



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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."*

Monday, June 1, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Kevin S. Brown, Dale Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Sean Canto, Chief of Fire and Emergency Services
Paul Davis, City Engineer/Deputy Director of DPS
Sharanya Pai, Rochester Hills Government Youth Council Representative
Sara Roediger, Manager of Planning
Keith Sawdon, Director of Finance
Joe Snyder, Senior Financial Analyst*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

Sharanya Pai, RHGYC Representative, reported that RHGYC members worked on their plot at the Community Garden on May 31, 2015. She noted that registration is ongoing for the RHGYC annual 5K Run/Walk slated for June 13, 2015 at Bloomer Park. She stated that over 20 applications have been received for the 2015-2016 RHGYC, with interviews beginning on June 16, 2015.

Ms. Morita reported that Rochester Hills Tim Hortons restaurants will host a Camp Day this coming Wednesday, with proceeds from the day's sales contributed toward the costs needed to send children to camp this summer through the Rochester Area Youth Assistance and Avondale Youth Assistance.

PRESENTATIONS

2015-0221 Update on the City's seven-year Financial Forecast - Fiscal Years 2016 to 2022

Attachments: [060115 Agenda Summary.pdf](#)
[Seven Year Financial Forecast 2016-2022.pdf](#)
[Suppl Presentation.pdf](#)

Keith Sawdon, Director of Finance, explained that the Administration is working toward developing the Budget for the Fiscal Years 2016, 2017 and 2018. He stated that the Capital Improvement Plan was adopted at the Planning Commission's April meeting. He noted that when the City moved to develop a three-year budget, it moved the forecast period from five years to seven years.

He pointed out that this year's forecast is probably one of the better ones he has been able to present since the City started doing the forecast in 2009. He reviewed a presentation which highlighted the following:

- Long range forecasting helps prepare for the future and prevents surprises, allowing the City to be proactive instead of reactive, helps with decision making, and establishes priorities for upcoming budgets. He pointed out that the forecast is not intended to be a budget, but allows Council to pay attention to the future based on current policies and procedures in place.
- Economic assumptions use a typical eight-year business cycle. Modest improvements are seen in the economy for Fiscal Year 2015 and continuing to a normal economy for Fiscal Year 2016. The normal economy is seen to continue through Fiscal Year 2020, with a slowing forecasted for Fiscal Year 2021 and Fiscal Year 2022. Taxable values are expected to stabilize and improve, along with modest increases in State funding. The credit market eases and unemployment levels are expected to improve. Household budgets will continue to see a wage squeeze.
- Key forecasting points use base year figures for the current Fiscal Year 2015 budget through the 1st Quarter Budget Amendment, assume no changes in programs and services, and forecast changes in millage rates, taxable values, State Shared Revenue, Act 51 Funding, and interest rates.
- Revenues assume no new millages and all non-debt millages are renewed at current levels. Millage rates are only adjusted to the Headlee maximum if funding is needed to fill an operating shortfall and the increase does not increase the City's total millage rate. Taxable Values will increase by 3.26 percent for Fiscal Year 2016 (actual) and are estimated at a 1.50 percent increase for Fiscal Year 2017 through 2022. State Shared Revenue is estimated to increase by 1.0 percent each year. Act 51 Revenue is not expected to increase. Interest rates are estimated to increase 0.3 percent for Fiscal Year 2016, moving up to an estimation of a 2.0 percent increase for each of Fiscal Years 2019 through 2022.

- Expenditures assume no changes in programs, services and policies. Changes are forecasted for the number of employees, salary and wages, health care and other fringe benefits, inflation, and price adjustments for the Sheriff's Contract. No change to employee numbers are expected, wages are estimated to increase by 1.0 percent per year, and the health care (Core Plan) is expected to increase by 9.0 percent per year. Nine new firefighters were added in 2015 based on the 2014 election results. General citywide inflation is estimated at 1.5 percent per year. The Sheriff's Contract is estimated to increase at 3.0 percent per year.

He reviewed the forecast impact to General Fund, noting that General Fund transfers to the Local Street Fund will be large enough to ensure that the Local Street Fund will have enough revenue to cover maintenance costs. After meeting maintenance requirements, the General Fund was still able to transfer to the Local Street Fund to provide funding for capital activity. He reviewed the tax changes to General Fund after the dedicated Police Millage began. He highlighted projected State Shared Revenue.

Mr. Sawdon reviewed personnel service costs, noting that they are driven by wage adjustment and health care costs. He explained that the City has programs in place to help with health care costs, and pointed out that HAP is the Core Plan now, as Blue Cross PPO is no longer offered.

He pointed out that approximately 43 percent of all Fiscal Year 2016 revenue or 143 percent of Fiscal Year 2016 tax revenue collected is transferred to other funds to support their activities. He stated that the General Fund is fiscally sound following current budget policies, and is currently able to provide approximately \$5 million per year in annual funding to support the Local Street Capital Improvements.

He reviewed the Major Road Fund, noting that it collects approximately \$3.2 million in Act 51 Funds; yet it has an aggressive capital budget. In 2015, \$9.1 million was invested in roads. In Fiscal Year 2015, Major Roads transferred funds to Local Roads to help subsidize maintenance activity. This transfer is ending in 2015. He noted that Major Roads receives more in Act 51 than it needs for maintenance, with some of the excess up to 2015 being transferred to Local Roads.

He reviewed the Local Street Fund and the changes in funding since the dedicated millages were approved. He explained that Local Streets will be 100 percent supported by itself, with the voted millages supplying 76 percent of maintenance needs funded and Act 51 supporting 24 percent of maintenance needs. He pointed out that Local Streets has no funding source available for capital improvements and must rely on the General Fund to support its capital needs.

He reviewed the Fire Fund, noting that the Fiscal Year 2015 Fire Millage rate change was approved by voters. He mentioned that the adjustment in fire staffing was incorporated into the budget, as nine new people were added. He explained that there are some large expenditures coming forward in Fire Capital which will

take that fund balance down; however, the Fire Capital fund looks healthy out to Fiscal Year 2022. He noted that the switch from Paid-On-Call to Part Time staffing has not yet been incorporated into the budget.

Mr. Sawdon reviewed Special Police, and noted that voters approved and the City spread in 2015 a new Police Millage, covering expenses with tax revenue. He mentioned that the General Fund commitment ends in 2015. He noted that three percent is used as an estimated increase for the police contract.

He reviewed the Water Resources Fund, noting that there is no dedicated funding source, and the Drain Fund will run out of money at the end of Fiscal Year 2018. He stated that the Public Safety and Infrastructure Technical Review Committee is looking at some solutions for a funding source.

He summarized the forecast, noting that while it was difficult for the City to get through the recent economic downturn, it was successful in part because the forecast helped the City get ahead of some of the issues it was presented with. He expressed his appreciation for Council's support.

President Hooper stated that the forecast is an important tool for the City, and expressed his appreciation for the work in assembling the forecast.

Council Discussion:

Mr. Wiggins expressed his appreciation for the forecast and congratulated Mr. Sawdon on a successful audit process. He questioned what impact any changes to Act 51 or the sales tax will present.

Mr. Sawdon noted that State Shared Revenue is the City's share of the general sales tax. He explained that the City is looking at a modest growth of one percent. He commented that he believes that the Legislators in Lansing will find a solution to help local communities. He stated that right now he does not know what that solution will be.

Mr. Wiggins commended the team on keeping health care costs down. He questioned what the percentage of increase has typically been.

Mr. Sawdon responded that the City's adjustment with HAP for 2015 was approximately 5.6 percent. He stated that in past years, health care costs rose as much as 14 percent; and he commented that he would rather use a higher number in the forecast for long term.

Mr. Hetrick commented that staff has done a terrific job on the forecast, and gives him comfort that the City is in a sound financial situation. He noted that there is much capital being expended out of Major Roads now and it will drop off considerably in the years further out. He questioned whether this is because fund balance will drop or if it reflects what is being intended.

Mr. Sawdon responded that the forecast takes the Capital Improvement Plan (CIP) into consideration, and the CIP drives the numbers in the forecast.

Mr. Hetrick questioned at what point Special Police will hit the ceiling of the millage.

Mr. Sawdon responded that it does not within the forecast period. He explained that caution should be taken when reviewing the fund so many years out. He commented that in the near term, it is probably on the high side; however, in the longer term, the estimates are most likely more realistic.

Mayor Barnett stated that Council recognizes value in planning, and he noted that it is unusual for a municipality to have seven year forecasting and a three year budget. He expressed his appreciation to Mr. Sawdon and to Joe Snyder, Senior Financial Analyst. He stated that he did an interview with American City and County magazine, and noted that they specifically asked about the City's budgeting process. He added that yesterday's Oakland Press featured an article on how City Council and the Public Safety and Infrastructure Technical Review Committee (PSITRC) have gone from a not having any dedicated funding source for roads to having something overwhelmingly supported by residents. He pointed out that the recent State proposal overwhelmingly failed, while the citizenry here was engaged.

Mr. Tisdell expressed his appreciation for the presentation and the great work. He noted that the PSITRC and its predecessor committee, the Police and Road Funding Technical Review Committee, held over 70 meetings over time. He expressed his kudos to President Hooper, State Representative Webber, and Mr. Hetrick for their work on the committees.

Presented.

(Mr. Kochenderfer exited at 7:29 p.m. and re-entered at 7:43 p.m)

PUBLIC HEARINGS

2015-0202 FY 2015 2nd Quarter Budget Amendments

Attachments: [060115 Agenda Summary.pdf](#)
[2015 - 2nd Qtr BA - Overview.pdf](#)
[2015 - 2nd Qtr BA - Account Detail.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Senior Financial Analyst, review the 2nd Quarter Budget Amendments, noting that revenues will increase by \$3.3 million, expenses by \$4.4 million, and a net increase in the use of Fund Balance of \$1.1 million.

He explained that the \$3.3 million increase in revenues includes \$2 million in transfers from one fund to another. He added that the next biggest increase to revenues is a \$487,000 reimbursement from the SAW Grant. He mentioned that general revenues are up, property taxes are up, and Act 51 monies are a

little higher. He added that PA 252 specified a reimbursement from the State due to the harsh winter of 2014.

He highlighted the \$4.4 million increase in expenditures, noting that the vast majority is for SAW asset management. He mentioned that \$150,000 includes as-needed construction engineering, which is a pass-through for work on private development. He noted that \$30,000 is included for the demolition of a house, which is also a pass-through expense. He stated that there is a \$30,000 net impact as a result of changing the Media Production Technician from a part time to a full time position. He explained that PEG monies can now be spent on operating dollars instead of just capital, which have unlocked these monies for other uses.

He noted that the increase to Capital Projects encompasses primarily two main projects, including Tienken Road from Adams to Livernois and the 2015 Local Street construction project. He pointed out that two projects deferred include the Adams pathway from Powderhorn to Tienken, and the Sanitary Sewer Rehabilitation Program, which is shifted to Fiscal Year 2016. He stated that the Amendment includes the DPS Sign Shop Printer which was approved. He noted that Fleet is proposing to defer the purchase of five vehicles to 2016.

He highlighted transfers out, noting that they are proposed to increase by \$2 million, from one fund to another. He mentioned that \$1.5 million is being transferred from the General Fund to Local Streets to fund the Concrete Rehabilitation Program for 2015.

President Hooper Opened the Public Hearing at 7:52 p.m.
Seeing No Public Comment, President Hooper Closed the Public Hearing at 7:53 p.m.

Mr. Hetrick questioned what portion of the Tienken Road project will be reimbursed and when the City would receive it.

Mr. Snyder responded that the City will recover \$2.2 million in 2016.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0156-2015

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

Whereas, the Public Hearing for the proposed FY 2015 2nd Quarter Budget Amendments was noticed on May 14, 2015; and

Whereas, the proposed FY 2015 2nd Quarter Budget Amendments were available for public viewing beginning on May 22, 2015; and

Whereas, at its June 1, 2015 meeting City Council held a Public Hearing on the proposed

FY 2015 2nd Quarter Budget Amendments.

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

FUND	2015 Current Budget	Net Change	2015 Proposed Budget
Fund 101 - General Fund	24,691,200	1,372,990	26,064,190
Fund 202 - Major Road Fund	11,687,310	823,260	12,510,570
Fund 203 - Local Street Fund	10,380,670	1,662,340	12,043,010
Fund 206 - Fire Fund	9,854,510	10,810	9,865,320
Fund 207 - Special Police Fund	9,498,320	-	9,498,320
Fund 213 - RARA Millage Fund	590,780	3,460	594,240
Fund 214 - Pathway Millage Fund	619,710	3,280	622,990
Fund 232 - Tree Fund	60,580	(300)	60,280
Fund 244 - Water Resources Fund	1,218,700	579,000	1,797,700
Fund 265 - OPC Millage Fund	997,970	5,790	1,003,760
Fund 299 - Green Space Millage Fund	1,079,910	-	1,079,910
Fund 313 - Street Improvement Bond - 2001 Series Fund	273,160	20	273,180
Fund 314 - SAD Street Improvement Bond - 2001 Series Fund	274,980	50	275,030
Fund 331 - Drain Debt Fund	202,290	-	202,290
Fund 369 - Older Persons Building Bond Refunding Fund	773,840	-	773,840
Fund 393 - Municipal Building Refunding Bond - 2010 Series Fund	790,870	-	790,870
Fund 394 - Local Street Refunding - 2011 Series Fund	494,820	-	494,820
Fund 402 - Fire Capital Fund	3,408,550	-	3,408,550
Fund 403 - Pathway Construction Fund	706,680	(176,050)	530,630
Fund 420 - Capital Improvement Fund	3,136,620	541,500	3,678,120
Fund 510 - Sewer Operations	15,455,560	170,030	15,625,590
Fund 530 - Water Operations	18,282,050	83,460	18,365,510
Fund 593 - Water & Sewer Capital Fund	12,224,390	(500,000)	11,724,390
Fund 595 - Water & Sewer Debt Fund	1,541,040	-	1,541,040
Fund 631 - Facilities Fund	12,955,670	(50,000)	12,905,670
Fund 636 - MIS Fund	2,803,760	26,000	2,829,760
Fund 661 - Fleet Fund	3,259,880	(71,110)	3,188,770
Fund 677 - Insurance Fund	417,180	-	417,180
Fund 736 - Retiree Health Care Trust	137,390	-	137,390
Fund 752 - Cemetery Perpetual Care Trust	-	-	-
Fund 761 - Green Space Perpetual Care Trust	-	-	-
Fund 843 - Brownfield Redevelopment Fund	-	-	-
Fund 848 - LDFA Fund	323,450	-	323,450
Fund 851 - SmartZone Fund	85,000	-	85,000
Fund 870 - Museum Foundation Trust Fund	3,000	-	3,000
Fund 893 - EDC Fund	720	-	720
GRAND TOTAL	148,230,560	4,484,530	152,715,090

ORDINANCE FOR INTRODUCTION

2015-0093 Acceptance for First Reading - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally Rezone two parcels of land totaling approximately 1.06 acres, known as Parcel Nos. 15-35-352-019 and 15-35-352-067, located at 3841 S. Rochester Road and Vacant Parcel immediately to the north, south of M-59 from B-5 (Automotive Business) to B-2 (General Business) and to prescribe penalties for the violation thereof, Auto City Investments, Applicant

Attachments: [062915 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Conditional Rezoning Agreement.pdf](#)
[060115 Agenda Summary.pdf](#)
[Suppl Presentation 060115.pdf](#)
[Map aerial.pdf](#)
[Site Plans.pdf](#)
[EIS.pdf](#)
[Minutes PC 051915.pdf](#)
[Minutes PC 040715.pdf](#)
[Staff Report 051515.pdf](#)
[Staff Report 040715.pdf](#)
[Letter Leshock 042715.pdf](#)
[Letter-Leshock 031215.pdf](#)
[Auto City Service Letters.pdf](#)
[Letter of Intent.pdf](#)
[061515 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, explained that the parcel in question is just over one acre on the northeast corner of Eastlawn and Rochester Roads. She noted that the property is currently zoned B-5 and the request is to conditionally rezone to B-2 General Business. She stated that the Planning Commission recommended approval at its May 19, 2015 meeting.

She pointed out that the existing property contains an older gas station, with multiple accesses onto abutting roadways. She stated that the plan is for a one-story retail or office building. She explained that a conditional rezoning was offered, tied to a conceptual site plan. She reviewed the conditions specified, including a limit to a maximum building size of 7,600 square feet, with no tattoo parlors, adult businesses, pool halls or bars. One drive-through would be permitted with no fast food businesses allowed, no outdoor storage, and a six foot solid wood fencing and landscaping proposed. Conditions would limit the hours of operation to 5:00 a.m. to midnight, with waste removal limited to the time between 8:00 a.m. and 8:00 p.m. She explained that with Council's approval, staff would work with the applicant to develop a formal agreement to be brought to Council before Ordinance Adoption at a Second Reading.

Mr. Hetrick questioned whether the limitation prohibiting adult entertainment would include a liquor establishment.

Ms. Roediger responded that no bars would be permitted.

Mr. Hetrick questioned whether a condition could be included in the agreement specifying that no liquor establishment would be permitted.

Dave Leshock, Auto City Investments, Inc., representing the Applicant, stated that he would go along with that condition.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

Resolved, that the Rochester Hills City Council hereby accepts for First Reading an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to Conditionally Rezone two parcels of land totaling approximately 1.06 acres, located on the east side of Rochester Rd. (3841 S. Rochester Road and parcel directly to the north), south of M-59, Parcel Nos. 15-35-352-019 and 15-35-352-067 from B-5, Automotive Business to B-2, General Business and to prescribe a penalty for violations with the following findings and conditions:

Findings:

1. B-2 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.
2. Approval of the proposed conditional rezoning will allow for uses that can compliment the existing, surrounding uses.
3. The proposed conditional rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.
4. Approval of the conditional rezoning would not facilitate all uses in the B-2 district, but those specifically outlined in the conditions.

Conditions:

1. The building would be no larger than 7,600 square feet.
2. There would be at most one drive-thru at the northern end on the building limited to a user such as a donut or coffee shop or ice cream parlor (no McDonald's, Burger King or similar heavy use).
3. All uses would be limited to the uses listed in the City's B-2 Zoning Ordinance with the exception of those excluded below.
4. A stand alone drive-thru for fast food operation would be prohibited. However, a stand alone bank or one with a drive-thru would be acceptable.
5. Applicant agrees to not lease to tattoo shops, adult entertainment uses of any kind, pool halls, bars and similar uses.
6. Medical/Professional offices would be acceptable.
7. There will be a six-foot solid wood fence and a row of hedges along the eastern side next to homes to block views and headlights, and the hedges would block or reduce any

noise.

8. Hours of operation would be limited to 5 a.m. until midnight seven days a week.
9. Any call box for the drive-thru will be designed to ensure no noise would be heard by the residents.
10. Access will be limited to that which is approved by MDOT for Rochester Rd. and Eastlawn Dr. in enjoyment with the City Traffic Department.
11. Trash pick up will be limited from 8:00 a.m. to 8:00 p.m.
12. Loading and unloading deliveries will be limited from 8:00 a.m. to 8:00 p.m.
13. The drive through will have sound control shielding.
14. No outdoor storage would be allowed.
15. Submit a written agreement to be prepared and recorded at the Oakland County Register of Deeds setting forth the terms and conditions of the Conditional Rezoning.

ORDINANCE FOR ADOPTION

2015-0029 Acceptance for Second Reading and Adoption - 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](#)

Sara Roediger, Manager of Planning, stated that this Ordinance requested for consideration for Second Reading and Adoption is being brought forward in response to existing business owners who want to own their properties. She noted that a request made at the First Reading to clarify that the Planning Commission had to approve any type of access to a public road had been addressed and language incorporated.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

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 Second Reading and Adoption and shall become effective on June 8, 2015, the day following its publication in the Oakland Press on June 7, 2015.

2015-0094 Acceptance for Second Reading and Adoption - 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

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](#)

Sara Roediger, Manager of Planning, noted that the proposed Ordinance Amendment was discussed at length at the last meeting. She stated that it is being brought forward in response to changes at the State level to ensure that the City still has some control.

Tina Barton, City Clerk, explained that the State informed the City that it had two quota licenses remaining. When an inquiry was made as to where the additional license had come from, the State had no answer. She noted that the State has since indicated that the City has one license, and believes that it had been a clerical mistake to indicate that two were available. She commented that this is precisely why this Ordinance Amendment is needed, as it would require additional notification to the City. She stated that it would help provide additional information of what licenses are available and what licenses are currently in escrow.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

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 is hereby accepted for Second Reading and Adoption and shall become effective on June 8, 2015, the day following its publication in the Oakland Press on June 7, 2015.

- 2015-0206** Acceptance for Second Reading and Adoption - 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, noted that the proposed water rate changes were presented at the last Council meeting. He noted that there have been no changes made since that meeting.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

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 Second Reading and Adoption and shall become effective on July 1, 2015, the day following its publication in the Oakland Press on June 7, 2015.

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.

- 2015-0182** Approval of Minutes - City Council Special Meeting - April 20, 2015

Attachments: [CC Special Mtg Min 042015.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0160-2015

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on April 20, 2015 be approved as presented/amended.

- 2015-0183** Approval of Minutes - City Council Regular Meeting - April 20, 2015

Attachments: [CC Min 042015.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0161-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 20, 2015 be approved as presented/amended.

- 2015-0218** Request for Acceptance of Pedestrian-Bicycle Pathway and Temporary Easement granted by 2429 Bonner Street., L.L.C., a Michigan Limited Liability Company, Troy, Michigan, for Parcel No. 15-24-401-033, and authorization of payment to the landowners in the amount of \$2,500.00

Attachments: [060115 Agenda Summary.pdf](#)
[Pedestrian-Pathway Easement.pdf](#)
[Temporary Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0162-2015

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Pedestrian-Bicycle Pathway Easement and Temporary Easement granted by 2429 Bonner St., L.L.C., a Michigan Limited Liability Company of 2838 E. Long Lake Road, Troy, Michigan 48084, for the construction, operation, maintenance, repair and/or replacement of a pathway of Hamlin Road, more particularly described as Parcel No. 15-24-401-033, and authorizes payment to the landowners in the amount of \$2,500.00.

- 2015-0220** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase order for 2015 Pavement Striping Program in the amount of \$45,419.49 with a 10% contingency of \$4,541.95 for a total not-to-exceed amount of \$49,961.44; P.K. Contracting, Inc., Troy, MI

Attachments: [060115 Agenda Summary.pdf](#)
[County Bid Tab Striping.pdf](#)
[2015 CRH Striping 050515.pdf](#)
[2015 Pavement Striping Inventory 050415.pdf](#)
[County Wide Striping Contract & Acceptance Letter.pdf](#)
[Rochester Hills Pricing Extension Letter.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0163-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2015 Pavement Striping Program to P.K. Contracting, Inc., Troy, Michigan in the amount of \$45,419,49 with a 10% contingency of \$4,541.95 for a total not-to-exceed amount of \$49,961.44, and further authorizes the Mayor to execute a contract on behalf of the City.

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

- 2015-0219** Request for Purchase Authorization - FIRE: Blanket Purchase Order for Fire Department Uniforms and Accessories in the amount not-to-exceed \$96,000.00 through June 1, 2018; Nye Uniform, Troy, MI

Attachments: [060115 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0164-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order for the purchase of Fire Department Uniforms and Accessories to Nye Uniform, Troy, Michigan in the amount not-to-exceed \$96,000.00 through June 1, 2018.

- 2015-0222** Request for Adoption of Resolution Authorizing the Parks & Forestry Director to be the Agent for the City of Rochester Hills for Oakland County's West Nile Virus Fund Program

Attachments: [060115 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0165-2015

Whereas, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities; and

Whereas, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding, or focused adult mosquito insecticide spraying in designated community green areas; and

Whereas, the City of Rochester Hills, Oakland County, Michigan, has or will incur expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program;

Now, Therefore, Be It Resolved, that the City Council of Rochester Hills authorizes and directs its Parks & Forestry Director, as agent for the City of Rochester Hills, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Passed the Consent Agenda

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett announced that the City received recognition of awards naming the City's shared services efforts and the development of the North Oakland County Water Authority agreement as Projects of the Year. He extended credit to Allan Schneck, Director of DPS/Engineering, Paul Davis, City Engineer/Deputy Director of DPS, and the entire DPS team for their efforts.

He announced the following:

- The City is heavy into its construction season. Staff are using different communication methods to get the word out in areas affected including door hangers where street and sewer work is planned.
- Work will begin in the next two weeks on Tienken west of Livernois and Hamlin Roads.
- Tim Hortons fund raiser to benefit camps is this coming Wednesday. Mayor Barnett will be working the drive through at the Tim Hortons on Crooks between 7:00 and 8:00 a.m., and on Rochester Road between 8:00 and 9:00 a.m.
- Paddlepalooza was held on the Clinton River this past weekend. Over 150 participated in the event.
- The City's Tons of Trucks event is set for Saturday, June 6, 2015.
- The City's Festival of the Hills Fireworks Event is set for Wednesday, June 24, 2015.
- A video highlighted the progress of the Tienken Road rehabilitation project.
- This month heralds the beginning of the Stagger Your Start water consumption campaign. Residents and businesses should only set their automatic watering systems to run between the hours of midnight to 5:00 a.m. Letters were sent to 100 of the top users to remind them to abide by the City's watering ordinance.

Mr. Wiggins stated that the Festival of the Hills is a great event and encouraged everyone to attend.

Mr. Hetrick encouraged runners to sign up for the Older Persons Commission 5K to benefit the Meals on Wheels program this coming Saturday. He commented that it would be an excellent tuneup for the upcoming Youth Council 5K.

Mr. Brown apologized for his recent absences. He noted that his recent travel for his employer brought two additional jobs to Michigan. He noted that he has sold his home on the south side of Rochester Hills and will be moving to another home off of Brewster between Dutton and Tienken Roads. He commented that his home sold within 45 days, and two of the homes he sought were gone quickly. He stated that things are recovering in the City, and buyers need to move quickly to find a four bedroom home.

ATTORNEY'S REPORT

None.

NEW BUSINESS

2012-0077 Request for Purchase Authorization - DPS/ENG: Authorization of Payment for Cost Participation Agreement for right-of-way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$49,836.39; Road Commission for Oakland County

Attachments: [060115 Agenda Summary.pdf](#)
[RCOC E-mail re ROW Invoice 060115.pdf](#)
[RCOC Invoice dated 043015.pdf](#)
[020915 Agenda Summary.pdf](#)
[RCOC Invoice 012015.pdf](#)
[031912 Agenda Summary.pdf](#)
[Ref LF#2009-0203.pdf](#)
[RCOC Cost Participation Agreement.pdf](#)
[MDOT Agreement with RCOC.pdf](#)
[031912 Resolution.pdf](#)
[020915 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy Director of DPS, reported that the City received an invoice from the Road Commission for Oakland County (RCOC) for continuing expenses related to right-of-way acquisition for the Tienken Road rehabilitation project. He pointed out that a similar invoice was brought forward to Council in February for a significantly higher amount. He explained that the City will continue to receive invoices for attorney or appraisal services on a quarterly basis. He commented that the right-of-way acquisition has been very expensive, and is up to \$4.7 million. He stated that he requested additional information, and he noted that an email is included in the meeting packet that indicates which properties are covered by this invoice.

Ms. Morita questioned who is representing the City's interest in the litigation with the dentist regarding his property, and whether the City has looked into having its own counsel involved.

Mr. Davis responded that it is the RCOC. He stated that the City has not involved its own counsel.

Ms. Morita questioned who represents the County.

Mr. Davis responded that he would get that information.

Ms. Morita commented that this is certainly something that the Mayor might want to take up with the City's legal counsel to protect its interests. She stated that the City Attorney should be advising Council as to the status of litigation.

Mayor Barnett responded that he would find out.

Mr. Davis noted that RCOC in-house staff is representing them as counsel.

Ms. Morita commented that outside counsel is typically hired for most condemnation work. She stressed that the City should look into how it is being represented.

Mr. Davis noted that the City retained someone other than John Staran, the City Attorney, to provide representation for the Adams Road relocation work. He commented that Council might wish to select someone to represent the City.

Ms. Morita stated that Mr. Staran should determine the status of litigation and determine if the City should intervene or hire outside counsel.

Mayor Barnett noted that the RCOC is fully vested in this and it is his opinion that the City is being represented. He stated that he will check with Mr. Staran, as he knows that he and the RCOC's counsel communicate on a regular basis.

Ms. Morita commented that perhaps it is time for a report from Mr. Staran as to what he has been working on.

Mr. Wiggins stated that he agreed with Ms. Morita, and commented that it would be helpful to get an understanding of what is outstanding, what has been paid, and determine what the City believes its cost will be going forward.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0166-2015

Resolved, that the Rochester Hills City Council approves the payment for additional right-of-way acquisitions related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$49,836.39.

2015-0223

Request for Purchase Authorization - PLANNING: Blanket Purchase Order/Contract for landscaping at Tienken/Livernois, Washington/Runyon, and Tienken/Sheldon Round-A-Bouts in the amount of \$122,546.00 with a 10% project contingency in the amount of \$12,254.60 for a total not-to-exceed amount of \$134,800.60; Northshore Landscaping, Inc., Armada, MI

Attachments: [060115 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Landscape Plans.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, noted that previous to her coming to the City, there was an interest expressed in beautifying the roundabouts at Tienken and Sheldon, and Sheldon and Washington Roads. She stated that she met with residents in that area last year and worked through some designs with them. She explained that a low profile fieldstone wall is proposed, incorporating high quality and low maintenance landscaping including perennials and ornamental grasses. She commented that the thought is to incorporate improvements for all three roundabouts, including the newly-installed roundabout at Tienken and Livernois. She explained that the project will make use of economies of scale and is 20 percent under the budgeted amount. She pointed out that the recommended firm did the landscape work at the roundabout at Hamlin and Livernois. She stated that the project was approved as part of the Capital Improvement Plan and is included in the proposed budget this year, coming out of the Major Road Fund, and partially funded by Metro Act monies.

Public Comment:

Scot Beaton, 655 Bolinger, stated that the automobile has shaped the way things look today. He commented that it is a conundrum to spend all this money on things a driver sees. He noted that they are charming in design and will visually improve quality of life for people who live in that area, increasing home values. He stated that Council should support them, noting that these monies cannot be spent to fill potholes.

Mr. Brown stated that his current route takes him past the Hamlin roundabout every day, and he noted that he has not seen a need for maintenance crews to be constantly working on the roundabout. He commented that the low maintenance aspect of the design is working well.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0167-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract for landscaping at Tienken/Livernois, Washington/Runyon, and Tienken/Sheldon Round-A-Bouts to Northshore Landscaping, Inc., Armada, Michigan in the amount of \$122,546.00 with a 10% project contingency in the amount of \$12,254.60 for a total not-to-exceed amount of \$134,800.60 and further authorizes the Mayor to execute a contract on behalf of the City.

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

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, June 15, 2015 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:31 p.m.

GREG HOOPER, President
Rochester Hills City Council

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

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

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