- 2017-0429** Request for Acceptance of the Watermain Easement granted by RHI Investments, LLC, a Michigan limited liability company, for 2020 Rochester S Gas Station Renovation

Attachments: [102317 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0305-2017

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the watermain easement from RHI Investments, LLC, a Michigan limited liability company, whose address is 33477 Woodward Ave., Ste. 800, Birmingham, MI 48009, for the construction, operation, maintenance, repair and/or replacement of Watermain, over, on, under, through and across land more particularly described as for Parcel No. 15-27-226-012, for 2020 Rochester S Gas Station Renovation.

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

- 2017-0430** Request for Approval of the Agreement for Maintenance of the Storm Water System between the City of Rochester Hills and RHI Investments, LLC, a Michigan limited liability company, for 2020 Rochester S Gas Station Renovation

Attachments: [102317 Agenda Summary.pdf](#)
[Storm Sys Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0306-2017

Resolved, that the Rochester Hills City Council hereby approves the Agreement for Maintenance of the Storm Water System from RHI Investments, LLC, a Michigan limited liability company, 33477 Woodward Avenue, Suite 800, Birmingham, MI 48009, for 2020 Rochester S Gas Station Renovation, Parcel No. 15-27-226-012.

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

- 2017-0435** Request for Acceptance of the Watermain Easement granted by SSRP Properties, LLC, a Michigan limited liability company, for The Goddard School

Attachments: [102317 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0307-2017

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the watermain easement from SSRP Properties, LLC, a Michigan limited liability company, whose address is 2665 W. Hickory Grove Rd., Bloomfield, MI 48302, for the construction, operation, maintenance, repair and/or replacement of Watermain, over, on, under, through and across land more particularly described as for Parcel No. 15-35-226-001, for the Goddard School.

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

- 2017-0436** Request for Approval of the Agreement for Maintenance of the Storm Water System between the City of Rochester Hills and SSRP Properties, LLC, a Michigan limited liability company, for The Goddard School

Attachments: [102317 Agenda Summary.pdf](#)
[Storm Sys Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0308-2017

Resolved, that the Rochester Hills City Council hereby approves the Agreement for Maintenance of the Storm Water System, from SSRP Properties, LLC, a Michigan limited liability company, 2665 W. Hickory Grove Road, Bloomfield Hills, MI 48302, for The Goddard School, Parcel No. 15-35-226-001.

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

- 2017-0445** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by AGE of Rochester Hills, Inc., a Michigan Corporation, for Pines of Rochester Hills

Attachments: [102317 Agenda Summary.pdf](#)
[Pathway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0309-2017

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by AGE of Rochester Hills, a Michigan Corporation, of 1245 E. Grand Blanc Road, Grand Blanc, Michigan 48439, for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway easement over, on, under, through and across land more particularly described as Parcel No. 15-34-352-035.

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

- 2017-0446** Request for Approval of the Winter Maintenance Agreement for Livernois Road between the Road Commission for Oakland County and the City of Rochester Hills for 2017-2018

Attachments: [102317 Agenda Summary.pdf](#)
[2017-2018 Winter Maintenance Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0310-2017

Resolved, that the Rochester Hills City Council hereby approves the 2017-2018 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Livernois Road and further authorizes the Mayor to execute a contract on behalf of the City.

- 2017-0505** Request for Approval of a Resolution of Support for the Road Commission for Oakland County to establish a statutory speed limit of 40 miles per hour along the gravel portion of Livernois Road

Attachments: [102317 Agenda Summary.pdf](#)
[MSP Radar Study.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0311-2017

Whereas, Livernois Road between Tienken and Dutton is a gravel road under the jurisdiction of the Road Commission for Oakland County, and

Whereas, the unposted speed limit for a gravel roadway in Michigan is assumed to be 55 miles per hour (55 MPH), and

Whereas, the Road Commission for Oakland County has requested a Resolution of Support to establish and post the statutory speed limit of 40 MPH along the gravel portion of Livernois Road;

Resolved, that the Rochester Hills City Council hereby supports pursuant to 1949 PA 300, as amended, Section 257.627, Subsection (10), the City's request to the Road Commission for Oakland County (RCOC) to establish and post the statutory speed limit of 40 MPH on the gravel portion of Livernois Road between Tienken and Dutton.

Now Therefore Be It Resolved, that a certified copy of this Resolution is filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

- 2017-0425** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for the demolition of the structures located at 1380 Ruby Avenue in the amount of \$26,700.00 with a 10% project contingency in the amount of \$2,670.00 for a total not-to-exceed contract amount of \$29,370.00; Blue Star, Inc., Warren, MI

Attachments: [102317 Agenda Summary.pdf](#)
[Proposals Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0312-2017

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the demolition of the structures located at 1380 Ruby Avenue to Blue Star, Inc., Warren, Michigan in the amount of \$26,700.00 with a 10% project contingency in the amount of \$2,670.00 for a total not-to-exceed contract amount of \$29,370.00 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.

- 2017-0041** Request for Purchase Authorization - Increase to Blanket Purchase Order for joint sealant material in the amount of \$14,750.00 for a new not-to-exceed amount of \$44,750.00 through December 31, 2017; National Highway Maintenance Systems LTD, Akron, OH

Attachments: [102317 Agenda Summary.pdf](#)
[022717 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[022717 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0313-2017

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for joint sealant material to National Highway Maintenance Systems in the amount of \$14,750.00 for a new not-to-exceed amount of \$44,750.00 through December 31, 2017.

- 2017-0444** Request for Purchase Authorization - MIS: Purchase Order for Hosted Google Apps Email Services and BetterCloud Google Apps Management Tool in the amount of \$37,995.00 for a one-year term to expire on September 27, 2018; Onix Networking Corporation, Lakewood, OH

Attachments: [102317 Agenda Summary.pdf](#)
[Pricing Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0314-2017

Resolved, that the Rochester Hills City Council hereby authorizes the Purchase Order for Hosted Google Apps Email Services and BetterCloud Google Apps Management Tool to Onix Networking Corporation, Lakewood, Ohio in the amount of \$37,995.00 for a one-year term to expire on September 27, 2018.

Passed the Consent Agenda

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

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

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Brown noted that the City will be having a blood drive tomorrow and he has an appointment to donate at 2:15 p.m.

Mr. Hetrick mentioned that he will donate blood tomorrow as well. He stated that the Southeast Michigan Council of Government's (SEMCOG) Transportation Plan Survey is still available on the SEMCOG website. He noted that he sat in on SEMCOG's General Assembly last week, and he reported that funding and mobility are top priorities.

He stated that he attended the Sunrise Pinnacle Awards last week and was amazed at the number of individuals that were recognized.

He mentioned that the Grand Marshals of the Rochester Hometown Parade will be Steve and Nancy Benedettini, and he commented that they are outstanding community-oriented people who have done much for Rochester Hills.

Mr. Kubicina stated that he and his wife were out on the Clinton River Trail for a stroll and encountered many fantastic athletes participating in a fund raiser. He noted that next week is Halloween and urged motorists and trick or treaters to be safe.

President Tisdell responded to public comment regarding deer management, and noted that deer are "culled" in deer-vehicle accidents. He noted that State Farm Insurance indicates that the average cost for a deer-vehicle accident is approximately \$4,200. He stated that the City had 150 crashes last year, at a cost of \$630,000, which is 100 times the Deer Management Advisory Committee's budget, and is reflected in the motorists' insurance premiums and deductibles. He pointed out while it is something to continue to look at, the last time the subject of culling came up, Council was shouted down vociferously.

Vice President Morita extended a thank-you to the Oakland County Sheriff's Office for sending out six of their Deputies to her home, as it was thought that an intruder might be inside. She noted that everything was fine; however, it was nice to know that this community has such support.

Dr. Bowyer noted that the Deer Management Committee did not believe that they could get the budget for additional efforts. She commented that there were only 27 deer-vehicle crashes in Ann Arbor last year. She pointed out that the last time Rochester Hills undertook a culling operation, there was much contention.

She reported that the Neighborhood House Scare Away Hunger Walk this past weekend had a great turnout with over 350 participants. She noted that the Run the Fairway event to raise funds for Special Olympics will be held on the Pine Trace Golf Course on November 11, 2017. The registration fee is \$40.

City Clerk Tina Barton announced that the General Election will be November 7, 2017. She stated that the Clerk's Office will be open on Saturday, November 4, 2017 until 2:00 p.m. for absentee ballots. She mentioned that a Passport Fair would be held at the same time, from 8:00 a.m. until 1:00 p.m.

Mayor Barnett expressed his thanks to Clerk Barton and to Deputy Clerk Leanne Scott for their election training, and stated that he appreciates the work it takes to prepare for an election.

He commented that the Asphalt Rehabilitation Program came in \$250,000 under its \$1.8 million budget, and the Pathway Program is \$35,000 under its \$400,000 budget. He expressed his thanks to Allan Schneck, Director of DPS/Engineering and his team for their efforts. He mentioned that Tracey Balint, Public Utilities Engineer, found an error in a formula for computing water rates that will save the City another \$40,000 in water costs. He noted that the Eddington Road Realignment Project is on schedule and will hopefully be completed next week with trees coming in for planting.

He announced that a significant watermain break occurred in Farmington Hills near Haggerty Road that has impacted the area. He stated that while water pressure is back in the City, a boil water alert will be issued shortly for anyone north of Hamlin Road and west of Livernois Road.

He noted the following:

- City Hall will host a blood drive tomorrow.
- Pumpkins are available for purchase at the Dairy Barn at the Rochester Hills Museum at Van Hoosen Farm. As the weather was not optimal for the Pumpkin Festival last weekend, there are a number of pumpkins available. Large pumpkins are \$5 and smaller pumpkins are \$3. The money raised will go to the Museum.
- Congratulations to Vice President Morita as she had a significant personal win and a win for Michigan municipalities relative to dark stores. The Michigan Supreme Court agreed with Attorney Morita and her position regarding the dark stores, and the Michigan Municipal League is celebrating a major victory.
- Thirty team members of Rochester Hills attended the Disney Institute last week at Rochester College. Participants included leaders of the community, and learned about customer service and innovation. Rochester Hills' team is always looking to sharpen their skills.
- The Mayor's Business Council was held last week at Jenoptik's headquarters,

and included a Panel on Industry 4.0. Four business leaders participated on the panel. Rochester Hills celebrated its global impact and flags from 16 countries that do business in Rochester Hills were displayed.

- Governor Rick Snyder visited FANUC Robotics last week to talk about robotics programs. FANUC is the largest private employer in the City.
- PF Chang's is opening at the Village of Rochester Hills today. The restaurant will employ 145 and is expected to do very well.
- Rochester Hills has been named the Number One place to live in Michigan by USA Today, and is fourteenth in the nation.
- Maria Willett has been a tremendous support to the Mayor's Office, and has been promoted to be Chief Assistant to the Mayor.

ATTORNEY'S REPORT

City Attorney John Staran stated that he would like to underscore the significance of the positive Michigan Supreme Court decision on the Menards Inc. v City of Escanaba case. He noted that the case was filed by Vice President Morita. He explained that for many years assessors throughout Michigan had their hands tied when it comes to the valuation of big box stores for property tax purposes. He noted that because of the accepted methodology that the Michigan Tax Tribunal approved, those tax valuations were artificially and ridiculously low, leading to corresponding low property tax bills. He stated that as a result of this very favorable decision, it will allow big box stores to be assessed and taxed at a far more equitable way that reflects their true value in the marketplace. He commented that while it will take some time to catch up, it is a good step that should help municipalities recover some of the lost taxable value due to the artificially low evaluations. He commended Vice President Morita, noting that she is very prominent and well-known for her expertise in the field; and he stated that it is a major victory for municipalities.

NEW BUSINESS

- 2017-0500** Request for Approval of Agreement - MIS: Updated Interlocal Agreement for IT Services between the City of Rochester Hills and Oakland County for Oakland County Fire Records Management System (FRMS), Law Enforcement Management Information System (CLEMIS), with the addition of GIS Services (ArcGIS, Data Sharing, and Pictometry)

Attachments: [102317 Agenda Summary.pdf](#)
[IT Services Agreement with Exhibits.pdf](#)
[Resolution \(Draft\).pdf](#)

Bob Grace, Director of MIS, stated that Rochester Hills is fortunate to be located in Oakland County, as the County provides numerous services at a free or reduced price. He explained that the County is adding new IT services to the existing agreement signed in 2016, which will include access to pictometry used by many departments in the City. He stated that the City began using pictometry in 2005 and upgraded the system in 2011. He noted that the County just started using it and completed flying the entire county, with the system being made available to cities, villages and townships at no charge, along with access to their ArcGIS accounts and data sharing. He explained that the City can shift some of its map data and storage enhancement to the County, and noted that a budget decrease of approximately one-third for that expense should be realized for 2019.

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

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

Enactment No: RES0315-2017

Resolved, that the Rochester Hills City Council hereby approves the updated Interlocal Services Agreement for IT Services between the City of Rochester Hills and Oakland County for Oakland County Fire Records Management System (FRMS), Law Enforcement Management Information System (CLEMIS), with the addition of GIS Services (ArcGIS, Data Sharing, and Pictometry) and further authorizes the Mayor to execute the agreement on behalf of the City.

2017-0501 Request for Approval of the Cost Participation Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Construction of South Boulevard Road (Adams Road to Crooks Road) in the amount not-to-exceed \$478,845.00

Attachments: [102317 Agenda Summary.pdf](#)
[Cost Participation Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that Rochester Hills, Troy and the Road Commission for Oakland County are pursuing the South Boulevard project. He noted that it is proposed this evening to leverage the use of 2018 Tri-Party funds for a portion of Rochester Hills' participatory share, along with a contribution from the City. He pointed out that \$800,000 is budgeted in 2018 for the project; however, with the use of Tri-Party dollars, the City's share will drop to \$478,845.

Dr. Bowyer questioned whether the cost of \$2.4 million is for the section from Crooks to Adams.

Mr. Schneck confirmed that it is.

Dr. Bowyer noted that the City is paying only approximately 20 percent of that amount, and pointed out that it will complete all of South Boulevard from the east to west city limits.

Mr. Brown requested that Mr. Schneck explain where the Tri-Party funds originate.

Mr. Schneck responded that the Tri-Party program is money allocated through the Board of Commissioners for Oakland County, with a formula utilized for distribution based on population and center line road miles. Each community receives funding which can be utilized for projects. He explained that the City will pay one-third, the Road Commission for Oakland County will pay one-third, and the Board of Commissioners will pay one-third, allowing the City to leverage these dollars to complete the projects.

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

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

Enactment No: RES0316-2017

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for construction of South Boulevard Road (Adams Road to Crooks Road) in the amount not-to-exceed \$478,845.00 and further authorizes the Mayor to execute a contract on behalf of the City.

ANY OTHER BUSINESS

Vice President Morita expressed her thanks to Mayor Barnett, Council Members, and City Attorney Staran for their comments over the past few days on the big box store issue. She commented that the case is about leveling the playing field between the big box stores and the smaller taxpayers. She explained that big box stores tend to move into small towns and compete for business, sucking the life out of downtown areas by getting an unprecedented tax base. She commented that these big box stores were picking their fights very carefully based on which communities they felt could fight them and which could not. She noted that the big box stores will end up paying taxes at the same rate as the small stores, which will no longer give them an unfair advantage over small business owners that tend to be the heart of a community.

She commented that while she expects to hear press releases from the retailers association, it is a victory for all taxpayers that pay their fair share. She noted that it is not about making one party pay more than another; it is to ensure that everyone will pay on the same basis. She encouraged anyone wanting information on the topic to call or send her questions.

She mentioned that the brief that she wrote was funded by the Michigan Municipal League, the Michigan Townships Association, the Michigan Association of Counties, and the Michigan School Boards. She stated that it is a joint effort from many different elements of government, and noted that the Michigan Supreme Court has decided that this argument is over.

NEXT MEETING DATE

Regular Meeting - Monday, November 13, 2017 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Morita, seconded by Kubicina to adjourn the meeting at 8:15 p.m.

*MARK A. TISDEL, President
Rochester Hills City Council*

*TINA BARTON, MMC, Clerk
City of Rochester Hills*

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

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