



# 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, May 18, 2015

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:00 p.m. Michigan Time.*

## ROLL CALL

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

**Absent** 1 - Kevin S. Brown

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant  
Alan Buckenmeyer, Parks Operations Manager  
Sean Canto, Chief of Fire and Emergency Services  
Scott Cope, Director of Building/Ordinance Compliance  
Lance DeVoe, Park Ranger II  
Pam Lee, City Accountant  
Tim Matz, EMS Coordinator  
Pat McKay, Supervisor of Interpretive Services  
Brianna Morris, Rochester Hills Government Youth Council Representative  
Keith Sawdon, Director of Finance  
Allan Schneck, Director of DPS/Engineering  
John Staran, City Attorney  
Kelly Winters, Deputy Director of Building/Ordinance Compliance  
Christine Wissbrun, Administrative Aide*

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

## PLEDGE OF ALLEGIANCE

*Led by James Monaghan, Eagle Scout*

## APPROVAL OF AGENDA

A motion was made by Kochenderfer, seconded by Hetrick, that the Agenda be Approved as Amended to move Legislative File 2015-0165 Proclamation in Recognition of Eagle Scout James Monaghan to follow Legislative File 2015-0215 Proclamation in Recognition of May 2015 as Mental Health Awareness Month. The motion carried by the following vote:

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

**Absent** 1 - Brown

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

**Brianna Morris**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the application period for the RHGYC 2015-2016 year is open, with forms available in the Clerk's Office or on the RHGYC page of the City's website. She announced that the RHGYC's annual 5K Run/Walk to benefit Blessings in a Backpack will be held on Saturday, June 13, 2015 at Bloomer Park. Participants can access a registration link on the RHGYC page of the City's website.

## RECOGNITIONS

**2015-0210** Proclamation in Recognition of May 2015 as Building Safety Month in Rochester Hills

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** read the Proclamation recognizing May 2015 as Building Safety Month.

**Presented.**

**Whereas**, through our continuing attention to building safety, we enjoy the comfort and peace of mind of structures that are safe and sound; and

**Whereas**, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers and others in the construction industry, develop and enforce codes to safeguard Americans in the buildings where we live, work, play and learn; and

**Whereas**, the International Codes, used by the City of Rochester Hills include safeguards to protect the public from natural disasters that can occur, such as snowstorms, hurricanes, tornadoes, wild land fires and earthquakes; and

**Whereas**, Building Safety Month is an excellent opportunity to educate the public by increasing public awareness about Building Safety and the role fire prevention officials, local and state building departments and federal agencies have in protecting lives and property; and

**Whereas**, we ask all Americans to consider projects to improve building safety at home and in the community, and to recognize all building safety and fire prevention officials for the important part that they play in protecting the health, safety, and welfare of our citizens.

**Now, Therefore, Be It Resolved**, that May 2015 will be designated Building Safety Month in the City of Rochester Hills. Accordingly, our citizens are encouraged to join their fellow Americans in participating in Building Safety Month awareness by assisting in efforts to improve building safety.

**2015-0213** Proclamation in Recognition of May 2015 as Motorcycle Awareness Month

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** read the Proclamation recognizing May 2015 as Motorcycle Awareness Month.

**Presented.**

**Whereas**, the City of Rochester Hills has many citizens who are concerned about Motorcycle Safety while touring, during recreation, and daily transportation; and

**Whereas**, May is the nationally recognized month for motorcycle safety because this is when motorcycles become more prevalent on our streets and the need to be more aware of their presence is of the utmost urgency; and

**Whereas**, due to the Pure Michigan advertising campaign and the modification of the Michigan Helmet Law many out-of-state riders will be visiting Michigan and Rochester Hills; and

**Whereas**, an overwhelming number of car versus motorcycle accidents could be avoided with due regard, respect, and awareness of motorcycles on the streets and intersections of our community; and

**Whereas**, the inclusion of Motorcycle Awareness provided by ABATE of Michigan as a distinct part of the driver educational curriculum and Motorcycle Rider Education programs will help to promote safe driving and motorcycle riding practices; and

**Whereas**, by making our residents more aware of the increase in the amount of motorcycle traffic as we enter the warmer months, we will assist in the reduction of accidents and injuries involving motorcycles.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council hereby proclaim the month of May as Motorcycle Awareness Month in the City of Rochester Hills and further encourage all residents to be safe and responsible drivers throughout the year.

**2015-0215** Proclamation in Recognition of May 2015 as Mental Health Awareness Month

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** read the Proclamation recognizing May 2015 as Mental Health Awareness Month.

**Presented.**

**Whereas**, mental health is important for our individual well-being and vitality, as well as that of our families, communities and businesses; and

**Whereas**, one in five Americans experience a mental health illness that requires treatment at some point in their lives; and

**Whereas**, one in 10 children has a serious emotional disturbance that, if untreated, can lead to school failure, physical illness, substance use, jail and even suicide; and

**Whereas**, stigma and stereotypes associated with mental illnesses often keep people from seeking treatment that could improve their quality of life; and

**Whereas**, mental illness is a biologically based brain disorder that cannot be overcome through “will power” and is not related to a defect in a person’s “character” or intelligence; and

**Whereas**, mental health recovery is a journey of healing and transformation, enabling people with mental illness to live in a community of his or her choice while striving to achieve his or her full potential; and

**Whereas**, mental health recovery not only benefits individuals with mental health disorders by focusing on their abilities to live, work, learn and fully participate and contribute to our society, but also enriches the culture of our community life; and

**Whereas**, the City of Rochester Hills through resources like the Oakland County Community Mental Health Authority is committed to inspiring hope, empowering people, and strengthening our community.

**Now, Therefore, Be It Resolved**, that, the Mayor and City Council hereby recognizes May 2015 as Mental Health Month in Rochester Hills and we call upon our citizens, government agencies, public and private institutions, businesses and schools to commit to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

**2015-0165** Proclamation in Recognition of Eagle Scout James Monaghan

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** invited Eagle Scout James Monaghan to join him at the podium. He noted that the City has been blessed to have quite a few Boy Scouts attain the rank of Eagle Scout in the community, oftentimes working with many of the Veterans at the City to improve parks and open spaces. He mentioned that the deck behind City Hall was an Eagle Scout project, along with many improvements at Veterans Memorial Pointe, the Van Hoosen Jones Stoney Creek Cemetery, and the Rochester Hills Museum at Van Hoosen Farm. He read the proclamation recognizing James and describing his project.

**James Monaghan** noted that for his project at Veterans Memorial Pointe he planted a tree, installed rocks to maintain the ability for water to flow through as he had observed water building up, and installed bird houses.

*Council congratulated Eagle Scout Monaghan.*

**Presented.**

**Whereas**, young men, who master scouting skills, dedicate their efforts to upholding the Boy Scout Pledge, and serve their community with honor, can attain the rank of Eagle Scout, the highest rank in Scouting; and

**Whereas**, James Monaghan is a member of Boy Scout Troop 129 and has been an active member for several years and completed his Eagle Scout Project in the Fall of 2014; and

**Whereas**, James did a big clean-up project that improved the drains at the south end of the parking lot at Veterans Memorial Pointe. The drainage ditch was cleaned out and re-worked by using road fabric in the bottom of the ditch and overlaid with washed stone for easy maintenance. James also planted a big Red Maple Tree and installed six bird houses.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills proudly recognize Eagle Scout, James Monaghan, and express gratitude for all of his hard work and offer our best wishes for his future success.

## PRESENTATIONS

2015-0196 Presentation of 2015 Earl Borden Awards

**Attachments:** [051815 Agenda Summary.pdf](#)

*Brian Dunphy, Chairperson of the Historic Districts Commission, noted that the Earl E. Borden Preservation Award was created in 1989 by the Historic Districts Commission and honors Earl Borden, the first Mayor of Rochester Hills. He noted that Mayor Borden was instrumental in helping to obtain the Van Hoosen Farmhouse, now used as a City-owned museum. As Supervisor of Avon Township, Borden helped create the Historic Preservation Ordinance, including designated Historic Districts and the Historic Districts Commission for the community that became Rochester Hills.*

*Mr. Dunphy noted that the Historic Districts Commission will be presenting two types of awards. He explained that the Historic Preservation Award recognizes buildings or structures that serve as outstanding examples of historic preservation, architectural integrity, or adaptive reuse. The Preservation Leadership Award recognizes individuals or organizations who have made outstanding efforts to support historic preservation in the greater Rochester Hills community. These awards are tangible signs of the City's commitment to historic preservation. They reaffirm the role that the City's history plays in the quality of life for its citizens and help to make the city a great place to live and work.*

*He invited the Historic Districts Commission and Historic Districts Study Committee members to join him at the podium. LaVere Webster and Julie Granthen were in attendance.*

*Mr. Dunphy presented the Historic Preservation Award to the Rochester Hills Museum at Van Hoosen Farm Calf Barn. He stated that the Museum is adaptively reusing the Calf Barn and has converted the building to a year-round multi-purpose facility. The Calf Barn roof had collapsed shortly after the City acquired the property in 1989. Over the past three years, the Museum has diligently and faithfully restored the historic structure.*

***Patrick McKay**, Supervisor of Interpretive Services, accepted the award on behalf of the Calf Barn. He expressed his thanks for the recognition, and noted Museum Staff Members, along with Museum Foundation Board Members Suzanne Wiggins and Jim Mallon who were in attendance. He commented that it was a huge team effort, and explained that over the course of the past four years over \$790,000 was raised through private donations to take a building that was in a very distressed state and turn it into a facility for the whole community to use. He noted that there are 38 weddings planned for this year, along with several birthday and graduation parties. He commented that special events attract individuals to a local museum to learn about the rich history of the community. He mentioned that the City is proud to repurpose a building that is listed on the National Register of Historic Places, and he expressed his appreciation for the support of the Mayor's Office and City Council, Museum Foundation Board, and the hundreds of donors who gave amounts from \$25 to much more to make the project possible.*

***Mr. Dunphy**, stated that in 1926, a group of ski jumping enthusiasts built a ski jump on property what was then part of Avon Township adjacent to Bloomer State Park. The Newberry Hill Site was adjacent to the farm owned by the family of **Penny Frank Reddish**. A long-time supporter of local history and historic preservation, Ms. Reddish wrote a book about the local ski jump, published by the Rochester Avon Historical Society last year. Ms. Reddish was presented the Preservation Leadership Award on behalf of the Historic Districts Commission for her authorship of the book "I Got My Thrill on Newberry Hill", and her efforts on behalf of historic preservation and leadership within the community.*

***Ms. Reddish** expressed her thanks and appreciation for the recognition, noting that she was blessed and privileged to have the help of her son, who knew all the locations of the jump, and Rick Land, who edited and encouraged her in her efforts, and Rod Wilson, who also encouraged her and helped her in her research of photos.*

**Presented.**

**2015-0203** Request for Acceptance of Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR) presented by the audit firm of Plante & Moran, PLLC

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Presentation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Heffernan** and **Lisa Manetta** were in attendance representing Plante & Moran, PLLC.

**Mr. Heffernan** stated that the Comprehensive Annual Financial Report (CAFR)

is the work product of the City's financial staff. He explained that auditors test a sample of transactions and balances, paying close attention to those that are more sensitive or subject to estimation. He stated that it is the opinion of Plante & Moran that the City's statements are reliable and show that the City is in excellent financial position. He commented that the City's financial staff is top notch, consisting of competent individuals with a high priority placed on training. He stated that 2008 through 2012 were very bad years economically for communities, and the City managed itself very well during that period.

He commented that City government is smaller than it has been; however, is now on an upward trend. During the five-year period of economic decline, the City's Fund Balance did not decline. He stated that the biggest change is in capital programs, and he noted that there were significant road projects undertaken in 2014 and into 2015 and the projects came in under budget.

**Ms. Manetta** displayed several charts noting a five-year history of the City's Fund Balance and showing what portion of the Fund Balance is unrestricted. She stated that 56 percent of the City's Fund Balance is restricted as to its use. In 2014, that amount represents \$83.7 million restricted, and \$25.9 million unassigned. She commented that the increase seen in Fund Balance between 2010 and 2013 is remarkable given the economic conditions, and is the result of careful budgeting and planning. She pointed out that the decrease of \$2 million in Fund Balance in 2014 is the result of planned projects specifically related to street improvements.

Ms. Manetta presented charts depicting a four-year history of total revenues, total expenditures, Fund Balance and capital outlay. She explained that property tax is the most significant revenue and has the greatest impact on the City's overall financial health. She noted a slight increase for property tax revenue in 2014, and stated that property tax revenues will increase going forward at about the rate of inflation. She pointed out that all revenue categories increased with the exception of interest revenue.

She mentioned that expenditures increased at modest levels for 2014, with the exception of the significant increase for capital outlay. She pointed out that debt service decreased due to bonds being paid off and refinances done.

She displayed a capital outlay chart which showed the great jump for 2014. She commented that decreases in capital outlay were used as a mechanism to reduce costs during the downturn.

Ms. Manetta reviewed the Water and Sewer Fund, and commented that the fund was viewed to be in strong financial health. The fund contains \$46.6 of unrestricted net position, and operating expenses have been fairly flat. Revenues were down slightly.

**Mr. Heffernan** noted that Plante & Moran also prepared a twelve-page report to Council which highlights any significant audit findings. He mentioned that no transactions were noted where there was a lack of authoritative guidance, nor were any transactions recognized that should have been in another financial period. He commented that while the CAFR incorporates some estimates, the City's method

for arriving at estimates is reasonable and not biased. He mentioned that estimates include the City's self-insurance liability, estimated property tax refunds, and the accrued liability associated with retiree health care. He pointed out that the retiree health care liability is derived by a third party actuary, and he commented that the actuary is using a 1994 table, when a more current table is available. He stated that it is Plante & Moran's opinion that this has a relatively minor impact.

He explained that there were no difficulties encountered in performing the audit, no disagreements with management, and only a couple of misstatements required correction. He stated that this speaks to the high level of the City's accounting staff. The audit resulted in no other significant findings or issues and no unusual representations.

**Ms. Manetta** noted the following:

- A review of the financial outlook for the City acknowledges the revenue declines due to a tax base that is 20 percent lower. In response, the City resized itself while continuing to provide services to the residents.
- The City took additional steps to contain costs in 2014, including the discontinuation of the Implicit Rate Subsidy, and the creation of the North Oakland County Water Authority. The Authority will be negotiating water contracts going forward in conjunction with four other communities. A \$2 million stormwater and wastewater grant was secured as well.
- The City has invested in its roads.

She noted that new rules governing the management of Federal programs will impact the City and affect grants and audit requirements. In addition, changes were made to retroactive pay when contracts are in negotiation. Public Act 54 no longer allows any pay increases to be retroactive when a contract is settled after the period of time covered. She noted that a 2014 exception was put into place for this rule for public safety employees covered by Public Act 312 for arbitration disputes. PA 312 allows these employees to receive retroactive pay. She commented that new Freedom of Information Act regulations were enacted in January, and encompass very comprehensive changes. She noted that a 2012 ruling allows the Michigan Department of Transportation to conduct performance audits to ensure that expenditures are being made appropriately under Public Act 51. She mentioned changes to Public Act 152 regarding health care costs. She noted the changes to revenue sharing and to personal property tax.

**Mayor Barnett** expressed his appreciation to Plante & Moran for their work with the City. He commended Keith Sawdon, Director of Finance, and Pam Lee, City Accountant, for their efforts, noting that the City has increased its Fund Balance, paid down debt and invested in its roads without raising any new taxes, and while retaining a AAA Bond Rating. He pointed out that Financial Dashboard and CAFR Summary publications were available at the back of the auditorium.

**President Hooper** expressed his congratulations to the City's Financial Division.

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

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

**Absent** 1 - Brown

Enactment No: RES0128-2015

**Resolved**, that the Rochester Hills City Council hereby acknowledges receipt of the Comprehensive Annual Financial Report (CAFR) from the Administration and the auditing firm of Plante & Moran, PLLC for the 2014 Fiscal Year.

## ORDINANCE FOR INTRODUCTION

**2015-0029** Acceptance for First Reading - An Ordinance to amend Table 7 of Section 138-5.100 and Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to permit in the B-3 district parcels smaller than the minimum size required under certain conditions, repeal inconsistent provisions and prescribe a penalty for violations

**Attachments:** [060115 Agenda Summary.pdf](#)  
[Ordinance \(Revised\).pdf](#)  
[051815 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Minutes PC 042115.pdf](#)  
[Memo Anzek 041715.pdf](#)  
[Public Hearing Notice.pdf](#)  
[051815 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, stated that the current Ordinance does not allow for outparcels to be split and purchased for development. The proposed Ordinance Amendment will provide conditions to allow for a split of the parcel, subject to the following conditions:

- The property must be part of a larger cohesive development, and not a stand-alone parcel.
- The property must be accessed through existing access points.
- Covenant restrictions prohibiting additional ingress egress drives will be required.
- A cross-access easement must be provided to adjacent parcels.
- No freestanding monument sign will be permitted.

He noted that the Planning Commission recommended approval by a unanimous vote.

**Public Comment:**

**Lorraine McGoldrick**, 709 Essex, requested Council not consider accepting this Ordinance Amendment, stating that she does not agree with allowing an increase in flexibility from this Administration.

**Council Discussion:**

**Mr. Hetrick** questioned whether language regarding restricting access points was appropriate and not conflicting.

**Mr. Anzek** responded that including a covenant restriction regarding access points would be self-restricting in perpetuity. He commented that there could be a possibility that at some time in the future the property could become the prime access point for a development. He stated that there should be an opening in the Ordinance to enable that possibility.

**Mr. Hetrick** commented that any new curb cut should go through the Planning Commission for approval. He questioned whether that would conflict with the language in Item 3.

**Mr. Anzek** requested the City Attorney weigh in as to whether that provision should be amended or changed for clarity and to avoid conflict.

**Mr. Staran** suggested that Section 2 E 3., in the proposed Ordinance be changed to read "A covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares without City Planning Commission approval shall be recorded at Oakland County."

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

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

**Absent** 1 - Brown

Enactment No: RES0157-2015

**Resolved**, that an Ordinance to amend Table 7 of Section 138-5.100 and Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to permit in the B-3 district parcels smaller than the minimum size required under certain conditions, repeal inconsistent provisions and prescribe a penalty for violations is hereby accepted for First Reading with Section 2 E 3., amended to read "A covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares without City Planning Commission approval shall be recorded at Oakland County."

**2015-0094** Acceptance for First Reading - An Ordinance to amend Sections 138-4.300, 138-4.302 and 138.8-200 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to add alcoholic beverage sales (for on-premises consumption) to the Table of Permitted Uses by District, repeal inconsistent provisions and prescribe a penalty for violations thereof

**Attachments:** [060115 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[051815 Agenda Summary.pdf](#)  
[Letter Staran 041615.pdf](#)  
[Minutes PC 042115.pdf](#)  
[Memo Anzek 041715.pdf](#)  
[Public Hearing Notice.pdf](#)  
[051815 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, noted that several months ago City Clerk Tina Barton requested a meeting with the City Attorney regarding recent actions by the Liquor Control Commission which eliminated City Council's approval in the issuance of liquor licenses. He commented that other communities are using their zoning ordinances as a mechanism to be informed as to how liquor permits are being brought into their communities.

**John Staran**, City Attorney, explained that the proposed Ordinance has been discussed with the City's Liquor License Technical Review Committee. He noted that the Michigan Liquor Control Commission (MLCC) is the principal authority in the State of Michigan responsible for regulating liquor licenses. Historically municipalities were always asked to make a recommendation as to the approval or denial not of only new licenses, but transfers into the community. He stated that within the last couple of years as part of the overall revamping of administrative procedures in State government, the MLCC changed its procedure so that local approval is no longer required for liquor license transfers. He commented that under current State Law, the City no longer has a say, and approval is left entirely to the MLCC in Lansing. He noted that the proposed Ordinance is a way to have the City's voice heard through the zoning authority. He pointed out that some communities have been doing this with some success, and stated that Bloomfield Township has successfully defended their authority through the Michigan Appellate Courts. He stated that since that time, the MLCC as well as a number of prominent liquor licensing attorneys seem to accept the City's ability to regulate to some degree through zoning.

He explained that should the Ordinance be accepted, any new liquor license establishments or any establishments that will be using a license that is transferred in to the community will have to go through a Conditional Land Use approval process, including a public hearing before the Planning Commission and final approval before City Council. He stated that the Ordinance gives the City the ability to know what is going on in the community and have direct say as well as to attach relevant conditions as to operating hours, parking, and seating. He mentioned that the Planning Commission reviewed the proposed Ordinance in April, held a Public Hearing, and voted unanimously to recommend the Ordinance amendment to City Council.

**Public Comment:**

**Lorraine McGoldrick**, 709 Essex, stated that local control helps the community. She suggested that part of any review should include an evaluation of the consequences to ensure a reduction in the access to alcohol by youth.

**President Hooper** noted that the Ordinance does not address enforcement.

**Mr. Anzek** responded that as part of consideration for a Conditional Land Use approval, general health, safety and welfare is always considered.

**President Hooper** commented that the Oakland County Sheriff's Office performs audits on an annual basis to determine compliance.

**Mr. Wiggins** questioned whether the Ordinance addresses transfers within the City.

**Mr. Staran** responded that the Ordinance focuses on transfers of licenses into the community, and not intra-city.

**Mr. Hetrick** questioned whether any transfer or new license would trigger a Conditional Land Use.

**Mr. Staran** responded that the City currently has two quota licenses available. He stated that if or when those licenses are applied for and considered for approval, those establishments will have to go through Conditional Land Use approval, as well as anyone transferring in from another city. He explained that it would not affect any existing businesses already in place or for existing license businesses having a change of ownership and staying within the city.

**Mr. Hetrick** questioned whether a change in location would trigger a need to go to the Planning Commission.

**Mr. Staran** stated that it would not trigger this process; however, it would go to the Planning Commission and require the approval of the MLCC. He explained that liquor licenses are tied to particular owners at particular locations. He commented that previously, when anyone wanted to open a liquor establishment, the City would know; however, that step was eliminated. He pointed out that without this Ordinance, the City has no say or receives no notice that a license is being transferred into the community until it is imminent. He stated that the City would merely receive a courtesy notice from MLCC.

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

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

**Absent** 1 - Brown

Enactment No: RES0158-2015

**Resolved**, that an Ordinance to amend Sections 138-4.300, 138-4.302 and 138.8-200 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to add alcoholic beverage sales for on-premises consumption to the Table of Permitted Uses by District, repeal inconsistent provisions and prescribe a penalty for violations there of is hereby accepted for First Reading.

**2015-0206** Acceptance for First Reading - An Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of

the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [060115 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[051815 Agenda Summary.pdf](#)  
[Water & Sewer TRC Adopted Resolution.pdf](#)  
[051815 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Keith Sawdon**, Director of Finance, reported that the Water and Sewer Technical Review Committee (WSTRC) met on May 6, 2015, and examined the rate structure in light of recent notices received from the Detroit Water and Sewerage Department (DWSD) and the Oakland County Water Resources Commission (OCWRC) that rates were changing. He explained that the City utilizes a multi-year approach to setting rates, an approach that it terms smoothing. He explained the proposed changes:

- The Commodity Rate is proposed to increase by 8.4 percent to \$5.32 per 100 cubic feet.
- The Sewer Commodity Rate is proposed to increase by 1.9 percent to \$5.37 per 100 cubic feet.
- The Customer Charge will increase by 1.8 percent to 5.8 cents.
- The Sewage non-metered flat rate will increase by 1.9 percent to \$64.44 which estimates 12 units at \$5.37 per unit.
- The other two items proposed deal with industrial surcharges, and are a straight pass through, decreasing by 4.9 percent.
- The Non-residential surcharge will also decrease.
- The average residential customer using 12 units per billing cycle will see their bill go from \$127.86 to \$134.13, an increase of \$6.27 or 4.9 percent. The flat rate sewer total bill, including all charges, will increase from \$66.09 to \$67.34, or \$1.25 per bill, representing an 1.9 percent.

**Mr. Wiggins** questioned how rate smoothing is accomplished.

**Mr. Sawdon** responded that the WSTRC reviews rates over a four-year period with the goal of keeping rates moving at increments similar to the year before. He explained that for the 2015-2016 cycle, the WSTRC is looking at a 4.9 percent increase for the average user. He stated that the goal is to ensure rate increases are manageable for customer's budgets.

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

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

**Absent** 1 - Brown

Enactment No: RES0159-2015

**Resolved**, that an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

## ORDINANCE FOR ADOPTION

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

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Ordinance \(Revised-Clean\).pdf](#)  
[Ordinance \(Revised-with markups\).pdf](#)  
[042015 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Draft Minutes PC 040715.pdf](#)  
[Supervisor of Wells Instructions 02-2015.pdf](#)  
[CC Minutes 040714.pdf](#)  
[Staran Letter 040214.pdf](#)  
[Resolution \(Draft\) 042015.pdf](#)  
[Resolution \(Draft\).pdf](#)

***Ed Anzek***, Director of Planning and Economic Development, noted that the proposed Ordinances were presented to City Council for First Reading one month ago. After recommending changes, the Ordinances were deferred to City Attorney John Staran in order for the requested changes to be incorporated.

***John Staran***, City Attorney, explained that he believed that the revised Ordinance Amendment drafts incorporate all of the changes Council requested and directed for both the Oil and Gas Well Ordinance and the Pipeline Ordinance.

**Public Comment:**

***Lorraine McGoldrick***, 709 Essex, commented that the proposed Ordinances are not like those enacted in other cities, and reduce transparency.

***Lee Zendel***, 1575 Dutton Road, questioned whether groundwater monitoring requirements specified in the proposed ordinance would be in addition to Michigan Department of Environmental Quality (MDEQ) monitoring requirements. He stated that if there is no evidence that any drilling or well operation activities in Michigan have contaminated any aquifer, there is no justification for a monthly monitoring requirement. He commented that reference to a City 911 system is incorrect as the City does not have its own 911 system.

***Jay Arnold***, 3141 Tamarron Drive, stated that he was disheartened and disappointed in Council's actions. He stated that home values will decline.

**Mike Powers**, 3632 Aynsley, stated that Council should continue to preserve and enhance the rights of the residents. He noted that the world is awash in oil, and commented that Rochester Hills should be known for bringing in new technologies such as wind power.

**Mary Anne Reising**, 864 Greenview Court, commented that she doubts that any resident wants oil or gas exploration, or horizontal drilling. She stated that Council should not have signed leases without a vote of the people. She commented that Council should do what is right to keep Rochester Hills safe.

**Todd Frerichs**, 1485 Biggers Road, stated that he is disappointed in the decisions that are being made on oil and gas in Rochester Hills. He commented that these activities will not make this a better place for his family.

**Philip Barker**, 1434 Burhaven, suggested several changes to the proposed Ordinances which he stated would make the 1,000 foot setback requirements clearer. He stated that the well ordinance should require bonding by the drilling company just like pipeline ordinance does. He commented that section 138-4.425 presents a loophole that should be addressed. He cited Section 94-202 C of the Pipeline Ordinance and questioned what measurement would determine whether a leak had occurred.

**Scot Beaton**, 655 Bolinger, stated that the Ordinance should not be on the agenda for Second Reading as it was not accepted for First Reading at the previous meeting.

**Erin Howlett**, 3597 Aynsley, commented that as there had been no vote to accept the Ordinances for First Reading, they should not be adopted tonight. She stated that once the Ordinances are passed, the moratorium would go away.

**Pablo Fraccarolli**, 1263 Cobridge Drive, stated that notice that these Ordinances would be on the agenda came in the mail this past weekend, and commented that it was not enough time to review the draft.

**Jim Stevens**, 3394 Coolidge, stated that he contacted Jordan Development and offered his own funds to buy the City's lease back. He introduced himself as a candidate for office.

**President Hooper** informed Mr. Stevens and everyone in attendance that no political campaigning is allowed during City Council meetings.

**(RECESS 8:46 P.M. TO 9:00 P.M.)**

**President Hooper** responded to several items raised prior to the recess during Public Comment, noting the following:

- He stated that the majority of Council wanted the Ordinances to be brought for Second Reading. He commented that as a vote had not yet been taken to accept the Ordinances for First Reading, he did not believe they should be on the agenda for Second Reading.

- Regarding comments requesting modifications of several of the paragraphs in the Ordinances, he noted that the changes could be made as a part of a motion.

- He stressed that Jordan Oil came to the City to propose a lease. He explained that Council's options were to sign a lease with conditions prohibiting wells in City parks and any fracking activities, and receive a slightly increased residual fee, or to not sign a lease which would put the City's acreage into a pool. At that point, the MDEQ would determine where any well could be installed. He stressed that all of the 400-plus leases signed to date in Rochester Hills are non-developmental leases.

- Regarding the comment relative to the notice of items on the agenda, he explained that the agenda is set by the end of the day on Wednesday, and notice is mailed Thursday. He pointed out that the agenda is live for viewing on the internet on Wednesday.

**Mr. Staran** stated that while it has typically been Council's practice to have ordinances on the agenda for First Reading with a formal resolution of acceptance before moving on to Second Reading, it is not wrong to have a Second Reading tonight, as nothing in the Law, Charter or Council Rules of Procedure requires it. He noted that the Charter states that no ordinance shall be finally passed by Council at the same meeting at which it is introduced. He pointed out that as the Ordinances were introduced at the previous meeting, the Charter has been complied with. He mentioned that Council's Rules of Procedure, Article 6.02 (B), Consideration of Ordinances, states that each proposed ordinance is read by title once for First Reading, and then for Second Reading and Adoption at a subsequent meeting. He noted that this rule is complied with. He stated that there is no limitation on how many readings of an ordinance Council may choose to have. He explained that it is prohibited by Charter and Rules to finally adopt an ordinance at the meeting it is introduced. He stated that if a majority of Council decides that it wants to take action, it is his legal opinion that it is compliant with the Charter and Rules of Procedure.

In response to a request by Mr. Barker to clarify language regarding the 1,000 foot setback, he suggested a wording change to break the sentence in question into two sentences, which he stated would improve and enhance the clarity of the Ordinance.

#### **Council Discussion:**

**Mr. Kochenderfer** commented that his goal is to pass strongest Ordinances possible that are legally enforceable. He stated that it is his belief that the Ordinances are enforceable. He suggested the following changes to the Pipeline Ordinance:

- Under Definition of City Regulated Pipelines, capitalize Pipelines every single time that it appears within that definition of City Regulated Pipelines to ensure the defined term is incorporated.

- In the following paragraph, Pipelines be capitalized.

- In 94-202, General Regulations, Subsection K, he suggested that the wording be changed to read: "A City Regulated Pipeline shall not be located closer than 1,000 feet from a residential dwelling, place of worship, school, child care center or public park. A City Regulated Pipeline for purposes of this subsection does not include those pipes which are part of the well and regulated by the State of Michigan." He commented that the change would make it clear that the regulations pertaining to wells are covered by the Well Ordinance.

**Mr. Hetrick** suggested the following changes:

- Section 94-205 (b) should be changed to read: "Upon discovery of a Pipeline emergency or incident, any affected Pipeline Operator shall immediately communicate to the 911 system the following information," striking the word "City's". He added that this reference should be placed in the Oil and Gas Ordinance as well, in 16 (b).

- He concurred with Mr. Kochenderfer's suggestion to incorporate changes to the Pipeline Ordinance, under Article 6, Section 94-200 K.

**Mr. Wiggins** stated that he believed that these are the best Ordinances, and expressed his appreciation to Ms. Morita and for her efforts to push this along.

**Mr. Tisdell** mentioned several areas depicted on a map, noting that Oakland University property is not a part of the City's jurisdiction, an area at Avon and Adams is heavily wooded with wetlands and no access roads, and Rochester College is within one-quarter mile of a river. He mentioned Great Oaks Country Club, stating that he doubted that the Club's members would vote to have an access road brought in. He added that Pine Trace Golf Club is City-owned land, and the City has already expressed its opinion in a lease. He pointed out that areas to the east include previous landfill properties, and he noted that the MDEQ has never issued a drilling permit on a landfill due to the unstable condition of the ground. A property on Mead Road is also one-quarter mile from a natural river. He added that as properties within the existing MDEQ setback requirement are eliminated, there are only approximately eight to ten possible drilling sites in total within Rochester Hills meeting the criteria. He pointed out that once properties in industrial zoning meeting the 1,000-foot setback are noted, the idea that there will be drilling rigs springing up all over the city is not accurate.

**Ms. Morita** expressed her appreciation to Council members. She noted that this has been a work in progress and Council members had to come together to reach a resolution. She stated that the Ordinances are a good compromise to develop something that would be legally enforceable. In response to comments made regarding whether this should be seen as a First or Second Reading, she stated that this was discussed with Mr. Staran. She noted that she and other Council Members requested that the Ordinances be put on the agenda. She stated that it is her opinion that it is safer to have Ordinances in place than it is to have a moratorium. She commented that there is no perfect ordinance. She noted that she would expect that after the Ordinances are in place for a while, Council may wish to make some changes.

**President Hooper** stated that he would disagree, and he stated that while it is legally permissible to have a Second Reading, it is the wrong thing to do. He pointed out that historically in Rochester Hills, whenever Ordinances are introduced, changes are suggested and a vote taken. The Ordinances then come back for Second Reading. He commented that it is rare to make changes at the Second Reading.

He stated that he disagrees with requiring monthly monitoring of well sites, noting that it is unrealistic and arbitrary, and he does not believe that it will be enforced. He pointed out that the MDEQ has supervised the installation of 60,000 wells in Michigan, and monitors 20,000 active wells. He noted that their monitoring calls for a frequency of every six months.

He questioned why an Ordinance should be accepted tonight if the moratorium is in place, and he stated that the version as changed tonight is not the right version to pass. He pointed out that the Planning Commission scrutinized this in detail and the version they recommended pushed the envelope far enough. He stated that he supported the Planning Commission's version. He commented that the Ordinances will be adopted this evening without his support. He stated that there is only a remote chance that a well would be installed in Rochester Hills.

**Mr. Staran** reviewed the requested changes to both Ordinances in detail.

**See Also Legislative File 2015-0164.**

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

**Aye** 5 - Hetrick, Kochenderfer, Morita, Tisdell and Wiggins

**Nay** 1 - Hooper

**Absent** 1 - Brown

Enactment No: RES0129-2015

**Resolved**, that an Ordinance to Amend Section 138-4.300, Table of Permitted Uses by District; add new Section 138-4.425; and re-number existing Sections 138-4.425 through 138-4.445 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County Michigan to regulate oil and gas wells, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, May 25, 2015, the day following its publication in the Oakland Press on Sunday, May 24, 2015 with the following changes:

1) Section 138-4.425, 2., first sentence, changed to the following:

"A new oil or gas well shall not be located closer than 1,000 feet from a residential dwelling or place of worship, school, hospital, child care center or public park. A new oil or gas well shall also not be located closer than 330 feet from an adjoining property line, unless the adjoining property is pooled with the well site property, and unless the location is at least 660 feet from another well."

2) Section 138-4.425, 16. (b) changed to read:

"Upon discovery of an oil or gas well emergency or incident, the owner or operator shall immediately communicate to the 911 system the following information:"

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

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Ordinance \(Revised-Clean\).pdf](#)  
[Ordinance \(Revised-with markups\).pdf](#)  
[042015 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Draft Minutes PC 040715.pdf](#)  
[CC Minutes 040714.pdf](#)  
[Resolution \(Draft\) 042015.pdf](#)  
[Resolution \(Draft\).pdf](#)

*It was noted that proposed changes to the Pipeline Ordinance were discussed as a part of the discussion for the Oil and Gas Wells Ordinance.*

**President Hooper** stated that he did not support adoption of this Ordinance tonight. He questioned why the Ordinance would require a permit prior to knowing where the pipeline would be installed. He commented that the Ordinance would more likely result in the transmission of any oil or gas by truck.

**See Also Legislative File 2015-0162.**

**A motion was made by Tisdel, seconded by Kochenderfer, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:**

**Aye** 5 - Hetrick, Kochenderfer, Morita, Tisdel and Wiggins

**Nay** 1 - Hooper

**Absent** 1 - Brown

Enactment No: RES0130-2015

**Resolved**, that an Ordinance to add new Article VI Pipelines to existing Chapter 94, Streets, Sidewalks, and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the construction and permitting of pipelines in the City, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, May 25, 2015, the day following its publication in the Oakland Press on Sunday, May 24, 2015, with the following changes:

1) Section 94-200. Definitions - City Regulated Pipelines, the word Pipelines capitalized throughout this section.

- 2) Definitions - Pipeline, the word Pipeline capitalized throughout this section.
- 3) Section 94-202 (k) changed to read "A City Regulated Pipeline shall not be located closer than 1,000 feet from a residential dwelling, place of worship, school, child care center or public park. A City Regulated Pipeline for purposes of this subsection does not include those pipes which are part of the well and regulated by the State of Michigan."
- 4) Section 94-205 (b) changed to read: "Upon discovery of a Pipeline emergency or incident, any affected Pipeline Operator shall immediately communicate to the 911 system the following information."

## PLANNING AND ECONOMIC DEVELOPMENT

2015-0216 Status Update from the Eddington Realignment Sub-Committee

**Attachments:** [051815 Agenda Summary.pdf](#)  
[EddingtonSurveySummaryFINAL.pdf](#)  
[EddingtonSurveyIndividualResponsesFINAL.pdf](#)  
[Suppl Survey Results Presentation.pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, recapped a history of the consideration given for realignment of Eddington with Drexelgate. He noted that Rochester Hills realigned Yorktowne with Meadowfield; however, the Michigan Department of Transportation (MDOT) determined that it will not permit a signal at that location. He noted that a 2010 Planned Unit Development (PUD) agreement included a paragraph referencing a potential alignment; however, the agreement expired in 2013. He stated that MDOT confirmed in 2014 that an Eddington Boulevard realignment is the only location for a traffic signal. He explained that a subcommittee was put into place in August of 2014 to study the issue, and the owner of the property provided four options.

He stated that it was determined to ask the residents what their wishes are; and it was determined that a survey would be sent due to the low turnout at meetings discussing the issue. He displayed a map showing the 393 residents considered users of Eddington Boulevard who were mailed a survey and where the 97 responses were returned. He explained that the survey had a 24.7 percent response rate. Forty-four of the 97 responses were mailed, faxed, scanned or dropped off. He reviewed the results, noting 73 percent of the respondents stated that Eddington was their primary road to enter and exit. He stated that 56.3 percent responded that they avoid the intersection due to safety concerns and long delays. He highlighted other responses, and reported that 56 percent scored the importance of a traffic light at an eight, nine or ten in rating. He displayed a map showing the responses came from a dispersed area. He added that additional categories relative to the desire for a cohesive development, setback distance from residential, and preservation of the berms were included in the survey and were rated high.

**Mr. Wiggins** expressed his appreciation to Mr. Anzek, along with Paul Davis, City Engineer/Deputy Director of DPS, Mr. Tisdell, and City Attorney John Staran. He highlighted the timeline of the discussions toward a goal of meeting the needs and safety of the residents, noting the following:

- *The current landowner sent a letter to the City on August 18, 2014, outlining four scenarios. The scenarios were reviewed and discussed with residents on August 25, 2014, and included:*
  - a) *Align Eddington, the City installs the signal, and the plat must be amended by a filing with the Circuit Court.*
  - b) *Align Eddington, the developer pays for the infrastructure, the City installs the signal, and no Court action.*
  - c) *The landowner donates the land and the City is responsible for the realignment, infrastructure and traffic signal.*
  - d) *Eddington Boulevard is maintained as-is.*
- *On September 24, 2014, MDOT provided a letter stating that a traffic signal would be appropriate at a realigned Eddington. No staggered lights and no signal at Yorktowne would be approved. At this time, a market analysis was reviewed, showing that the economy has improved.*
- *On March 27, 2015, the Traffic Improvement Association (TIA) confirmed MDOT's position for a traffic signal at a realigned Eddington.*
- *On April 23, 2015, a survey was mailed to residents with a letter and list of Frequently Asked Questions.*

*He noted that the intent was to gather facts for dissemination to residents and interested parties. He explained that the results along with externally-gathered information from MDOT and the TIA have been discussed internally with City associates. Council is being asked to determine what the next step should be in moving forward.*

**Mr. Tisdell** *noted that he and Mr. Wiggins volunteered to serve on the ad hoc subcommittee. He stated that the City has known since August 18, 2014 what the current landowner is willing to do. He commented that relative to option d), the owner reserves the right to build on all of its property, including the existing berm and current Eddington Boulevard landscaping area. He stated that to the committee, this would be the worst possible outcome. He noted that subsequent to a meeting with MDOT, while it was determined that additional curb cuts could be resisted, the owner must be allowed access to his property.*

*He reviewed the survey results, noting that the ranking in order of importance found that the traffic light did receive most votes ranking as number one. He stressed that the other three high ranking items, including the cohesiveness of the entire development, maintaining setbacks, and maintaining berms and sight lines for those properties adjacent or abutting, are completely depending on a traffic light. Otherwise the developer has noted that he will sell the property as lots.*

*Mr. Tisdell stated that the committee wanted to inform Council that based on the nine to ten months of investigation, and knowing what the current landowner is willing to implement, the committee would like to move ahead to work with the City Attorney to specifically negotiate a development agreement that incorporates the wishes of the residents, striving for cohesiveness, optimizing setbacks, berms*

and sight lines, and recognizing that it all involves placement of a traffic signal. The development agreement would negotiate who pays for what and incorporate specific limits that this landowner or any future landowner could not parcel out the property and would also develop to the MDOT timelines. He added that the agreement could incorporate some of the PUD language that expired in 2013 regarding drive-throughs and hours of operation.

**Public Comment:**

**Lorraine McGoldrick**, 709 Essex, stated that the survey contained errors and was manipulative and should be voided. She noted that the committee had no attendance records or meeting minutes. She pointed out that the survey should have included residents on Drexelgate and stated that there is no safety issue.

**Ryan Fogelberg**, 356 Bedlington, stated that short notice was given regarding this item being on the agenda. He questioned the validity of the survey commenting that his response is missing, and the rating scale unclear. He questioned how an arbitrary line was drawn to include a portion of Arcadia Park. He stated that Drexelgate should have been included.

**James Coon**, 707 Tewksbury Court, stated that he is a former Traffic Engineer from Detroit and it is his opinion that the survey is worthless. He commented that rather than one response per household, a response from each driver should be counted. He stated that the signal should be staggered.

**Lisa Winarski**, 194 Bedlington, read a letter drafted by the Eddington Property Owners Association's attorney.

**Loretta Bonello**, 1494 Ternbury, stated that she did not want to see the street realigned. She stated that MDOT should be asked to allow a staggered signal and questioned whether tax dollars would be used to pay for the light. She stated that a written guarantee should be provided by MDOT that a light will be installed at the realignment. She commented that the street should not be realigned without knowing what the developer would do with the property.

**Scott Armstrong**, 625 Lexington, stated that as Vice President of the Eddington homeowners association, he is extremely disheartened by the type of survey sent out to our members. He commented that it is the association board's perception that Council is trying to work around the association, and that the survey elicited a specific response. He stated that an article written by an Oakland County Sheriff representative stated that there is no safety issue on this stretch of Rochester Road.

In response to public comment, **President Hooper** questioned whether the survey was misleading.

**Mr. Anzek** responded that the survey was developed by the committee. He explained that questions were posed, edited, and modified. He noted that only one person indicated a response that it was not clear on the question asking for a ranking of the criteria from one to seven. He pointed out that the general

ranking percentages for that question paralleled and agreed with responses for the other questions. He stated that surveys were directed to the Clerk's office, which forwarded them directly to his department. He explained that of the 97 surveys, 44 were received through the Clerk's office. He commented that he did not know why Mr. Fogelberg's survey was not included and would check into whether it had been received.

**President Hooper** questioned why Arcadia Park was included and Drexelgate was not.

**Mr. Anzek** responded that Drexelgate is a collector road and is not being realigned. He noted that Mr. Davis suggested including areas in Arcadia Park as they are closer to Rochester Road.

**President Hooper** noted that the City has a letter from MDOT that clearly states that if there is going to be a signal, the only place it would be installed is at a relocated Eddington and Rochester Road.

**Mr. Anzek** noted that the City also has a letter from the Director of MDOT confirming this information.

**Mr. Tisdell** quoted from the MDOT letter, stating that a signal would only be allowed at a realignment. He explained that the City made an attempt to have a light installed at Meadowfield and Yorktowne in 2003; however, the auto dealer to the north and the homeowners' association could not reach an agreement on a purchase price for access land. Many of the leases in Winchester Mall contained conditions that the southernmost entry exit must be maintained. He added that staggered lights were also not approved by MDOT staff. The Director of MDOT confirmed that they would not be allowed.

**Mr. Wiggins** stated that the purpose of the ad hoc committee was to gather and present facts. He commented that safety has been an issue since 2000. He pointed out that if the option is to not incorporate a light, the landowner will then parcel out the property and include curb cuts.

**Mr. Hetrick** commented that whether individuals agree or disagree with the survey, it is clear that a signal is wanted and desired, and it is clear that the only place for the signal is a realigned Drexelgate and Eddington. He questioned how elements of the previous PUD would be incorporated and how the property owner will work with the City and the residents for a cohesive result.

**Mr. Anzek** reviewed several concepts presented for the realignment, noting that the City's engineering staff prefers a curved road. He pointed out that a specific PUD was presented in 2003; however, it went nowhere in the market. He stated that some of the items incorporated into the PUD then are the same things they are asking for now, including preservation of the berm and continuity of the development. He commented that it is highly unlikely that the City will know the specifics of the design at this point. He stated that it is likely that the owner will ultimately be the developer, and it is expected that the property will be sold.

**Mr. Hetrick** stated that the elements that should be incorporated into any agreement include the berm and cohesiveness of the design. He noted that those items will give the residents some comfort that the property will not be cut up.

**Mayor Barnett** stated that it will be impossible to have every question answered at this point. He commented that MDOT's letter could not be more clear. He pointed out that the Administration and Council have spent a great amount of time on this issue in advance of a specific proposal. He stated that he met an older couple walking the other day who told him that they absolutely avoid that intersection at all costs because of the dangerous nature of the intersection. He explained that Captain Johnson of the Oakland County Sheriff's Department sent an email after an article appeared in the Oakland Press that quoted him as stating that Rochester Road was safe in that section. He noted that reporter did not ask whether he felt the safety would be improved by a traffic signal at Drexelgate and Rochester Road. He stated that Captain Johnson stressed that his answer to a question regarding a signal would have been that a traffic signal would improve safety by allowing safe left-turns out of Drexelgate and Eddington, and would also allow easier exits from Yorktowne and Meadowfield by creating breaks in the heavy traffic on Rochester Road. Mayor Barnett noted that this is an extremely valuable parcel with its location on Rochester Road and it is only a matter of a very short time that something will happen on the property. He stated that this is a good time to be proactive.

**Mr. Tisdell** noted that one option is to leave Eddington Boulevard as-is; however, the committee believes that this is the absolute worst thing that could happen. He commented that he does not know the intentions of current or future owners, and he pointed out that the current owners are in their late sixties and will begin selling land. He pointed out that a development agreement negotiated now will survive the current owner and be an obligation for any future owners. He mentioned that there are 13 curb cuts on the west side of Rochester Road from Wabash to Auburn. He commented that leaving Eddington Boulevard as-is and parceling out the land, eliminating berms and setbacks would be an absolute disaster for the city. He stated that this is the reason that a development agreement should be aggressively negotiated with the current owner that will survive to all subsequent owners and puts in the safeguards, berms, setbacks, and cohesive design that the respondents to the survey have indicated and the committee feels is important.

**John Staran**, City Attorney, noted that should Council wish to give direction, a motion should be made.

**Ms. Morita** noted that the liability of the realignment should be a part of the negotiations. She stated that she did not wish to get into a disagreement with property owners in the plat regarding the old Eddington Boulevard.

**Mr. Staran** commented that this is a significant issue and factor that must be discussed, explored, and dealt with and should be resolved.

**Mr. Hetrick** stated that the homeowners' association should be involved in the negotiations.

**Mr. Staran** commented that the homeowners' association can be as involved as Council wants them to be. He stated that the existing road is a public road

*under the City's jurisdiction. He noted that if the City were to take action to vacate the existing road, eliminating the public rights to use Eddington Boulevard as a public road, the lot owners of Eddington Farms will still have rights. The property upon vacating will stay with the subdivision. He stated that how the existing road is handled is a delicate and important issue and should be fully discussed. It is a legal issue that must be resolved. He noted that should a motion pass, an agreement will be prepared. He stated that he expects that there will be additional discourse at Council and with the homeowners association. He commented that he is not suggesting that the homeowners association be a part of the phone call between him and the developer's attorney.*

**Mr. Hetrick** stated that he recognizes that Mr. Staran and the landowner are the primary negotiators. He noted that there will be an opportunity for individuals to weigh in on the development agreement as it commences.

**Mr. Staran** noted that the survey is a part of interacting and getting feedback from the residents. He commented that he does not see that as the first or last effort to do that. He stated that the motion would direct that a template of an agreement be brought back to Council for discussion. He noted that he would expect that this be a thorough and detailed process.

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

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

**Absent** 1 - Brown

Enactment No: RES0131-2015

**Resolved**, that the Rochester Hills City Council directs that negotiations be undertaken between the City Attorney and the current landowner's attorney to reach a development agreement that incorporates the terms and conditions necessary to preserve the desires of the residents and those indicated and rostered through the research efforts of the Eddington Realignment Sub-Committee.

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

*None.*

## **CONSENT AGENDA**

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

- 2015-0169** Request for Approval of the First Amendment to Agreement for Maintenance of Storm Water Retention System between the City of Rochester Hills and Ramco-Gershenson Properties, L.P., a Delaware limited partnership (as successor by merger with RLV Winchester Center L.P.), for Stein Mart

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Amended Storm Sys Maint Agreem Appd 041615.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0132-2015

**Resolved**, that the Rochester Hills City Council approves the First Amendment to Agreement for Maintenance of Storm Water Retention System, from RAMCO-GERSHENSON PROPERTIES, L.P., a Delaware limited partnership (as successor by merger with RLV WINCHESTER CENTER LP), for Stein Mart, having an address of 31500 Northwestern Highway, Suite 300, Farmington Hills, Michigan 48334 ("Ramco"), for Stein Mart.

**2015-0179** Request for Acceptance of Temporary Easement granted by The James G. Griffin Living Trust dated January 20, 2014 for 1535 W. Hamlin Road, Rochester Hills, MI, and authorization of payment to the landowners in the amount of \$250.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Temporary Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0133-2015

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Temporary Easement granted by The James G. Griffin Living Trust dated January 20, 2014 for 1535 W. Hamlin Road, Rochester Hills, Michigan 48307, for the right to move workers, equipment and materials, on, over and through land more particularly described as Parcel No. 15-24-401-005 for the rehabilitation project of Hamlin Road (Hamlin Ct. to Dequindre), and authorizes payment to the landowner in the amount of \$250.00.

**2015-0192** Request for Acceptance of Temporary Easement granted by Albert Teller and Bonnie Sue Teller, 2855 W. Tienken Road, Rochester Hills, Michigan 48306, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Temporary Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0134-2015

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Temporary Easement granted by Albert Teller and Bonnie Sue Teller of 2855 W. Tienken Road, Rochester Hills, Michigan 48306 for the right to move workers, equipment and materials, on, over and through land more particularly described as Parcel No. 15-08-100-002 and to store equipment, material and excavated matter, and authorizes payment to the landowners in the amount of \$1.00.

**2015-0185** Request for Acceptance of the Consent to Reconstruct Sidewalk granted by Rochester Ventures, Inc., for 1010 N. Adams Road, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Consent to Reconst. Sidewalk.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0135-2015

**Resolved**, that the Rochester Hills City Council hereby accepts the Consent to Reconstruct Sidewalk granted by Rochester Ventures Inc., 19395 Strathcona Drive, Detroit, Michigan 48203, for 1010 N. Adams Road, Parcel No. 15-05-351-006, for the right to trim trees, shrubs and vegetation as necessary, and authorizes payment to the landowners in the amount of \$1.00.

- 2015-0186** Request for Acceptance of the Consent to Reconstruct Sidewalk granted by Brookdale Woods Homeowners Association, for Parcel No. 15-07-226-005, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Consent to Reconst. Sidewalk.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0136-2015

**Resolved**, that the Rochester Hills City Council hereby accepts the Consent to Reconstruct Sidewalk granted by Brookdale Woods Homeowners Association, Rochester, Michigan, for Parcel No. 15-07-226-005, for the right to trim trees, shrubs and vegetation as necessary, and authorizes payment to the landowners in the amount of \$1.00.

- 2015-0187** Request for Acceptance of the Consent to Reconstruct Sidewalk granted by Hagar Properties, LLC., for 974 N. Adams, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Consent to Reconst. Sidewalk.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0137-2015

**Resolved**, that the Rochester Hills City Council hereby accepts the Consent to Reconstruct Sidewalk granted by Hagar Properties, LLC., 6601 Crabapple, Troy, Michigan, for 974 N. Adams, Parcel No. 15-08-100-021, for the right to trim trees, shrubs and vegetation as necessary, and authorizes payment to the landowners in the amount of \$1.00.

- 2015-0193** Request for Acceptance of the Consent to Reconstruct Sidewalk granted by Djon Ivezaj for 1365 W. Tienken Road, and authorization of payment to the landowner in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Consent to Reconstruct Sidewalk.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0138-2015

**Resolved**, that the Rochester Hills City Council hereby accepts the Consent to Reconstruct Sidewalk granted by Djon Ivezaj for 1365 W. Tienken Road, Rochester Hills, Michigan, 48306, Parcel No. 15-09-201-017, for the right to trim trees, shrubs and vegetation as necessary, and authorizes payment to the landowner in the amount of \$1.00.

**2015-0194** Request for Acceptance of the Consent to Reconstruct Sidewalk granted by Michelle Crumb and Michael A. Crumb, for 1415 W. Tienken Road, and authorization of payment to the landowners in the amount of \$1.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Consent to Reconst. Sidewalk.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0139-2015

**Resolved**, that the Rochester Hills City Council hereby accepts the Consent to Reconstruct Sidewalk granted by Michelle Crumb and Michael A. Crumb, Joint Tenants with Rights of Survivorship, for 1415 W. Tienken Road, Rochester Hills, Michigan 48309, Parcel No. 15-09-201-001, and authorizes payment to the landowners in the amount of \$1.00.

**2015-0063** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for 22A Road Gravel in the amount not-to-exceed \$24,250.00 through December 31, 2016; Edward C. Levy Co., Dearborn, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[BID Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0140-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for 22A Road Gravel to Edward C. Levy Co., Dearborn, Michigan, in the amount not-to-exceed \$24,250.00 through December 31, 2016.

**2015-0065** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for 5G and 22X Slag Aggregates in the amount not-to-exceed \$25,080.00 through December 31, 2016; Gary's Transport Inc., Macomb, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[BID Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0141-2015

**Resolved**, that the Rochester Hills City hereby authorizes a Blanket Purchase Order for 5G and 22X Slag Aggregates to Gary's Transport, Inc., Macomb, Michigan in the amount not-to-exceed \$25,080.00 through December 31, 2016.

- 2015-0180** Request for Approval of Fireworks Display Permit Application for the Festival of the Hills event, to be held at Borden Park on Wednesday, June 24, 2015

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Fire Department Memo 043015.pdf](#)  
[Wolverine Fireworks Application & backup.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0142-2015

**Whereas**, Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan has been selected through a competitive bid process for their safety record and the size of their show; and

**Whereas**, Wolverine Fireworks Display, Inc. has provided the necessary insurance with the City of Rochester Hills named as also insured; and

**Whereas**, the Rochester Hills Fire Department has no objection to the issuance of a fireworks permit provided their safety procedures are followed;

**Therefore, Be It Resolved**, that the Rochester Hills City Council does hereby approve a permit for Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan to provide a fireworks display for the Festival of the Hills event at Borden Park on Wednesday, June 24, 2015.

- 2015-0188** Request for Purchase Authorization - Fire: Purchase of three (3) Life Pak 15 Cardiac Monitors and required accessories in the amount of \$92,834.06; Physio-Control, Inc., WA

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Physio Control Quote.pdf](#)  
[Sole Source Letter.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0143-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of three (3) Life Pak 15 Cardiac Monitors and required accessories from Physio-Control, Inc., Redmond, Washington in the amount of \$92,834.06.

**Passed the Consent Agenda**

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

**Aye** 6 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins  
**Absent** 1 - Brown

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mr. Tisdell** noted that the Rochester Area Mens' Breakfast Club would hold an event on May 21, 2015 at 7:00 a.m. at the Royal Park Hotel. He noted that two scholarships were presented to students by the Club at the Rochester Community Schools scholarship ceremony this past Friday.

**Ms. Morita** stated that the Rochester/Auburn Hills Community Coalition (RAHCC) is undertaking a survey regarding drug and alcohol use among sixth to twelfth graders. She noted that a link to the survey is available on her Facebook page and Twitter feed or through the RAHCC.

She announced that the Avondale Youth Assistance has a summer camp coming up with academic mentoring for children who need it. Interested individuals with children living the Avondale School District should contact her for information.

**Mayor Barnett** reported on the following:

- A car crash in Rochester Hills resulted in a vehicle landing in the basement of the house. City emergency crews had to work to extract the vehicle.
- Three Rochester Hills seniors including one from Stoney Creek High School and one from Adams High School received a Congressional Medal. This is the highest award a graduating Senior can attain.
- Sheriff Bouchard presented a Medal of Honor to Steven Eschendal, a Rochester Hills resident, at a ceremony in recognition of National Peace Officers Day. Mr. Eschendal detained a robber breaking into his house.
- Another \$10,000 has been donated to four Rochester schools through Recyclebank's Green Schools Program. To date \$25,000 has been donated to Rochester Community Schools. The City of Huntington Woods donated their community's points to Rochester Hills' schools to help the community reach its goal as they do not have any schools within their program.
- Oakland University's William Beaumont School of Medicine graduated 47 students in their first class. Three of those students are Rochester Hills residents.
- Pine trees are available in the back of the auditorium. The trees were distributed as a part of the Arbor Day events in the City.
- Construction is continuing on Tienken in the Kings Cove area. The project is on schedule and on budget.
- The City's fleet was named number 64 in the top 100 fleets in the country. Over 38,000 fleets were represented.
- The first and only Stein Mart in Michigan is under construction. The store will be located next to Petsmart.

## ATTORNEY'S REPORT

**City Attorney John Staran** had nothing to report.

## NOMINATIONS/APPOINTMENTS

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

**Attachments:** [Suppl 051815 Agenda Summary \(Revised\).pdf](#)  
[051815 Agenda Summary.pdf](#)  
[Suppl Appointment Form \(Revised\).pdf](#)  
[Appointment Form.pdf](#)  
[Suppl Willett email.pdf](#)  
[Austin CQ.pdf](#)  
[Beightol CQ.pdf](#)  
[Willett CQ.pdf](#)  
[042015 Agenda Summary \(Revised\).pdf](#)  
[042015 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Hunter CQ.pdf](#)  
[Suppl Krajewski CQ.pdf](#)  
[Lyons CQ.pdf](#)  
[Mazur-Abeare CQ.pdf](#)  
[McGunn CQ.pdf](#)  
[Muenk CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[033015 Agenda Summary.pdf](#)  
[Graham Resignation.pdf](#)  
[033015 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

***President Hooper*** noted that three individuals had been nominated at the April 20, 2015 meeting to fill the unexpired term vacated by the resignation of Richard Graham. He stated that Maria Willett withdrew her name from consideration. He instructed Council to vote for one individual between the two remaining nominees.

***Peter Beightol*** received the unanimous vote of those in attendance.

***President Hooper*** announced that Peter Beightol would be appointed to the Green Space Advisory Board.

**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 - Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

**Absent** 1 - Brown

Enactment No: RES0144-2015

***Resolved***, that the Rochester Hills City Council appoints Peter Beightol to the Green Space Advisory Board to fill the unexpired term of Richard Graham ending December 31, 2015.

**NEW BUSINESS**

**2015-0130** Request for Approval of the Revised Version of the Older Persons Commission (OPC) Millage Renewal Plus Additional Millage Ballot Proposal

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Ballot Proposal Language \(Revised\).pdf](#)  
[OPC Ballot Language 2015.pdf](#)  
[033015 Agenda Summary.pdf](#)  
[Presentation.pdf](#)  
[Ballot Proposal Language.pdf](#)  
[Resolution 033015.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Renee Cortright**, Executive Director of the Older Persons' Commission, was in attendance.

**John Staran**, City Attorney, stated that Council approved a ballot question at a March meeting to consider not only a renewal but an increase to the Older Persons' Commission Transportation Millage. He noted that the question is earmarked for the November 2015 General Election. He explained that in scrutinizing the language further at the staff level, the City Treasurer and Finance Director wanted to ensure that the language was absolutely crystal clear to avoid any potential problems with interpretation with Oakland County's Equalization Division. He stated that the intention of the proposal is to have the millage continue without a gap; and, if approved, it would be effective for Fiscal Year 2016 through Fiscal Year 2026, levied on the upcoming December tax bill with monies available for 2016. He noted that a change to the language should be made in order to avoid an unintended interpretation that it was intended to be assessment year 2016 through assessment year 2026, thereby creating a gap year with no levy.

He explained that the revised proposal presented is the exact same as approved previously, with the exception of the third to last line, which is revised to note that the millage would run for 11 years, and specifying the Fiscal Years in two places.

He added that based on further information, the City Treasurer and Finance Director noted that the estimated annual revenue should be revised by a few dollars to \$318,215. He commented that this amount is a more accurate estimate of the first year revenue.

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

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

**Absent** 1 - Brown

Enactment No: RES0145-2015

**Resolved**, that the Rochester Hills City Council hereby approves the placement of the Older Persons Commission (OPC) Millage Renewal Plus Additional Millage Ballot Proposal on the November 3, 2015 General Election ballot as follows:

**BALLOT QUESTION****Older Persons Commission (OPC) Millage Renewal Plus Additional Millage**

Shall the City of Rochester Hills renew and continue to levy 0.0891 mills (\$0.0891 per \$1,000) (reduced by the Headlee Amendment from the original 0.09 mills) and also levy a new additional 0.0109 mills (\$0.0109 per \$1,000) for a total of 0.1 mills (\$.10 per \$1,000) to provide funds to the Older Persons Commission to enable it to maintain or increase handicapped and senior transportation services, on the taxable value of all property assessed for taxes in the City for eleven (11) years, beginning Fiscal Year 2016 and continuing through Fiscal Year 2026, inclusive, which will provide an estimated revenue of \$318,215 if levied in full in the first year of such levy?

\_\_\_\_\_ Yes  
 \_\_\_\_\_ No

*(Explanatory Note: Pursuant to MCL 211.24f(5), the city is authorized to submit a single question asking for the renewal of a millage and an additional millage so long as the additional millage is not greater than 0.5 mills. The 2005 ballot approved 0.09 mills, which has been reduced by Headlee to the present OPC transportation millage of 0.0891 mills. The OPC would like to increase the total millage back to the original 0.09 mills, plus add an additional .01 mills for a total millage of 0.1 mills. As the difference between these two is 0.0109 mills, the city may pursuant to statute, request for a renewal of the present millage and additional 0.0109 mills in one ballot question.)*

**2015-0208** Request for Purchase Authorization - PLANNING: Blanket Purchase Order/Contract for landscape architect services for development of Riverbend Park in the amount not-to-exceed \$100,000.00; DesignTeam Plus, LLC, Birmingham, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Riverbend Park Scope of Work Proposal.pdf](#)  
[Riverbend Park Sustainable Sites Scorecard.pdf](#)  
[Project Timeline.pdf](#)  
[SOQ-RH-14-044 Names as Read.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, noted that the Riverbend Park Project was moving to the next stage of detail. He recapped the project, noting that the City was contacted in 2012 by a professor at Lawrence Technological University (LTU) to inquire how students may do a project within the City. He explained that Mayor Barnett had discussions with a property owner pledged to donate significant monies to develop a park. He mentioned that Council was previously asked for \$100,000 to begin the environmental analysis and develop the concept plan, and tonight's request is to move to the next level. He reported that Mayor Barnett was invited to present the case study of Riverbend Park to the Mayor's Institute of City Design last summer.

**Tara Beatty**, Chief Assistant, displayed several photographs of the Park, and stated that the pictures do not do it justice. She noted that because of Council's support and donor funds, the park has been taken from its raw state to an initial design phase. She stated that the parking lot is taking shape and the initial trail

is complete; and she explained that the next level will include a citizen engagement component.

**Mr. Anzek** stated that the City solicited bids, with twelve companies expressing interest. Three firms were interviewed. He explained that it is proposed to work with Design Team Plus, represented tonight by Ralph Nunez. He mentioned that Mr. Nunez is the professor at LTU who led the students that undertook the initial study and design and is familiar with the site. He noted that Mr. Nunez has discussed involving students in the schools and at Rochester College in the design process.

**President Hooper** stated that he supports the award to Mr. Nunez' firm.

**Mr. Nunez** expressed his appreciation for Council's efforts, and stated that it is an honor to be considered for this work. He stated that his firm fights very hard for its clients and treats the relationship as a partnership. He commented that the project will complete the circle started by the students, and he noted that one of his students is now an associate of his.

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

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

**Absent** 1 - Brown

Enactment No: RES0146-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for landscape architect services for development of Riverbend Park to DesignTeam Plus, LLC, Birmingham, Michigan in the amount not-to-exceed \$100,000.00.

**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.

**(Mr. Kochenderfer exited at 11:14 p.m.)**

**Present** 5 - Dale Hetrick, Greg Hooper, Stephanie Morita, Mark A. Tisdel and Thomas W. Wiggins

**Absent** 2 - Kevin S. Brown and Adam Kochenderfer

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

**Attachments:** [051815 Agenda Summary.pdf](#)  
[042015 Agenda Summary.pdf](#)  
[Sign Shop Printer Tab.pdf](#)  
[042015 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that as the vendor previously approved for the purchase of a sign shop printer indicated that there had been an error in his bid and would not hold up to warranty as stated in the bid, Council is requested to rescind its approval.

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

**Aye** 5 - Hetrick, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Brown and Kochenderfer

Enactment No: RES0147-2015

**Whereas**, the Request for Purchase Authorization for one (1) sign shop printer was passed at the Regular City Council meeting held on April 20, 2015, RES0119-2015 and the awarded vendor has informed the City that they will not honor their quoted pricing and has rescinded their offer.

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

**2015-0209** Request for Purchase Authorization - DPS/GAR: Purchase of one (1) sign shop printer and extended warranties from National/Azon Equipment, Troy, MI in the amount not-to-exceed \$25,398.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Bid Tab V2.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that as the previously awarded bidder was unable to comply with the contract terms, the award for the purchase of a sign shop printer was being requested to be given to National/Azon Equipment. He mentioned that the bidder indicated he would comply with all contractual obligations as specified in their bid.

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

**Aye** 5 - Hetrick, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Brown and Kochenderfer

Enactment No: RES0148-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of one (1) sign shop printer and extended warranties from National/Azon Equipment, Troy, Michigan in the amount of \$25,398.00.

**2015-0195** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for rock salt in the not-to-exceed amount of \$200,000.00; Detroit Salt Company LLC, Detroit, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Bid Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that 35 governmental entities issued a cooperative bid for rock salt.

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

**Aye** 5 - Hetrick, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Brown and Kochenderfer

Enactment No: RES0149-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Detroit Salt Company LLC, Detroit, Michigan for the purchase of rock salt in the not-to-exceed amount of \$200,000.00 through June 30, 2016.

**2015-0178** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for grinder pump replacement program in the amount not-to-exceed \$150,000.00 through December 31, 2018; Du-Bois Cooper Associates, Inc., Plymouth, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, explained that there are 177 grinder pumps located primarily in the north side of the city. He noted that approximately 92 pumps have been replaced in the last three years. He requested authorization to purchase additional units to further maintain the pumps and provide proactive replacements.

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

**Aye** 5 - Hetrick, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Brown and Kochenderfer

Enactment No: RES0150-2015

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order for grinder pump replacement program to Du-Bois Cooper Associates, Inc., Plymouth, Michigan in the amount not-to-exceed \$150,000.00 through December 31, 2018.

**2015-0211** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Hamlin Road Construction Project (Hamlin Ct. to Dequindre Rd.) in the amount of \$2,866,050.00

**Attachments:** [051815 Agenda Summary.pdf](#)  
[MDOT Hamlin Const. Contract.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that the limits of the Hamlin Road project are from approximately Livernois to Dequindre Road. He explained that the project was on the Michigan Department of Transportation bid letting of May 1, 2015, and three bidders submitted proposals. Tonight's request is to approved the funding agreement.

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

**Aye** 5 - Hetrick, Hooper, Morita, Tisdel and Wiggins

**Absent** 2 - Brown and Kochenderfer

Enactment No: RES0151-2015

**Resolved**, that the Rochester Hills City Council hereby approves a Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Hamlin Road Construction Project (Hamlin Ct. to Dequindre Rd.) in the amount of \$2,866,050.00 and authorizes the Mayor and City Clerk to execute the contract on behalf of the City.

**(Mr. Kochenderfer re-entered at 11:18 p.m.)**

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

**Absent** 1 - Kevin S. Brown

**2015-0199** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for Hamlin Road rehabilitation project (between Hamlin Court and Dequindre) in the amount not-to-exceed \$684,160.00; Spalding DeDecker Associates, Inc., Rochester Hills, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Hourly Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that Spalding DeDecker was selected to provide construction engineering services. He explained that they are located in the city in close proximity to the job and have performed work for the City in the past.

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

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

**Absent** 1 - Brown

Enactment No: RES0152-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the Contract/Blanket Purchase Order for construction engineering services for Hamlin Road rehabilitation (between Hamlin Court and Dequindre) in the amount not-to-exceed \$684,160.00 to Spalding DeDecker Associates, Inc., Rochester Hills, Michigan and further authorizes the Mayor to execute the contract on behalf of the City.

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

**2015-0200** Request for Approval of an Agreement between the Michigan Department of Transportation and the City of Rochester Hills for the Hamlin Road at Rochester Road Signal Modernization Work

**Attachments:** [051815 Agenda Summary.pdf](#)  
[MDOT Signal Contract.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that the request is to improve the signal at Hamlin and Rochester Roads, incorporating it into the Hamlin Road rehabilitation project. He pointed out that negotiations were held with the Michigan Department of Transportation (MDOT) and MDOT would compensate Spalding DeDecker for the construction oversight.

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

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

**Absent** 1 - Brown

Enactment No: RES0153-2015

**Resolved**, that the Rochester Hills City Council approves the Agreement between the Michigan Department of Transportation and the City of Rochester Hills for the Hamlin Road at Rochester Road Signal Modernization Work and authorizes the Mayor and City Clerk to execute the contract on behalf of the City.

**(Ms. Morita exited at 11:22 p.m. and re-entered at 11:24 p.m.)**

**2015-0201** Request for Adoption of a Resolution for Approval for the North Oakland County Water Authority (NOCWA) to enter into an agreement for Legal Services in accordance with NOCWA by-laws

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Secrest Wardle NOCWA Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ms. Morita** stated that as her firm presented a bid for this work, she would recuse herself from any discussion or vote on this item.

**Allan Schneck**, Director of DPS/Engineering, stated that it is the desire of the North Oakland County Water Authority (NOCWA) to retain legal services for issues that may come up time to time. He explained that the By-laws specify that the member communities must give approval for the agreement.

**Mr. Tisdell** questioned whether the representation would be for Rochester Hills' interests only or for the entire NOCWA organization. He questioned who participated in the selection process.

**Mr. Schneck** responded that NOCWA would be represented. He noted that all four agencies participated in the quality-based selection process. Submitting firms were independently ranked by the communities and the top four firms were interviewed.

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

**Aye** 5 - Hetrick, Hooper, Kochenderfer, Tisdell and Wiggins

**Abstain** 1 - Morita

**Absent** 1 - Brown

Enactment No: RES0154-2015

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

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

**2015-0198** Request for Purchase Authorization - CLERKS: Blanket Purchase Order/Contract for Design Build Services for Natural Raised Garden Columbarium in the amount of \$50,000.00 plus a 10% project contingency in the amount of \$5,000.00 for a total not-to-exceed contract amount of \$55,000.00; James C. Scott & Associates, Inc., Bloomfield Hills, MI

**Attachments:** [051815 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mr. Tisdell** stated that the Cemetery Advisory Committee has been looking into the possibility of constructing a columbarium for some time. He explained that 50 percent of burials in the State of Michigan involve cremation. He stated that a columbarium would enhance the marketability and serviceability of the cemetery. He noted that there will be approximately four raised flagstone beds in an arc around the patio off of the east side of the new Chapel. A total of 64 niches would be available. He stated that the niches could be sold at a significant discount from a full burial vault while still returning money to the General Fund and adding to the Perpetual Care Fund.

**President Hooper** questioned why a garden was selected instead of a wall.

**Mr. Tisdell** responded that based on Clerk Barton's investigations, walls do not age as well. He added that a goal was to make it a garden setting and be a reflective and contemplative area as one exits the Chapel. He noted that the design could be expanded down the hill and on the other side of the Chapel as well. He commented that the garden setting is the direction that the market is headed.

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

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

**Absent** 1 - Brown

Enactment No: RES0155-2015

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract for Design Build Services for Natural Raised Garden Columbarium in the

amount of \$50,000.00 plus a 10% project contingency in the amount of \$5,000.00 for a total not-to-exceed contract amount of \$55,000.00 to James C. Scott & Associates, Inc., Bloomfield Hills, Michigan 48304.

## **ANY OTHER BUSINESS**

*None.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, June 1, 2015 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 11:26 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*TINA BARTON, MMC, 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.*