



# Rochester Hills Minutes - Draft

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## City Council Regular Meeting

*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,  
Jenny McCardell, Stephanie Morita and Mark A. Tisdel*

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

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

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Monday, May 7, 2018

7:00 PM

1000 Rochester Hills Drive

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### CALL TO ORDER

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

### ROLL CALL

**Present** 7 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdel

### Others Present:

*Scott Cope, Building/Ordinance/Facilities Director  
Paul Davis, Deputy Public Services Director/City Engineer  
Ken Elwert, Parks and Natural Resources Director  
Captain Michael Johnson, Oakland County Sheriff's Office  
Kristen Kapelanski, Planning Manager  
Pam Lee, Accounting Manager  
Sara Roediger, Planning and Economic Development Director  
Leanne Scott, Deputy Clerk  
Aden Smith, Rochester Hills Government Youth Council Representative  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Tom Talbert, Strategic Innovations Specialist  
Pamela Valentik, Economic Development Manager*

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdel

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

*Mr. Deel introduced Aden Smith, RHGYC Representative, noting that he is a Freshman at Stoney Creek High School, plays football, and is an umpire for the Rochester Hills Little League.*

*Mr. Smith reported that the RHGYC hosted a successful Youth Summit this past weekend and expressed his appreciation to Mr. Deel and Council for their support. He offered thanks to Chicken Shack and Towne Square Pizza for supporting the event with their donations, and to the speakers who came to the event.*

*He announced that RHGYC members will be visiting downtown Rochester's Farmer's Market this weekend to distribute flyers for their upcoming 5K Run/Walk set for June 16, 2018 at Bloomer Park. He noted that registration will remain open for the 5K, and pointed out that the deadline is coming up for sponsors to receive recognition.*

### **Green Space Advisory Board (GSAB):**

*Dr. Bowyer reported that the GSAB hosted their annual Discovery Hike at the Harding Property last weekend, and stated that it was a fun event. She noted that the Harding Property encompasses 26 acres adjacent to the Clinton River Trail.*

### **Paint Creek Trailways (PCT):**

*Dr. Bowyer noted that the Paint Creek Trail will be closing for a good part of the summer for bridge replacement from Dutton to Silverbell Roads. She mentioned that bids came in much higher than anticipated for the bridge most likely due to an increase in the price of steel, and that a redesign was underway to reduce some of the steel required. She noted that this will most likely push the project to later in the summer.*

### **Water and Sewer Technical Review Committee (WSTRC):**

*Dr. Bowyer stated that the WSTRC held a meeting last week and wished to remind water users to run their automatic sprinkling systems only between the hours of midnight to 5:00 a.m. She explained that using water during the night hours avoids high water usage during peak times and will help keep rates lower. She noted that the WSTRC is recommending that rates increase modestly, at approximately three percent per bill or \$3 to \$4 every two months. She stated that some of the savings realized will be used to offset costs and keep increases down over the next few years.*

### **Deer Management Advisory Committee (DMAC):**

*Dr. Bowyer noted that although she is not a representative on the DMAC, she would encourage individuals not to rescue fawns, as most likely the mother is nearby and will be back. She mentioned that there is information available on the DMAC's page of the City's website to suggest deer resistant plants to gardeners. She noted that Bordine's Nursery also has listings for deer-resistant planting.*

**Older Persons' Commission (OPC):**

**Mr. Kubicina** announced the following upcoming OPC events:

- *Savvy Seniors: This month's topic is Namaste Care - The Power of Loving Touch, dealing with those with dementia. The presentation will be on May 16, 2018 from 10:00 a.m. to 11:00 a.m. and is free.*
- *Late Bloomers Gardening Group meets every Wednesday from 10:00 a.m. to noon. The garden will be a part of the Garden Walk on June 21, 2018 from 10:00 a.m. to 5:00 p.m.*
- *Music, Madness and a Mix of Motown, presented by the OPC 650 Players, with matinees dates from May 9, 2018 through May 17, 2018, and an evening performance on May 18, 2018. Tickets for the matinees are \$17 and include lunch. Tickets for the evening performance are \$14.*
- *The OPC's Annual 5K Run/Walk for meals is set for Saturday, June 2, 2018.*
- *A Perfect Pairing, a wine and cheese tasting event, is set for May 17, 2018 from 6:00 p.m. to 8:00 p.m. Tickets are \$15 per person.*
- *In partnership with Oakland University, a presentation on the KISS Theory and How it Works is set for May 23, 2018 from 3:00 p.m. to 4:30 p.m.*

He noted that those attending had a great evening at the Monte Carlo event.

**Rochester/Auburn Hills Community Coalition (RAHCC):**

**Ms. McCardell** reported that the RAHCC is sponsoring a Yoga Class at City Hall on Saturday, May 19, 2018 at 11:00 a.m. She mentioned that the cost for those attending is \$15 for age 16 and over, and \$10 for under age 16. She expressed her thanks to Mr. Elwert and the Parks Department for helping coordinate the event, and to Red Lotus Yoga for their sponsorship.

## RECOGNITIONS

2018-0168 Proclamation in Recognition of Building Safety Month

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Tisdell** read the proclamation in recognition of Building Safety Month, and invited **Scott Cope**, Building/Ordinance/Facilities Director, to speak.

**Mr. Cope** stated that the Department appreciates the proclamation and the City's support of Building Safety Month. He noted that the Department hosted an event at Home Depot last Saturday that was well-attended by over 300 children and their families. He distributed souvenir hard-hats to Council, noting that they were handed out to all the children attending. He mentioned that the Department will host an informational event at the Older Persons' Commission on May 23, 2018. He added that City trucks will have magnetic signs promoting building safety.

*He commented that Building Safety Month is not about recognizing the Department; it is about recognizing the residents and ensuring their safety. He noted that during the month of May, the Department is offering free existing deck inspections for all residents. He stated that anyone interested should call 248-656-4615 for an appointment, or email the Department at [building@rochesterhills.org](mailto:building@rochesterhills.org). He urged residents with decks over ten years old to take advantage of the inspection service.*

**President Tisdell** expressed his appreciation to the Building Department staff and to the City's first responders for all they do to protect the residents.

**Presented.**

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

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

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

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

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

**Now, Therefore, Be It Resolved**, that May 2018 will be designated Building Safety Month in the City of Rochester Hills. Accordingly, our citizens are encouraged to join their fellow Americans in participating in Building Safety Month awareness by assisting in efforts to improve building safety.

## PRESENTATIONS

**2018-0164** Request for Acceptance of the Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR) presented by the audit firm of Plante & Moran, PLLC

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Presentation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Lisa Manetta**, Governmental Audit Partner, and **Chrystal Simpson**, Audit Supervisor, Plante & Moran, PLLC, were in attendance.

**Ms. Manetta** noted that as a result of careful planning and attention to detail, the City continues to be the best in class in terms of financial stability, and is in the top five percent of communities of similar size in southeast Michigan. She commented that this is a testament to City Councils present and past. She noted that once again Plante & Moran has an unmodified clean opinion of the Audit in accordance with all governmental standards required for the City to follow.

She stated that revenues in several categories continue to see modest increases, property tax values are up, additional funding has been made available through Act 51 and State Shared Revenue, and investment income has increased. She noted that the City continues to operate in a structural surplus, resulting in a continued healthy fund balance and equity position.

**Ms. Simpson** presented several graphs and charts noting the following results of the Audit:

- The Overview of Revenues, Expenditures, and Fund Balance show a structural surplus. The City does not have to bond for any projects or look toward an external resource.
- Governmental Revenues are at \$61.8 million, \$5.7 million higher than 2016. Increases were realized in Property Tax, State Revenue Sources, Charges for Services, Licenses and Fines, and Interest Income. Other Revenues remained fairly steady.
- Governmental Expenditures are at \$68.6 million, up approximately \$2.1 million from 2016. Public Safety has increased related to salaries and fringe benefits increases. The City continues to invest in capital projects.
- Fund Balances have increased. Unassigned Fund Balance is at \$28.4 million, or 50 percent of current expenses. This is up from 46 percent in 2016.
- Water and Sewer Fund activity shows that revenue exceeded expenses. This fund is based on consumption and will fluctuate from year to year.

**Ms. Manetta** reviewed the letter of communication that accompanies the Audit, noting that there were no large surprises encountered in the course of the audit. She stated that Plante and Moran reports any new standards that the Governmental Accounting Standards Board adopts that will affect the City. She mentioned that the City has actually overfunded its Retiree Health Care liability by \$2.1 million, or 10 percent. She stated that the City has invested over 46 million in capital improvements since 2016.

She noted that there is nothing to report on any difficulties encountered, and there were no corrected or uncorrected misstatements that were suggested to be changed.

**President Tisdell** displayed a photograph of the wall near the Accounting Department which holds many annual finance awards recognizing the City. He stated that there is an expectation of excellence, and a culture in the Finance Department that delivers excellence every year. He commented that it begins with an excellent body of residents and works its way to the City. He expressed his appreciation to the Department for delivering more than what is promised.

**Mr. Hetrick** expressed his thanks to the auditors and to the City's team. He mentioned that a structural surplus is terrific news, and shows that the City is on the right path and is financially solid.

**Dr. Bowyer** expressed her appreciation to the auditors for putting their stamp of approval on the City's work, and stated that it is good to see Fund Balances increase.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0118-2018

**Resolved**, that the Rochester Hills City Council hereby acknowledges receipt of the Comprehensive Annual Financial Report (CAFR) from the Administration and the auditing firm of Plante & Moran, PLLC for the 2017 Fiscal Year.

## PLANNING AND ECONOMIC DEVELOPMENT

**2018-0144** Request for Conditional Use Approval to construct a drive-through at a proposed 6,100 square foot First State Bank on 1.31 acres located east of Rochester, north of Eddington Blvd., zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay; Eugene Lovell, First State Bank, Applicant

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Suppl Presentation.pdf](#)  
[Staff Report 041718.pdf](#)  
[Map aerial.pdf](#)  
[EIS.pdf](#)  
[Site Plans PC Mtg.pdf](#)  
[Colored Rendering.pdf](#)  
[Minutes PC 041718.pdf](#)  
[PHN OP.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Kristen Kapelanski**, Planning Manager, **Eugene Lovell**, President, First State Bank, **Robert Kirk**, Kirk, Huth, Lange & Badalamenti, and **Andrew Dahaner**, Stucky Vitale Architects, were in attendance.

**Ms. Kapelanski** stated that the proposed two-story bank building adjacent to the newly realigned Eddington Boulevard will require a conditional use approval for the drive-through. She explained that the drive-through will be located to the rear of the building close to Rochester Road. She pointed out that a large open space to the east is reserved for future development, and the northwest corner of the site will be landscaped and will connect to the existing City Park area. She stated that the Planning Commission recommends approval.

**President Tisdell** noted that this will be the first Rochester Hills location for First State Bank. He commented that typically banking customers are good neighbors.

**Ms. McCardell** questioned whether signs were placed on the property notifying residents of the proposal and whether there has been any public input.

**Ms. Kapelanski** responded that signs are currently posted. She noted that she had one phone call. She stated that there were a few comments at the Planning Commission meeting, but there has not been much public comment.

**Mr. Deel** stated that he lives in Arcadia Park and drives Eddington Boulevard most days, and he commented that a bank is the best thing to have in that location. He noted that the only decision Council needs to make is whether to allow the drive-through.

**Vice President Morita** stated that the Planning Commission had a couple of concerns in relation to the angle of the drive-through, and commented that she wants to ensure that the angles are proper for vehicles to make safely.

**Ms. Kapelanski** responded that the configuration is still being investigated.

**Mr. Kirk** stated he is an attorney and 23-year member of the Board of Directors for the bank. He commented that this will be the first office and first branch in Oakland County. He explained that the radiuses are being reviewed and will be a part of the engineering and layout.

**Vice President Morita** requested the proposed sidewalk be addressed.

**Ms. Kapelanski** responded that the City has installed a portion of pathway already, and noted that the bank will not be installing any additional pathway outside of what would be expected. She stated that plans will be revised in accordance with any engineering standards.

**Dr. Bowyer** commented that the building has a futuristic design and does not look like the surrounding area. She questioned whether any potential drainage issues will be addressed and questioned how drainage will be retained on-site. She noted that there is no good way for water to connect with the Honeywell Drain behind the Stonecrest development. She commented that the area has phragmites and is not draining well, and expressed concern that the drainage will back up into Eddington.

**Ms. Kapelanski** stated that drainage will flow on the south side, and commented that follow-up will be undertaken with Engineering to ensure there is no concern.

**Mr. Hetrick** questioned whether the groundwater detention will have the feasibility of moving the detention under the site instead of into a proposed new site to alleviate any potential problems.

**Mr. Kirk** commented that it will most likely be under the drive of the totally-developed property.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0119-2018

**Resolved**, that the Rochester Hills City Council hereby approves a Conditional Use to construct a drive-through at a proposed 6,100 square foot First State Bank on 1.31 acres located east of Rochester, north of Eddington Blvd., zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay based on plans dated received by the Planning and Economic Development Department on March 21, 2018 with the following findings.

Findings:

1. The proposed drive-through and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The expanded use will promote the intent and purpose of the zoning ordinance and Master Plan.
3. The proposed drive-through has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by offering another financial institution with the convenience of drive-through banking and add 15-20 jobs.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

**2018-0142** Request to Dissolve the Economic Development Corporation Board

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Minutes EDC 041218.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Pamela Valentik**, Economic Development Manager, stated that the Economic Development Corporation (EDC) board was created because it had the means to provide bond financing opportunities to manufacturing and nonprofits in the Economic Development community. She explained that the EDC board has done approximately 10 projects, and has had no activity in 32 years as the last bond was done in 1986. She stated that State Law requires that as long as a bond is outstanding, the EDC must be maintained; and she noted that the last bond expired in 2016.

She pointed out that Oakland County has an Economic Development Corporation along with staff and bond counsel ready to do any financing projects for Rochester Hills; and she noted that last year their EDC did two projects. She explained that the EDC board voted to dissolve on April 12, 2018, and Council is asked to grant the approval.

**President Tisdell** noted that the EDC's annual budget of \$950 will be freed up.

**Ms. McCardell** commented that the Agenda Summary noted that it would not be difficult to restart the EDC if it were warranted to do so.

**John Staran**, City Attorney, stated that restarting it could be done rather smoothly and would not unduly hold up any project coming online.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0120-2018

**Whereas**, the Economic Development Corporation of the City of Rochester Hills ("EDC"), by Resolution adopted on April 12, 2018, on a 6-0 vote (with 1 vacancy and 2 absent) of its Directors, resolved that the EDC has completed the purposes for which it was organized and should be dissolved, and

**Whereas**, Section 33 of the Economic Development Corporations Act (the "Act"), being MCL 125.1633, as amended, provides that after completing those purposes, the EDC shall be dissolved by the adoption of a resolution by a 2/3 majority of its Directors, which resolution shall be approved by a majority of the Rochester Hills City Council and filed with the Secretary of State and, therefore, shall be dissolved.

***The Rochester Hills City Council Hereby Resolves:***

1. The City Council hereby approves the April 12, 2018 Resolution of the EDC's Directors and concurs that the EDC has completed the purposes for which it was organized and, therefore, shall be dissolved.
2. Dissolution shall be effective upon filing this Resolution and the Resolution of the EDC Directors with the Secretary of State, in accordance with the Act.
3. In accordance with Section 24 of the Act, being MCL 125.1624, upon dissolution of the EDC, any and all property owned by the EDC shall vest in the City of Rochester Hills.
4. Officers and directors of the EDC are authorized, for and on behalf of the EDC, to execute and deliver such documents, and to undertake such actions, as may be necessary and appropriate to proceed with the dissolution.

## **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.

**2018-0182** Approval of Minutes - City Council Regular Meeting - April 23, 2018

**Attachments:** [CC Min 042318.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0121-2018

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 23, 2018 be approved as presented.

- 2018-0166** Request for Acceptance of an Amendment to a Watermain Easement granted by New Plan Hampton Village, LLC, a Delaware limited liability company, for the Emagine Theatre Expansion

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Amended Watermain Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0122-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an amendment to the watermain easement granted by New Plan Hampton Village, LLC, a Delaware limited liability company, whose address is 22054 Farmington Road, Farmington, Michigan 48336, 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. 15-26-351-005.

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

- 2018-0165** Request for Purchase Authorization - FISCAL/ACCOUNTING: Purchase Order for Annual Support & Maintenance for the City's utility billing software system in the amount of \$34,338.00 through April 30, 2019; TruePoint Solutions, Incline Village, NV

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0123-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Purchase Order for Annual Support & Maintenance for the City's utility billing software system to TruePoint Solutions, Incline Village, Nevada in the amount of \$34,338.00 through April 30, 2019.

## Passed the Consent Agenda

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Vice President Morita** expressed her thanks to Jeff Rudd, Crew Leader for the DPS Meter Department for working to deal with a broken sprinkler head on Newcastle Drive. She encouraged anyone finding a great amount of water in their yard to contact the City or their Council Representative for assistance in getting the issue resolved. She commented that sprinkler systems are getting to the age where these issues are becoming more common.

She stated that she had a great time at the Older Persons' Commission (OPC) Monte Carlo Night, and commented that it was great to see support from the community to provide help to someone who would not otherwise have a hot meal. She stated that while the OPC has been experiencing some power issues recently, the kitchen is on a generator and has not had any problems getting the meals out. She commented that if someone finds that there is an emergency need for getting help to someone after hours or on the weekend, they could contact her or a Council Representative, and they would help facilitate getting them on the list to receive meals.

**Ms. McCardell** announced that the Postal Service will hold their annual canned goods collection for Neighborhood House on May 12, 2018. Residents may set out donations in a plastic bag, and volunteers will pick them up. She stated that last year's collection brought in over 40,000 pounds of food.

She recognized her daughter's soccer team, the Hawks East, who were runners-up at a tournament in Bowling Green this past weekend.

**Dr. Bowyer** announced the following upcoming events:

- Hometown Hustle on May 12, 2018, starting at Chief Financial Credit Union.
- OPC's Walk for Meals on Saturday, June 2, 2018.
- Rochester Hills Government Youth Council's 5K Run/Walk on Saturday, June 16, 2018 at Bloomer Park. Funds will help Innovation Hills.
- Paint Creek Trail Labor Day Walk set for September 3, 2018, from 8:00 a.m. to noon. The Walk will begin at the Rochester Municipal Park.
- Michigan Ovarian Cancer Alliance Wheels and Teal Car Show and 5K is set for September 15, 2018, at the Village of Rochester Hills.
- The Brooksie Way is set for Sunday, September 23, 2018, from 8:00 a.m. to noon, starting at Oakland University.

She noted that the next No-Haz collection will be June 23, 2018, from 8:00 a.m. to 2:00 p.m. at Oakland University. Rochester Hills residents can drop off their hazardous waste for \$10 per car.

**Mr. Kubicina** reminded everyone that Sunday is Mother's Day. He noted that the Memorial Day Ceremony will be held on May 28, 2018, at Veterans Memorial Pointe.

**Mr. Deel** stated that the Rochester Hills Government Youth Council Youth Summit had quite a few attendees, and expressed appreciation to Adult Advisor Danielle Szajna, Deputy Clerk Leanne Scott, and Administrative Associate Christine Wissbrun for their work. He thanked those who gave presentations along with him, including State Representative Michael Webber, his wife, Attorney Melinda

*Deel, Oakland County Probate Judge Jennifer Callaghan, and Fox 2 Legal Analyst Charlie Langton.*

*He commented that this was he and his wife's first time attending the OPC's Monte Carlo night, and they had a wonderful time.*

**Mr. Hetrick** stated that he had a great time at the Monte Carlo event. He noted that he attended the Interclub Dinner at Rochester College last week, and stated that it was a terrific opportunity to interact with service club members around town. He noted that Rochester College President Dr. Brian Stogner's address focused on how when he makes a decision regarding Rochester College, it is based on Rochester College as a part of the community. He mentioned that former Council Member Kevin Brown's son Zack received his Eagle Scout rank recently, and is one of 149 Eagle Scouts in the Rochester Hills community.

**Tom Talbert**, Strategic Innovations Specialist, made the following announcements on behalf of Mayor Barnett:

- Deputy Hack has returned home from his rehabilitation in Colorado. Many community members signed the banner welcoming him, and everyone looks forward to his continued recovery.
- The City's Fleet was named the Number One Best Fleet in Michigan, was recognized as number 47 in the United States out of 36,000 fleets, and was the only fleet in Michigan recognized.
- The Spring Homeowners' Association Forum on April 26, 2018 was attended by approximately 50 residents. The event was a great opportunity to meet with staff. Of the 50 attendees, 15 had not attended before.
- Arbor Day was celebrated at Meadow Brook Hall with a tree planting aided by the Daisies from Meadow Brook Elementary.
- Thanks go to all the presenters at this past weekend's Youth Summit.

*He stated that Mayor Barnett wished to convey how pleased the Administration is with the Plante & Moran Audit.*

## ATTORNEY'S REPORT

**2018-0198** Motion to authorize the engagement of Miller Canfield as special legal counsel to represent, advise and counsel the City in the *Brunet v. City of Rochester Hills* litigation (Oakland County Circuit Court Case No. 2018-164764-CZ) upon the terms and conditions as directed by Council, and to further authorize the Mayor to execute the engagement letter on the City's behalf

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0124-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes the engagement of Miller Canfield as special legal counsel to represent, advise and counsel the City in the *Brunet v. City of Rochester Hills* litigation (Oakland County Circuit Court Case No. 2018-164764-CZ) upon the terms and conditions as directed by Council, and to further authorize the Mayor to execute the engagement letter on the City's behalf.

## NEW BUSINESS

**2018-0167** Request for Acceptance of the allocation of grant funding from Oakland County under the 2018 Medical Marihuana Operation and Oversight Grant

**Attachments:** [050718 Agenda Summary.pdf](#)  
[2018 MMOO Subgrant Agreement Rochester Hills.pdf](#)  
[Exhibits A-D.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Captain Michael Johnson**, Oakland County Sheriff's Office, stated that the Substation has a detective that works undercover tasked with conducting all narcotics complaint investigations in Rochester Hills, and ensuring compliance with the Michigan Medical Marihuana Act of 2008. He explained that in 2016 and 2017, the Oakland County Narcotics Enforcement Team applied for and received grant funding for these types of investigations. He stated that for 2018, a grant was received for \$5,750, which will be used to offset overtime costs incurred by the Deputy for medical marihuana investigations. He mentioned that overtime for these investigations usually ranges from \$5,000 to \$15,000 per year.

**President Tisdell** commented that this will ensure compliance by certified users and caregivers, and encompass "knock-and-talk" investigations.

**Captain Johnson** added that there will also be investigation for those who are not in compliance. He noted that he will be returning to Council for another grant for \$5,000 as a part of the HIDTA Program to offset overtime.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0125-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the allocation of grant funding from Oakland County under the 2018 Medical Marihuana Operation and Oversight Grant.

**2018-0169** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Rock Salt in the amount not-to-exceed \$206,000.00 through June 30, 2019; Detroit Salt, Detroit, MI

**Attachments:** [050718 Agenda Summary.pdf](#)  
[City of Farmington Hills Award Notification.pdf](#)  
[City of Farmington Hills Bid Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Paul Davis**, Deputy Public Services Director/City Engineer, stated that in order to be prepared for next winter, the City participates in a cooperative that purchases rock salt in bulk. He noted that three bidders submitted proposals, and Council is recommended to award an amount not-to-exceed \$206,000 in order to participate.

**President Tisdell** commented that it is an unavoidable expense, and questioned whether the City has the option to add or delete quantity.

**Mr. Davis** responded that hopefully the full amount will not be needed.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0126-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the purchase of rock salt to Detroit Salt, Detroit, Michigan in the amount not-to-exceed \$206,000.000 through June 30, 2019.

**2017-0560**

Request for Approval of the Memorandum of Understanding between Michigan Department of Transportation and City of Rochester Hills to transfer jurisdiction of Auburn Road from Rochester to Dequindre from the Michigan Department of Transportation to Rochester Hills

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Montes MOU Update Email 042318.pdf](#)  
[Final MOU Checklist.pdf](#)  
[Final MOU Version.pdf](#)  
[CC Min Excerpt 120417.pdf](#)  
[120417 Agenda Summary.pdf](#)  
[Davis letter to MDOT 102517.pdf](#)  
[Jurisdictional Map.pdf](#)  
[MDOT Letter to Paul Davis 111717.pdf](#)  
[Draft Memorandum of Understanding.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Paul Davis**, Deputy Public Services Director/City Engineer, stated that the Michigan Department of Transportation's (MDOT) initial offer for the transfer of this two-mile stretch of Auburn Road was \$300,000, which was thought to be very low. He explained that the City made a counter-offer of \$1.23 million based on a cost estimate that the consultant prepared; and MDOT accepted the counter offer, with the stipulation that the City not make any additional counters to that offer. He noted that the Memorandum of Understanding commits the City to undertake the project within five years.

**Dr. Bowyer** complimented Mr. Davis for his work on the transfer, noting that MDOT heeded the City's cost estimate. She mentioned that the City can now plow out of the DPS Garage, and commented that perhaps the transfer of the stretch from Rochester Road to Adams could be explored at a later date.

**Mr. Davis** responded that MDOT would be happy to get rid of all six miles. He noted that the other four miles would entail a more detailed discussion. He pointed out that the City will be taking over Hamlin Road as well, and commented that there is a downside that the City will need more staff and more equipment associated with additional road ownership.

**Dr. Bowyer** stated that additional ownership will require more maintenance activity in the future.

**Mr. Deel** noted that the \$1.23 million offer from MDOT is their highest and best offer, and he would not expect that it could improve. He stated that while this will mean additional responsibility for the City, the flexibility gained for the development of the Auburn Road Corridor Project will be worth it. He commented that this is an excellent first step toward making the project a reality.

**Ms. McCardell** questioned whether improvements could be made to make the stretch of Auburn Road between Kohls and Meijer safer.

**Mr. Davis** noted that concerns on that section have been separate from the jurisdiction transfer issue. He stated that as there has been a fatality there, and five incidents in the past year, the threshold is now triggered to review that area. He mentioned that there have been changes proposed by the property owner of the large mall at the corner of Rochester Road to shift the westerly access driveway to the east; and it will be reviewed as to how to make the easterly driveway safer.

**Vice President Morita** mentioned that the proposed Candlewood Suites site plans did not receive Planning Commission approval. She noted that traffic was an issue and the property owner would not have control of the whole site and would only have keyhole-access to Auburn Road.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0127-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Memorandum of Understanding between Michigan Department of Transportation and City of Rochester Hills to transfer jurisdiction of Auburn Road from Rochester to Dequindre from the Michigan Department of Transportation to Rochester Hills.

**Further Resolved**, that the Mayor is authorized to execute the Memorandum of Understanding on behalf of the City.

**2018-0170** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for 2018 Pathway Rehabilitation Program in the amount of \$937,962.00 with a 10% project contingency in the amount of \$93,796.20 for a total not-to-exceed project amount of \$1,031,758.20; Pro-Line Asphalt Paving Corp., Washington, MI

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Bid Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Paul Davis**, Deputy Public Services Director/City Engineer, and **Ken Elwert**, Parks and Natural Resources Director, were in attendance.

**Mr. Davis** noted that this year's program was bid with three different areas of work, including an overlay of an existing stretch of pathway on Butler Road, parking lot

and trail paving work in Innovation Hills, and new pathway on Technology Drive up to the Clinton River. He explained that only one bid was received, higher than budgeted; however, the Administration feels that the project is worthy and should move forward.

**Vice President Morita** noted that the additional cost for the Technology Drive safety path will allow individuals to connect to the trail from the south, and will connect Auburn to Adams Road at that point. She stated that once she understood that a large population will have access to the trail and it will provide improved quality of life for residents and professionals who work on Technology Drive, she was pleased. She also noted that she is happy to see the parking lot and trail improvements in Innovation Hills.

**Mr. Kubicina** expressed his surprise that there was only one bidder for a project in excess of one million dollars.

**Mr. Davis** responded that it is not considered a large asphalt project, and may be a reflection of the amount of work out in the market. He noted that it is a mixture of overlay work, new construction, and parking lot paving; and stated that perhaps there may be a limited number of contractors interested in doing a project such as this in one bid. He pointed out that Pro-Line has undertaken all three types of projects from the City including Eddington Road, overlayment of pathway, and new pathway along Firewood. He stated that this is a project that suits Pro-Line well, and mentioned that many times on bid projects they were the low bidder. He commented that while the City would like to have more bids, they are not unhappy with the contractor.

**Mr. Hetrick** noted that the Local Development Finance Authority (LDFA) is contributing funds for the Technology Drive pathway, and questioned whether they would perhaps approve an increase up to \$550,000 in order to fund most of the Technology Drive project.

**Mr. Davis** responded that the LDFA component is a very important part of the project. He commented that the next LDFA meeting is a couple of months out and if desired, they could be asked to contribute more.

**Dr. Bowyer** questioned whether it would delay the project to ask for additional LDFA funding.

**Mr. Davis** suggested that Council may wish to move forward and then ask them to cover the amount after-the-fact.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0128-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to Pro-Line Asphalt Paving Corp., Washington, Michigan in the amount of \$937,962.00 with a 10% project contingency in the amount of \$93,796.20 for a total not-to-exceed project amount of \$1,031,758.20 for the 2018 Pathway Rehabilitation Program and further authorizes the Mayor to execute the contract on behalf of the City.

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

**2018-0191** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for 2018 Pathway Rehabilitation Program Construction Engineering Services in the amount not-to-exceed \$75,000.00; Anderson, Eckstein and Westrick, Inc., Shelby Township, MI

**Attachments:** [050718 Agenda Summary.pdf](#)  
[2018 Pathway-CEServices.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Paul Davis**, Deputy Public Services Director/City Engineer, stated that it is felt that the City DPS Staff do not have the ability to provide construction engineering services for the Pathway Project, and Anderson, Eckstein and Westrick (AEW) is being proposed to do the service on the City's behalf for an amount not-to-exceed \$75,000.

**Public Comment:**

**Lee Zendel**, 1575 Dutton Road, noted that for a pathway rehabilitation program, new construction has been added which should be funded from the Pathway Fund. He questioned whether the construction engineering amounts needed would warrant adding another City employee instead of subcontracting the inspection work.

**Mr. Davis** responded that the City has constructed new segments of pathway as a part of the rehabilitation program in the past. He stated that to split this project off would be difficult. He explained that with current staffing levels and the ongoing road, water and sewer projects, the City only has three full-time inspectors, which is not enough to cover the need. He noted that the City also monitors private projects, covers the concrete program, and provides Miss Dig staking responsibilities. He mentioned that AEW designed the project along with Technology Drive; and while the City would rather have its own staff, this is one project that they would like to have AEW oversee.

**President Tisdell** noted that it was not that long ago that the City had to reduce its workforce. He stated that he would rather see a variable expense in favor of the fixed expense of an additional employee.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0129-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to Anderson, Eckstein and Westrick, Shelby Township, Michigan, in the amount not-to-exceed \$75,000.00 for the 2018 Pathway Rehabilitation Program Construction Engineering Services and further authorizes the Mayor to execute the contract on behalf of the City.

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

**2018-0189** Request for Approval of the temporary relocation of nine (9) voting precincts for the 2018 August Primary election

**Attachments:** [050718 Agenda Summary.pdf](#)  
[Precinct Locations that Changed for August 2018.pdf](#)  
[Precinct List August 2018.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Leanne Scott**, Deputy Clerk, explained that in February of this year the Rochester Community Schools contacted the Clerk's Office to notify them that extensive construction will be taking place at many of their schools. She noted that 21 out of 32 precincts are housed at Rochester Community School buildings; and this summer, nine precinct locations will be renovated. The Schools' Facilities Manager has indicated that the City will have to find different locations for the August election.

She stated that she and Clerk Barton investigated many places as temporary precincts, and pointed out that per State Law the precincts must be housed in publicly-owned or nonprofit locations. She added that adequate parking and ADA compliance must also be taken into consideration.

She noted that the Clerk's Office was fortunate to be able to relocate the nine precincts to the locations listed in the Agenda Summary, and stated that most are as close as possible to their existing locations. She mentioned that the three precincts at Adams would move to Rochester High School, as it will allow the precincts to be kept together as they were at Adams.

She requested Council's approval, and noted that State Election Law requires that the legislative body approve the temporary relocations at least 60 days prior to the election. She stressed that this is a temporary change, and stated that notification letters will be sent out to all residents, and signage at the new and previous locations will be used.

**Mr. Deel** commented that he noticed that Precinct 28 will move to Holy Family, and stated that there are already three precincts in that location. He questioned how notification will be made.

**Deputy Clerk Scott** responded that there are three precincts housed at St. Mary's, and Holy Family School will house the temporary location for Precinct 28 in August. She stated that the notification will include letters, website information, and signage. She added that next year other schools will be renovated, and temporary locations for other precincts may be needed for 2019 elections.

**Mr. Kubicina** expressed his thanks to Deputy Clerk Scott and Clerk Barton for their work, noting that moving nine precincts is not an easy task.

**Ms. McCardell** expressed her appreciation, noting that it was great foresight for the schools to contact the Clerk's Office so far in advance.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0130-2018

**Resolved**, that the Rochester Hills City Council hereby approves the temporary relocation of the following nine (9) voting precincts for the 2018 August Primary election:

<b>Precinct Number</b>	<b>Location</b>	<b>Relocated to:</b>
16	Brooklands Elementary	DPS Garage (511 E. Auburn Rd.)
18	Adams High School	Rochester High School (180 S. Livernois Rd.)
19	Long Meadow Elementary	Stoney Creek High School (6755 Sheldon Rd.)
20	Brooklands Elementary	DPS Garage (511 E. Auburn Rd.)
21	Hart Middle School	Stoney Creek High School (6755 Sheldon Rd.)
25	Adams High School	Rochester High School (180 S. Livernois Rd.)
28	Hampton Elementary	Holy Family Regional School (2633 John R Rd.)
29	Adams High School	Rochester High School (180 S. Livernois Rd.)
32	Hart Middle School	Stoney Creek High School (6755 Sheldon Rd.)

## ANY OTHER BUSINESS

*None.*

## NEXT MEETING DATE

*Regular Meeting - Monday, May 21, 2018 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, it was moved by Morita and seconded by Bowyer to adjourn the meeting at 8:51 p.m.*

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

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*LEANNE L. SCOTT, MMC, Deputy Clerk  
City of Rochester Hills*

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*MARY JO PACHLA, CMMC  
Administrative Coordinator - City Council  
City Clerk's Office*

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