



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

*Susan M. Bowyer Ph.D., Kevin S. Brown, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins*

Vision Statement: The Community of Choice for Families and Business

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

Monday, October 24, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - Susan M. Bowyer, Dale Hetrick, James Kubicina, 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
Tina Barton, City Clerk
Sean Canto, Chief of Fire and Emergency Services
Paul Davis, City Engineer/Deputy Director of DPS
Ken Elwert, Director of Parks and Forestry
Sara Roediger, Manager of Planning
Samina Saifee, Rochester Hills Government Youth Council Representative
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Pamela Valentik, Manager of Economic Development
Tamara Williams, Chief Assistant to the Mayor*

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

President Tisdell introduced Samina Saifee, RHGYC Representative. He stated that she is a student at Detroit Country Day; and plays tennis, participates on the Debate Team, and plays guitar.

Samina Saifee reported that RHGYC members volunteered with the Rochester Hills Fire Department at educational events at the Village of Rochester Hills, assisting with their presentations. She noted that in place of their next upcoming regular RHGYC meeting, members will be working with Fire Department members to learn more of what they actually do.

Deer Management Advisory Committee (DMAC):

Dr. Bowyer reported that thanks to Paul Davis, City Engineer/Deputy Director of DPS, Paul Shumejko, Transportation Engineer, and the City's DPS team, reflective tape has been added to deer signs on City-owned roads. Eight signs now have reflective tape; and crash numbers will be reviewed in these areas to determine whether the tape increases awareness and reduces crashes. She noted that the moveable deer awareness signs are now out to remind motorists that this is a high deer crash time. She stated that drivers should be cautious especially during dusk and dawn.

Public Safety and Infrastructure Technical Review Committee (PSITRC):

Mr. Hetrick reported that the PSITRC met in mid-October and heard an assessment of the publicly-owned stormwater system from Orchard, Hiltz & McCliment, the consultant that has been working on obtaining a grant for storm water management. He commented that the report presented gave the PSITRC a sense of what the City has in front of it for the maintenance of those drains and provided an opportunity to get an idea of the physical health of the drain system. He stated that sometime in the early part of next year, the PSITRC will be in a position to provide recommendations to City Council related to stormwater maintenance.

Rochester Area Youth Assistance (RAYA):

Mr. Kubicina reported that RAYA held its annual Halloween Spaghetti Dinner in downtown Rochester last Saturday, and he noted that it is typically one of their best fund raisers. He expressed his thanks to the Rochester Fire Department for hosting the dinner and cooking the spaghetti.

PUBLIC HEARINGS

2011-0413 Request to Approve a Tax Abatement Transfer of IFT #2011-496 from Eagle Ottawa, LLC to Lear Corporation, 2930 W. Auburn Road

Attachments: [102416 Agenda Summary.pdf](#)
[Suppl Valentik Memo 102416.pdf](#)
[Suppl Lear Addendum \(Revised\).pdf](#)
[Suppl Lear Presentation.pdf](#)
[Lear Addendum DA2016.pdf](#)
[Executed Development Agrmt.pdf](#)
[Lear - IFT Transfer Request.pdf](#)
[Lear - IFT Exemption App - Transfer.pdf](#)
[Public Hearing Notice.pdf](#)
[101016 Agenda Summary.pdf](#)
[101711 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Analysis 8 Years.pdf](#)
[Development Agreement.pdf](#)
[092611 Agenda Summary.pdf](#)
[Application.pdf](#)
[092611 Resolution.pdf](#)
[101711 Resolution.pdf](#)
[101016 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Pamela Valentik, Manager of Planning, introduced **Tim Reedy**, Plant Manager, and **Larry Abramowski**, Plant Engineer, Eagle Ottawa/Lear, and **Erica Brown**, Indirect Tax Manager, Lear Corporation. She explained that whenever there is a change in ownership of Industrial Facilities Exemption assets, City Council must formally approve the transfer of the Industrial Facilities Exemption (IFEC) tax abatement to the new owner of those assets.

She noted that Lear acquired Eagle Ottawa in 2015. Eagle Ottawa has maintained operations in Rochester Hills for over 55 years at its facility on Auburn Road. In 2011, City Council approved an eight-year personal property tax abatement with a proposed investment of \$4.7 million in new equipment, and a retention of 39 jobs and creation of five new jobs. She noted that with this acquisition, Lear will maintain the Eagle Ottawa brand and continue operation in Rochester Hills.

Mr. Reedy provided a powerpoint highlighting Eagle Ottawa's operations in Rochester Hills, noting that the Rochester Hills site encompasses 10.75 acres and a 141,000 square foot facility. He noted that the facility has 184 employees, and open requisitions for 15 more. The company promotes upward mobility and promoted 20 individuals last year. Over 200 training opportunities were offered to employees. The employees also partner with charitable organizations such as Blessings in a Backpack, Neighborhood House, Water for Flint, and Oakland Family Services.

He noted that 16,500 square feet was added for a new corporate lab and the interior of the facility was remodeled. He commented that the firm does not want to compete with Mexico, it wants to be superior technically.

Ms. Valentik stated that with an IFEC transfer, the local City Council must review the application and either approve or deny the transfer. She noted that if approved, the transfer request will be sent off to the State Tax Commission for their approval.

She explained that after consulting with the City Attorney, it was determined that a form of legal document was necessary between the City and Lear to confirm that Lear would be taking on all responsibilities and obligations that Eagle Ottawa agreed to, along with the assumption of the agreement. She pointed out that Staff received notice today that Lear Corporation's legal team reviewed the document and found some formatting items to be corrected. That revision is included as supplemental information for Council's review. She mentioned that the company's recent addition encompassed millions in investment that were not included in any tax abatement.

She noted that the Seating Manufacturing Division also operates in Rochester Hills, and she explained that City Council approved an IFT for personal property for that division in 2010. She commented that the company is doing very well and has met all goals and jobs to date.

President Tisdell Opened the Public Hearing at 7:17 p.m.

Seeing No Public Input, President Tisdell Closed the Public Hearing at 7:18 p.m.

Council Discussion:

Dr. Bowyer expressed her thanks for the firm's investment in Rochester Hills. She questioned whether the eight year timeframe continued or started over with the transfer.

Ms. Valentik responded that the abatement was awarded in 2011 for eight years. She pointed out that the certificate expiration is 2021 as the firm had two years from the initial application to make the investment. She noted that some equipment was purchased in 2012 and the remainder in 2013. She explained that Lear will receive the balance of what was awarded.

Mayor Barnett commented that the City has had a long and successful experience with Eagle Ottawa and Lear Corporation. He stated that the firms have had some great moments and some challenging ones; and noted that the City has stood by them. He expressed his thanks to the firms for their partnership.

Mr. Hetrick stated that the firms' investment in Rochester Hills has been outstanding, and he pointed out that the firms took the time to invest and improve their facilities beyond what was necessary.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0240-2016

Whereas, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 17, 2011, the Rochester Hills City Council by resolution

established an Industrial Development District at 2930 W. Auburn Rd.; and

Whereas, the Rochester Hills City Council approved an application from Eagle Ottawa requesting an Industrial Facilities Exemption Certificate 2011-496 for personal property investments located at 2930 W. Auburn; and

Whereas, Lear Corporation has filed an application for a transfer of Industrial Facilities Exemption Certificate 2011-496 with respect to personal property of a new facility located within the Industrial Development District at 2930 W. Auburn; and

Whereas, the applicant, the Assessor and a representative of the affected taxing units were given written notice of the transfer application and were offered an opportunity to be heard on said application; and

Whereas, Lear Corporation has substantially met all the requirements under Public Act 198 of 1974 for the transfer of Industrial Facilities Exemption Certificate 2011-496; and

Whereas, the aggregate SEV of personal property exempt from ad valorem taxes within the City of Rochester Hills, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal property thus exempted.

Resolved, that the Rochester Hills City Council has reviewed the application and made the following findings:

1. The City of Rochester Hills finds and determines that the granting of the transfer of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act. No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Rochester Hills.

2. The application from Lear Corporation for a transfer of Industrial Facilities Exemption Certificate 2011-496, with respect to a new facility on the following described parcel of real property situation within the Industrial Development District at 2930 W. Auburn, further described as
T3N, R11E, SEC 29 & 30 PART OF SW ¼ OF SEC 29 & PART OF SE ¼ OF SEC 30, ALL DESC AS BEG AT SW COR OF SEC 29, TH S 88-02-39 W 69.08 FT, TH N 01-33-06 W 733.00 FT, TH N 88-26-54 E 655.98 FT, TH S 00-52-55 W 729.80 FT, TH 2 88-06-03 W 555.92 FT TO BEG 10.75 A 11/16/84 FR 001 & 1530476001 is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall remain in force for the remaining five years approved under Industrial Facilities Exemption certificate 2011-496 with an end date of December 31, 2021; and

Be It Further Resolved, that the attached Assumption of IFEC Development Agreement is also approved, subject to final review and approval of the City Attorney; and

Be It Finally Resolved, that the application shall be sent to the State Tax Commission no later than October 31, 2016.

2016-0135 Public Hearing on the Request to Vacate the public portion of S. Castell Avenue south of Helmand Road

Attachments: [102416 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[101016 Agenda Summary.pdf](#)
[050216 Agenda Summary.pdf](#)
[Ltr to Property Owners 041316.pdf](#)
[Public Hearing Notice 050216.pdf](#)
[041116 Agenda Summary.pdf](#)
[Location Map 032916.pdf](#)
[Applic for Vacation of ROW 012215.pdf](#)
[Google Map View of S. Castell S. of Helmand.pdf](#)
[Miller Auth Letter 101615.pdf](#)
[Snow Auth Letter 101615.pdf](#)
[041116 Resolution.pdf](#)
[050216 Resolution \(Draft\).pdf](#)
[101016 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy Director of DPS, stated that the portion of South Castell, south of Helmand Road, is approximately 25 foot wide by 83 foot long. He explained that should Council approve the right-of-way vacation, the property will be split with 12-1/2 feet of width going to each of the adjoining property owners to the east and west. He noted that the City does not intend to develop the road, and he pointed out that the south boundary of the area is the common boundary to the Sanctuary at River's Edge development. He commented that this is the appropriate time to vacate the road as there is no demonstrated need. He noted that the utilities were consulted prior to proceeding.

President Tisdell Opened the Public Hearing at 7:23 p.m.

George Snow, 505 Harding Avenue, stated that his neighbor was also in attendance, and commented that both were in favor of vacating the road. He pointed out that the area terminates into three backyards, and is also only nine feet from his garage and three feet from his neighbor's front door.

Seeing No Further Public Comment, President Tisdell Closed the Public Hearing at 7:24 p.m.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0241-2016

Whereas, the City Council of the City of Rochester Hills on October 24, 2016, did by resolution deem it advisable and declare its intention to vacate, discontinue or abolish the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

Sidwell No. 15-403-001, the public portion of S. Castell Avenue south of Helmand Road

Whereas, in accordance with the Code of Ordinances of the City of Rochester Hills, Chapter 4-10, the City Council has held a public hearing and has heard and considered any comments or objections pertaining to such vacation, discontinuance or abolition; and

Whereas, the City Council determines it is necessary for the health, welfare, comfort and safety of the People of Rochester Hills to vacate, discontinue or abolish the above-described street, alley, public ground or part thereof;

Now, Therefore, Be It Resolved:

1. That the above-described street, alley, public ground or part thereof shall be vacated, discontinued or abolished.

2. That there is hereby reserved an easement in the street, alley, public ground or part thereof for public utility purposes and other public purposes within the right-of-way of the street, alley, public ground or part thereof vacated, as follows:

Sidwell No. 15-403-001, the public portion of S. Castell Avenue south of Helmand Road

3. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.

4. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

PLANNING AND ECONOMIC DEVELOPMENT

- 2015-0181** Request for Planned Unit Development (PUD) Agreement Approval - Sanctuary in the Hills East Condominiums PUD, a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, east of Sanctuary Blvd., zoned R-4 One Family Residential; Dan MacLeish, MacLeish Building, Inc., Applicant

Attachments: [102416 Agenda Summary.pdf](#)
[Suppl Presentation 102416.pdf](#)
[PUD Agreement.pdf](#)
[Final PUD Staff Report.pdf](#)
[Map aerial.pdf](#)
[Email Staran 072116.pdf](#)
[Review Comments.pdf](#)
[Final Site Plans.pdf](#)
[SITH Elevation 042816.pdf](#)
[Minutes PC 051716.pdf](#)
[Minutes PC 092016.pdf](#)
[060616 Agenda Summary.pdf](#)
[Concept Plan Staff Report 051716.pdf](#)
[Suppl HOA Email 060116.pdf](#)
[Review Comments.pdf](#)
[EIS.pdf](#)
[Letter MacLeish 092215.pdf](#)
[Minutes PC 051915.pdf](#)
[Other Elevations.pdf](#)
[Site Plans.pdf](#)
[Public Hearing Notice-PC.pdf](#)
[060616 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Jeff Rizzo, Fenn & Associates, Inc., was in attendance representing the Applicant.

Sara Roediger, Manager of Planning, explained that Council approved the development's initial concept in June, which encompasses 4-1/2 acres on the east side of Sanctuary Boulevard, north of South Boulevard, extending the existing Sanctuary in the Hills. She pointed out that a Planned Unit Development is being utilized for this portion, which will include 14 units similar to the remainder of the Sanctuary development. She mentioned that the Planning Commission recommended approval at their September meeting.

She noted that two outstanding items from the June Council Meeting were addressed. She stated that sidewalks were removed, allowing consistency with the existing Sanctuary development; and a focus was more to connect to the existing sidewalk on Sanctuary Boulevard. She mentioned that an access drive was removed which had been proposed off of Sanctuary Boulevard to eliminate much of the intrusion into the wetlands. She noted that the developer will place \$10,000 into the homeowners' association in the event that a temporary access point might need to be constructed in the future. She added that the City's wetlands consultant proposed retaining walls around the periphery to further minimize wetland impact.

She noted that Staff recommends approval with conditions noted by the Planning Commission, and she pointed out that the conditions have been met. She mentioned that approval will be conditioned upon Council's acceptance of an item for consideration later in the meeting to vacate a portion of Grant Road.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0242-2016

Resolved, that the Rochester Hills City Council hereby approves the Planned Unit Development (PUD) Agreement for Sanctuary in the Hills East Condominiums PUD, a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, east of Sanctuary Blvd., zoned R-4, One Family Residential, Parcel Nos. 15-32-476-001, -002, -005, -006, -009, 15-32-477-009 and -016, Dan MacLeish, MacLeish Building, Inc., Applicant, based on plans dated received by the Planning and Economic Development Department on July 25, 2016 with the following findings and conditions:

Findings:

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the agreement shall be met prior to final approval by City staff.
3. In conjunction with the final approvals from City Council, the property owner shall obtain the vacation of the City's interest in the paper streets.

2016-0362

Request for a Wetland Use Permit - Sanctuary in the Hills East Condominiums PUD, for temporary and permanent impacts to approximately 2,400 square feet associated with a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, East of Sanctuary Blvd., zoned R-4 One Family Residential; Dan MacLeish, MacLeish Building, Inc., Applicant

Attachments: [102416 Agenda Summary.pdf](#)
[081116 ASTI Rev.pdf](#)
[PC Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, stated that as the City's wetland consultant determined that there were high quality wetlands on the site, staff worked with the

Applicant to shift building footprints away from the wetlands. She noted that the only infringement into the wetlands is the access drive. She commented that the Applicant did well to preserve as much as possible.

President Tisdell noted that there is 5/100th of an acre of wetland impacted.

Dr. Bowyer expressed her appreciation to ASTI Environmental, the City's consultant, for eliminating the roadway impact into the wetlands, and to the Applicant for placing funds in escrow for any future access roadway.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0243-2016

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for the Sanctuary in the Hills Condominiums PUD for temporary and permanent impacts to approximately 2,400 square feet associated with a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, East of Sanctuary Blvd., zoned R-4, One Family Residential Parcel Nos. 15-32-476-001, -002, -005, -006, -009, 15-32-477-009 and -016, Dan MacLeish, MacLeish Building, Inc., Applicant, based on plans dated received by the Planning and Economic Development Department on July 25, 2016 with the following findings and conditions:

Findings:

1. Of the approximately 1.7 acre of City-regulated wetlands on site, the applicant is proposing to impact approximately .05 acre.
2. The wetland area will be protected by the retaining wall and by minimizing the road crossing.

Conditions:

1. That the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.

2016-0361 Request for Final Planned Unit Development (PUD) Site Plan Approval - Sanctuary in the Hills East Condominiums PUD, a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, east of Sanctuary Blvd., zoned R-4 One Family Residential; Dan MacLeish, MacLeish Building, Inc., Applicant

Attachments: [102416 Agenda Summary.pdf](#)
[Final PUD Staff Report.pdf](#)
[Map aerial.pdf](#)
[EIS.pdf](#)
[Review Comments.pdf](#)
[Final Site Plans.pdf](#)
[SITH ELEVATION 042816.pdf](#)
[Minutes PC 051716.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, explained that the site plan is essentially the same as what Council approved in June, encompassing 14 units matching those already constructed on the west side of Sanctuary Boulevard.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0244-2016

Resolved, that the Rochester Hills City Council hereby approves the Final Site Plans for Sanctuary in the Hills East Condominiums PUD, a proposed 14-unit residential development on 4.57 acres, located north of South Boulevard, east of Sanctuary Blvd., zoned R-4 One Family Residential, Parcel Nos. 15-32-476-001, -002, -005, -006, -009, 15-32-477-009 and -016, Dan MacLeish, MacLeish Building, Inc., Applicant, based on plans dated received by the Planning and Economic Development Department on July 25, 2016 with the following findings and conditions:

Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on the adjoining street.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan by providing alternative housing.

Conditions:

1. Provide landscape and irrigation cost estimates plus inspection fees, as adjusted if necessary by the City to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to commencement of infrastructure construction as approved by Engineering.

2. Payment of \$10,000 in an escrow account in the homeowners association for the purpose of providing access to the detention pond when maintenance is needed.
3. Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.
4. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.

2016-0124 Request for Final Site Condominium Plan Approval - Devondale Site Condos, a proposed 4-unit residential development on 1.96 acres located on the east side of Devondale, south of Austin Ave., zoned R-4 One Family Residential, 2595 Devondale, LLC, Applicant

Attachments: [102416 Agenda Summary.pdf](#)
[Suppl Presentation 102416.pdf](#)
[Map aerial.pdf](#)
[Final Staff Report 101816.pdf](#)
[Review Comments.pdf](#)
[Environmental Impact Statement.pdf](#)
[Final Site Plans.pdf](#)
[Minutes PC 041916.pdf](#)
[Minutes PC 101816.pdf](#)
[050216 Agenda Summary.pdf](#)
[Staff Report PSCP 041916.pdf](#)
[Planning Review PSP2 031016.pdf](#)
[Engineering Review 030116.pdf](#)
[Legal Review 101615.pdf](#)
[Site Plans.pdf](#)
[Public Hearing Notice.pdf](#)
[050216 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Jeff Allegoet, Anderson, Eckstein & Westrick, was in attendance representing the Applicant.

Sara Roediger, Manager of Planning, noted that this development previously came before Council for approval in May. She explained that four single family detached homes are proposed, and she noted that the condominium process was utilized as the developer was out of lot splits. She mentioned that the developer has downpayments on all four houses and is ready to begin construction.

Vice President Morita expressed her appreciation for efforts to work with a current resident of the street.

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

Absent 1 - Brown

Enactment No: RES0245-2016

Resolved, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Devondale Site Condos, a proposed 4-unit residential development on 1.96 acres located on the east side of Devondale, south of Austin Ave., zoned R-4 One Family Residential, 2595 Devondale LLC, Applicant, based on plans dated received by the Planning and Economic Development Department on October 4, 2016 with the following findings and conditions:

Findings:

1. Upon compliance with the following conditions, the proposed final condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by City Council on May 2, 2016.

Conditions:

1. Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Payment of \$800 into the tree fund for street trees prior to temporary grade certification being issued by Engineering.
3. Approval of all required permits and approvals from outside agencies, prior to Engineering Department issuing Preliminary Acceptance of any site improvements.
4. Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.
5. Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.

2016-0419 Request for Purchase Authorization - PLANNING: Blanket Purchase Order/Contract for Planning Consulting Services in the amount not-to-exceed \$190,000.00 through November 1, 2019; Giffels Webster, Birmingham, MI

Attachments: [102416 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[RFP-RH-16-039 Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, and Sara Roediger, Manager of Planning, were in attendance.

Mr. Anzek noted that Council is requested to approve a contract to allow the Administration to restart planning services and retain a consultant under contract to begin the Master Land Use Planning update. He explained that the consulting services were discontinued during the recession; and he commented that funds for a planning consultant was included in the budget for the next three years.

He stated that through the request for proposal process four firms submitted proposals, and two were shortlisted. He noted that a selection committee consisting of Planning Staff, Purchasing Department Staff, and Planning Commission representative Greg Hooper recommends Giffels Webster.

Rod Arroyo, Partner, and **Jill Bahm**, Senior Project Manager, were in attendance to represent Giffels Webster.

Mr. Anzek noted that Ms. Bahm would be the designated contact for the contract. He commented that it was the consensus of the selection committee that the firm would be a great benefit to have on board.

Mr. Arroyo gave a brief presentation on the firm, which noted the following:

- The multi-disciplinary firm was founded in 1952, and provides engineering and planning services.
- Clear Zoning merged with Giffels, affording additional opportunities to collaborate with other design professionals.
- Rod Arroyo, Partner, has 35 years of experience, and has a Master's in Planning.
- Jill Bahm, Principal Planner, Project Manager, has over 20 years of experience.
- Steve Cassin, Principal Planner, was previously Planning Director for Oakland County.

Ms. Bahm stated that she is excited to be providing services to Rochester Hills. She noted that she has an Urban Regional Planning Degree from the University of Michigan, has served as a City Planner for various cities and as a Downtown Development Authority director. She commented that she sits on the Main Street Oakland County Advisory Board and will be facilitating a class at the Michigan Association of Planning Associates conference next week.

Mr. Arroyo explained that the firm was asked to focus on certain areas in their request for proposal. He noted that Giffels Webster is at the forefront of research regarding updating zoning regulations. He mentioned that they made a presentation at the American Planning Association Conference in Atlanta regarding food trucks, and is familiar with best practices for the Michigan Economic Development Corporation and for zoning review. He mentioned that the firm believes in utilizing graphics when dealing with zoning. He noted that their ClearZoning products provide a way of reformatting zoning ordinances to make them user-friendly.

He listed several projects the firm recently were associated with, including:

- The Lathrup Village Zoning Ordinance captured a national planning award.
- The firm is wrapping up Novi's Master Plan Update.
- The firm developed a corridor plan along Grand River, focusing on redevelopment strategies.

- *The Clawson Downtown Master Plan was named an Outstanding Downtown Master Plan for 2016.*
- *The firm worked on the Big Beaver Corridor Study for Troy.*

He explained that a focus is on planning and reviewing large-scale and obsolete sites, and he mentioned that he served as the City's zoning expert working with the City's insurance counsel. He listed other large-scale projects including the Mall at Partridge Creek. The Village of Rochester Hills, the Heathers in Bloomfield Township and Little Caesars.

Vice President Morita *stated that she has had the pleasure of working with Mr. Arroyo for the last decade and a half.*

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0246-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for Planning Consulting Services to Giffels Webster, Birmingham, Michigan in the amount not-to-exceed \$190,000.00 through November 1, 2019 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.

PUBLIC COMMENT for Items not on the Agenda

State Representative Michael Webber, *gave a legislative update to Council, noting the following:*

- *The Michigan Legislature passed new regulations on Medical Marijuana in September that were signed into law. While a 2008 voter initiative approved the use and cultivation of medical marijuana for specified medical conditions, the language left grey areas which resulted in many communities enacting moratoriums. The new legislation puts a structure into place that spells out what can be done. The bill allows for local control, and will prohibit a State license to an applicant if the community has not enacted an ordinance.*
- *He was the co-sponsor of all ten bills regarding the Freedom of Information Act (FOIA); the bill package creates a legislative open records act under FOIA, and provides for the public inspection of legislative records including his own email records.*
- *House Bill 5991 was introduced last week, which will allow municipalities to create a storm water utility. He noted that the bill was introduced by State Representative Michael McCreedy, representing the Birmingham area. He requested Council's feedback on the bill, noting that while it addresses many of the concerns that the City had, it has some room for improvement.*
- *He encouraged anyone interested to sign up for his monthly updates.*

Robert Stobaugh, 1363 Ruby Avenue, requested Council consider purchasing property at 1380 Ruby Avenue for Green Space. He noted features of the property that would make it ideal for acquisition, stating that it has always been a great natural sanctuary, with a good portion of the property wetlands.

Parry Tillison, 3320 Fulham Drive, stated that he lives in Kensington Forest and the property at 1380 Ruby Avenue is to the rear of his property. He requested Council consider preserving this property, noting that it would keep the beautiful wetlands and natural areas intact.

Celeste Stimmell, 1297 Ruby Avenue, stated that she distributed 40 flyers to her neighbors and received 20 responses of interest in preserving the property at 1380 Ruby Avenue. She pointed out that it abuts to Avondale School property, and contains wetlands. She urged Council to consider its acquisition as Green Space.

Mike Jankovich, 1133 Brompton Road, stated that the property at 1380 Ruby Avenue is behind his home, and requested Council keep the property as Green Space.

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.

2016-0423 Request for Acceptance of a Warranty Deed from S.E. Michigan Land Holding LLC, a Michigan limited liability company, for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0247-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, 51237 Danview Technology Court, Shelby Township, MI 48315, for Bloomer Woods, City File #15-006, Parcel No. #15-13-301-058.

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

2016-0424 Request for Acceptance of a Watermain Easement granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0248-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, whose address is 13001 23 Mile Road, Suite 200, Shelby Township, MI 48315, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-13-301-058.

- 2016-0425** Request for Acceptance of the Maintenance and Repair of the Private Road Agreement for public and emergency vehicles between the City of Rochester Hills and Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Revised Private Road Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0249-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts the Agreement for Maintenance and Repair of the Private Road Agreement, for ingress and egress for public and emergency vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), for Bloomer Woods, City File #15-006, Parcel No. 15-13-301-058.

- 2016-0426** Request for Approval of the Storm Sewer Maintenance Agreement between the City of Rochester Hills and Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Storm Sys Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0250-2016

Resolved, that the Rochester Hills City Council, hereby approves the storm sewer maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm sewer system from Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a

Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), Bloomer Woods Condominium Association, a Michigan nonprofit corporation, for Bloomer Woods, City File #15-006, Parcel No. 15-13-301-058.

- 2016-0427** Request for Acceptance of a Sanitary Sewer Easement granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0251-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a sanitary sewer easement granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, whose address is 13001 23 Mile Road, Suite 200, Shelby Township, MI 48315, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel No. 15-13-301-058.

- 2016-0428** Request for Approval of the Storm Sewer Easement between the City of Rochester Hills and Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), for Bloomer Woods

Attachments: [102416 Agenda Summary.pdf](#)
[Storm Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0252-2016

Resolved, that the Rochester Hills City Council, hereby approves the Storm Sewer Easement, relative to the details of the development and use, repair and maintenance of the storm sewer system from Diverse Real Estate, LLC, a Michigan limited liability company (Developer), Bloomer Woods Condominium Association, a Michigan nonprofit corporation (the Association), with the consent of S.E. Michigan Land Holding LLC, a Michigan limited liability company (S.E.), for Bloomer Woods, City File #15-006, Parcel No. 15-13-301-057.

- 2016-0429** Request for Adoption of a Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2016 Christmas Parade to be held on Sunday, December 4, 2016

Attachments: [102416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0253-2016

Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Rochester Regional Chamber of Commerce; and

Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown Rochester; and

Whereas, staging this event requires closing certain State and County routes and using others for posted detour routes; and

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from E Second Street to Tienken Road.

Resolved, that the Rochester Hills City Council authorizes the Mayor or his agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved, that the parade detour routes be scheduled for Sunday, December 4, 2016, between the hours of 12:30 p.m. and 4:00 p.m. on Livernois, Avon, Rochester, and Tienken Roads; and

Now Therefore Be It Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

2016-0420 Request for Purchase Authorization - FIRE: Purchase Authorization for various fitness equipment for Fire Stations #1, #2, #3, #4 and #5 in the amount of \$47,694.61; Direct Fitness Solutions, LLC, Mundelein, IL

Attachments: [102416 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0254-2016

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of various fitness equipment for Fire Stations #1, #2, #3, #4, and #5 to Direct Fitness Solutions, LLC, Mundelein, Illinois in the amount of \$47,694.61.

Passed the Consent Agenda

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett expressed his appreciation to the residents who came to request that the City consider 1380 Ruby Avenue for Green Space. He noted that the City passed a Green Space Millage in 2005, which collected a portion of taxes from 2005 to 2015 allowing for the purchase of 110 acres of Green Space property. He noted that some property was donated, and others acquired resulted from multiple years of negotiations. He stated that a Green Space committee identified parcels of interest, many were originally nominated by homeowners, and all were brought to the City's forefront for consideration. He explained that the Ruby Avenue property was a part of the process; and he stated that because it is currently in negotiations, the Green Space Committee is no longer involved in the discussions. He commented that Council will ultimately make a decision. He explained that while he cannot comment on the negotiations, he can report that the Administration has had recent conversations with the property owner. He stated that while no doubt every single resident wants to see that property saved, there are 15 to 20 other neighborhood groups that also want various properties to be saved. He noted that the City must spend its tax dollars wisely, and he pointed out that to date the City has not purchased or negotiated Green Space property with a building on it. He stated that he consulted with the Planning Director; and while the property owner could choose to sell to someone else in the future, he can report that there are no plans for development at the moment.

He made the following announcements:

- *Jason Dale received a 2016 Sunrise Pinnacle Award, presented by the Rochester Regional Chamber of Commerce. Other 2016 winners included Andreas Blind of Jenoptik, J. Thomas Jewelers, and Marquardt USA.*
- *Exciting changes are coming to the Village of Rochester Hills, including a new P.F. Changs to occupy the space formerly Max and Erma's.*
- *State Representative Michael Webber was a part of a team which came to the recent Mayor's Business Council meeting.*
- *Mayor Barnett, his brother, and his sister finished the Detroit Free Press International Half Marathon.*
- *The Name that Park contest to rename Riverbend Park is ongoing through October 31.*
- *Designs for Paint the Plow must be submitted by November 4, 2016. The City is partnering with Rochester this year.*
- *The Village of Rochester Hills Lighting Ceremony is set for November 18, 2016 at 5:00 p.m. The event will feature fireworks.*
- *A World Premiere of a PBS Movie, On Van Hoosen Farm, is set for the Emagine Theater on Wednesday, November 15, 2016, at 7:00 p.m. Tickets to the fund raiser for the Museum are \$60 for individuals and \$100 per couple.*

Mr. Kubicina announced that the Rochester Area Youth Assistance 2016 Annual Meeting will be held on Monday, November 14, 2016 at 8:00 a.m. at the Older Persons' Commission. The Oakland County Youth Assistance Annual Meeting and Sponsor Breakfast is set for Friday, November 18, 2016, at 7:00 a.m. at Glen Oaks in Farmington Hills.

In response to Public Comment, **President Tisdell** stated that a fifty percent interest in flyers distributed for potential Green Space property was very good. He noted that he is expecting an agenda item for the November 14, 2016, meeting relative to the placement of a traffic signal at a Michigan Department of Transportation-approved location on Rochester Road. He commented that he will request that the Clerk's Office mail notification to all residents appearing before Council in the past relative to that topic.

Dr. Bowyer expressed her appreciation to State Representative Webber for his update on Medical Marijuana and Storm Water Utility information. She commented that she is a part of the Green Space Advisory Board, and noted that the Ruby property was deemed to be a nice parcel for consideration. She stated that the negotiations were turned over to the Administration and Council, and she commented that the parcel has her support. She announced the following:

- Another Open House will be held for the Auburn Road Corridor Plan at the DPS Facility on Wednesday, November 2, 2016, from 6:00 to 9:00 p.m. Interested individuals can also go to the City's website to take a survey and give more feedback on the plan.
- Neighborhood House is open in its new location on Livernois Road, south of Avon. A Scare Away Hunger 5K was held on October 23, 2016.
- Pine Trace Golf Club will host its 2nd Annual Runners Fairway 5K on Saturday, November 12, 2016.
- Don't forget to get your flu shot.
- The Environmental Education Center will host a presentation on Michigan Bats on Saturday, October 29, 2016.
- The Ahmadiyya Muslim Community Center hosts Coffee, Cake, and True Islam every Thursday at 7:00 p.m. The center is open for individuals to come in and ask questions.

Mr. Hetrick expressed his appreciation to the residents coming to speak regarding potential Green Space property on Ruby Avenue. He thanked State Representative Michael Webber, noting he was very appreciative of efforts to move stormwater legislation forward. He requested a copy of the legislation so that he could review it and provide comments.

He mentioned that yesterday was the third anniversary of a very serious automobile accident he was in. He stated that he has come back because of his perseverance, and he offered his assistance to anyone else going through the recovery process.

City Clerk Tina Barton announced that no passport applications will be accepted by the Clerk's Office from Monday, October 31, 2016, through Election Day, November 8, 2016. She explained that due to significant counter traffic, passport

services have been set aside during this time period. She noted that over 11,600 absentee ballots have been issued to date, already surpassing 2012 numbers. She stated that approximately 45 percent have been returned.

She commented that there is a misconception that Absentee Ballots do not count. She explained that election workers will be at City Hall first thing in the morning on Election Day and will be opening Absentee Ballots and running them through the voting machines. She encouraged those who qualify for an Absentee Ballot to apply for one, as lines at the precincts will be long. She noted that the Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. The Clerk's Office will be open on Saturday, November 5, 2016, from 8:00 a.m. to 2:00 p.m.

She stated that voters can track their ballots and find their voting precincts via a link on the City's elections page on the website. She mentioned that there are two locations where precincts will have some changes; Precinct 9, Rochester High School, will have the entrance off of Walton at the west end of the property by the tennis courts. Adams High School has Precincts 18, 25 and 29. Although schools will be closed that day, the District informed the Clerk's Office that there will be numerous activities occurring at Adams High School, and parking will be at a premium. Voters at Adams High School will enter off of Adams Road past their tennis court, and will be directed to the auxiliary gym. An overflow parking lot is adjacent to that entrance.

ATTORNEY'S REPORT

2016-0437 Litigation - City of Rochester Hills v Penberthy

City Attorney John Staran noted that Council action is requested relative to the subject of a Special City Council Meeting and Closed Session regarding the Rochester Hills v Penberthy Circuit Court Lawsuit. He suggested language be adopted for a motion to direct him to proceed regarding the Case Evaluation Award as discussed in Closed Session.

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

Absent 1 - Brown

Enactment No: RES0257-2016

Whereas, the City Council met in Closed Session to discuss the matter of *Rochester Hills v Penberthy*, Oakland County Circuit Ct. No. 2015-146341-CC

Resolved, that the Rochester Hills City Council hereby authorizes and directs the City Attorney to proceed in regard to the case evaluation award as recommended in Closed Session.

NOMINATIONS/APPOINTMENTS

2016-0432 Nomination/Appointment of one (1) City Council Member to serve on the Naming Committee

Attachments: [102416 Agenda Summary.pdf](#)
[Nomination Form - Naming Committee.pdf](#)
[Naming of City Parks, Bldgs & Facilities Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell Opened the Floor for Nominations to the Naming Committee.

President Tisdell noted that Mr. Hetrick informed him of his interest in being appointed to the Naming Committee.

Mr. Kubicina nominated Dr. Bowyer.

Vice President Morita nominated Mr. Kubicina.

Seeing No Further Information, President Tisdell Closed the Floor for Nominations.

The nominees received the following votes:

*Dr. Bowyer: Hetrick
Mr. Hetrick: Kubicina, Tisdell, Wiggins
Mr. Kubicina: Bowyer, Morita*

As no individual received a majority of Council votes, Dr. Bowyer's name was removed as she received the lowest number of votes. A second round of voting was held, with the remaining nominees receiving the following votes:

*Mr. Hetrick: Hetrick, Tisdell, Wiggins
Mr. Kubicina: Bowyer, Kubicina, Morita*

It was determined that this item would be set over to the next Council Meeting in the hopes of having a full Council to break the tie vote.

Discussed.

NEW BUSINESS

2016-0430 Request to Vacate the public portions of Grant Road and Dayton Road north of Grace Avenue

Attachments: [102416 Agenda Summary.pdf](#)
[Dayton Grant Legal Dwg for Proposed Vacation.pdf](#)
[Applic to Vacate Grant.pdf](#)
[Amended Dayton Road Engineers Report.pdf](#)
[Grant Rd Engr Report.pdf](#)
[Dayton Vac Area updated 101116.pdf](#)
[Grant Vac Area updated 101116.pdf](#)
[Location Map.pdf](#)
[Staran Letter to MacLeish 100316.pdf](#)
[DeYonker Permission Ltr.pdf](#)
[Seaver Title Ltr 061716.pdf](#)
[DTE Response.pdf](#)
[Comcast Response.pdf](#)
[South Blvd Gardens Plat.pdf](#)
[Grant Road Vacation Map.pdf](#)
[Looking N Preserve along Sanctuary.pdf](#)
[Looking S of Winding Brook along Sanct Blvd.pdf](#)
[End of Ex Grant.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that Council is requested to tentatively approve and schedule a Public Hearing for vacating the public portions of Grant and Dayton Roads. He noted that Sara Roediger, Manager of Planning, previously discussed the Sanctuary in the Hills proposed development, and the request from the developer to vacate portions of Grant and Dayton.

Dr. Bowyer questioned whether the roadway was ever intended to be developed next to Sanctuary Boulevard.

Mr. Schneck responded that this was never brought to the forefront until this particular portion was being developed. He commented that it was a little bit of an oversight.

Mr. Hetrick questioned whether concerns raised by DTE Energy and Comcast regarding Dayton would be addressed.

Mr. Schneck responded that a public utility easement would be retained for DTE Energy, Comcast, and the City of Rochester Hills for sanitary sewer.

City Attorney John Staran noted that an easement would be included in any proposed resolution.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0255-2016

Resolved, that the Rochester Hills City Council tentatively approves the proposed vacation of the public portions of Grant Road and Dayton Road north of Grace Avenue and schedules a public hearing to receive any public comments on the matter at a future regular City Council meeting.

2016-0431 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for sanitary sewer lead installation at 1544 W. Hamlin Road in the amount of \$106,000.00 with a 10% project contingency in the amount of \$10,600.00 for a total not-to-exceed amount \$116,600.00; V.I.L. Construction Inc., Sterling Heights, MI

Attachments: [102416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that part of the requirements of the purchase agreement between Jenoptik and the City of Rochester Hills is that the City would provide water and sewer to the property. He explained that while there is an existing lead on the south side of Hamlin Road, the lead was crushed preventing it from being a viable option. He stated that the Administration worked with Purchasing; V.I.L. Construction submitted a price which was above \$106,000, and Engineering met with V.I.L. to find a way to reduce the price. He noted that instead of an open cut across Hamlin Road which would require restoration, directional drilling will be used. As a result, there will be a cost savings due to no need for traffic control or pavement restoration.

He mentioned that due to the excellent work of Tracey Balint, Public Utilities Engineer, on the North Hill Watermain Replacement Project, the \$400,000 contingency allocated for that project was not used. He explained that the contingency will be used to fund this installation, rather than dipping into Fund Balance.

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

Aye 6 - Bowyer, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Absent 1 - Brown

Enactment No: RES0256-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to V.I.L. Construction, Inc., Sterling Heights, Michigan for sanitary sewer lead installation at 1544 W. Hamlin Road in the amount of \$106,000.00 with a 10% project contingency in the amount of \$10,600.00 for a total not-to-exceed amount of \$116,600.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting - Monday, November 14, 2016 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 8:48 p.m.

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

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

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

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