



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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Home Page:
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*Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdel,
Michael Webber and Thomas W. Wiggins*

Vision Statement: The Community of Choice for Families and Business

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

Monday, June 16, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:01 p.m. Michigan Time.*

ROLL CALL

Present 7 - Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark
A. Tisdel, Michael Webber and Thomas W. Wiggins

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Alan Buckenmeyer, Parks Operations Manager
Sean Canto, Chief of Fire and Emergency Services
Pamela Gordon, Director of Human Resources
Debby Hoyle, Financial Analyst
Sharanya Pai, Rochester Hills Government Youth Council Representative
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

*Mr. Tisdel introduced Anup Diwakar, International Academy of Bloomfield Hills (IA)
Championship Robotics Team member. He noted that the IA team, Las Guerrillas,
ranked ninth in Michigan, and traveled to the World Competition in St. Louis,
Missouri, where they won a championship trophy.*

Mr. Diwakar introduced team member Brendan Lount.

Mr. Diwakar and Mr. Lount led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

Ann Edwards, 296 Meadowbridge, announced that the League of Women Voters would host two candidate forums: The first for State Representative, 45th District, is set for Wednesday, June 18, 2014 at 7:00 p.m. in the City Hall Auditorium. The second for the United States Congressional District 8, is set for Sunday, June 22, 2014 at 3:00 p.m. in the Oakland University Oakland Center Banquet Room.

The following individuals spoke on the topic of Oil and Gas Exploration:

Gail Hammill, 1434 Burhaven, stated that water testing, air contamination and noise from compression stations were not addressed in the lease signed by Council. She cited several articles from various sources reporting that areas where oil and gas exploration was being undertaken showed increased incidents of crime and drugs from outside workers. She stated that Ordinances are needed to control these activities and Council should reconsider the lease.

Jeff McQueen, 323 North Castell, stated that he is a National Tea Party leader and noted that he has not seen anything that states that there will be a vote of the people regarding oil and gas exploration.

Mike Powers, 3632 Aynsley, commented that the process of horizontal drilling may be termed "fracking light", using less pressure. He stated that oil and gas exploration is being extensively undertaken in Louisiana and Texas and questioned why Jordan is looking here. He stated that there should have been vote.

Philip Barker, 1434 Burhaven, noted that there has been a lawsuit filed against the City of Rochester Hills regarding the leasing of public parklands without a vote of the people. He stated that it is his belief that this is a landmark case and the court will decide if the right to vote will be affirmed or denied. He stated that the City needs to be diligently working on the development of ordinances, and commented that the whole city would be impacted should wells be located in the northwest portion of the City, in Auburn Hills, or along Dequindre.

Lee Zendel, 1575 Dutton Road, stated that he would categorize opponents of oil and gas drilling into two groups: One group believes all oil and gas companies are evil, and the second group is concerned because this is something new in Rochester Hills that they are unfamiliar with. He added that there are 60,000 wells drilled in Michigan and no adverse events have taken place. He commented that the drilling would most likely take 30 to 45 days and then the equipment and trucks would leave.

Robert Kendig, 2484 Wortham, stated that the lawsuit filed against the City concerns a disagreement whether rights pertain to the core or the surface. He commented that the whole issue could have been solved if a vote had been held. He stated that he believes that the company should drill elsewhere first.

The following individuals spoke concerning a property on Hamlin Road:

Susan deCaussin, 1812 Thomas Court, stated that residences in Streamwood Estates are being severely impacted by a City-owned property on Hamlin Road, zoned Office-Research-Technology, which is being used as a concrete batch plant. She noted that residents hear the grinding and mixing activities and the beeping of trucks and feel vibration; and she commented that the dust is making it impossible for residents, especially those with breathing issues, to enjoy summer. She stated that work goes from early morning to late evening, including Saturdays and Sundays. She requested the situation be addressed immediately.

Cheryl Beller, 1904 Christy Court, stated that the use of the adjacent property as a concrete plant is making it unpleasant for residents of Streamwood.

Doris Byrnes, 1890 Jenny Lane, commented that she is very disturbed by what is going on immediately behind her condominium, noting that the noise starts at 6:30 a.m. and carries on to all hours of the evening. She stated that it will be a very unpleasant summer.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper requested City Attorney John Staran address Public Comment regarding Oil and Gas Exploration.

John Staran, City Attorney, stated that one individual spoke about items that were not in the City's lease including water testing, noise, safety issues, and trucks. He commented that those issues are not addressed because the lease does not allow any surface use or oil or gas drilling on the City's property. He also added that in the State of Michigan the Michigan Department of Environmental Quality (MDEQ) is the agency charged with overseeing all those operational aspects of oil drilling. He stated that there have been hundreds of oil wells drilled and millions of barrels of oil extracted in Oakland County over the years with none of these types of incidents noted in complaints. He pointed out that the MDEQ has an extensive permitting process; and he stated that to his knowledge there has been no permit application for drilling in Auburn Hills, Rochester Hills or any other surrounding community from Jordan Oil. He mentioned that the City has done mapping which indicates that there would be very few locations in Rochester Hills where an oil well could be placed due to setback requirements and proximity to water courses. In response to comments regarding truck traffic, he noted that according to Jack Lanigan, representative from the MDEQ involved in field monitoring oil drilling operations, the most intensive activity he has seen in Oakland County is in White Lake, involving approximately 16 trucks each month. He stated that in many cases it involves only two to four trucks a month.

Regarding public comment that Council should have waited to take action after

a vote, he stated that Council acted in 2012, and relied on a legal opinion that indicated that the Charter does not require a vote of people prior to entering into the lease. He commented that litigation is ongoing, and he noted that Council is aware that the City has filed a Motion to Dismiss the case, with another motion to be filed within the next couple of days. He stated that he expects those motions will be granted by the court and will affirm the City's position that no vote was required and there was no violation of the Charter and no violation of the Home Rule Cities Act. He commented that the City's position is laid out in detail in the pleadings.

President Hooper stated that there will be no public comment from any Council Member on the topic of oil and gas until pending litigation is resolved.

Regarding Public Comment concerning the concrete batch plant, he stated that the property in question is zoned ORT, and noted that it has been used as an equipment yard for the last four concrete contracts. He commented that this is the first time that the property is being used for concrete batch. He requested that the issue be referred to the Administration for Ordinance review, noting that the City allows work on Monday through Saturday from 6:00 a.m. to 8:00 p.m. Work on Sunday is only allowed with special permission of the Mayor. He stated that the property in question is owned by the City; and he commented that the City has attempted to sell or lease the property to prospective clients to comply with the ORT zoning. He noted that the property, once sold, will not be allowed to be used as it is now. He mentioned that the concrete batch plant operation is for the City's concrete rehabilitation project.

He expressed his hope that everyone had a happy Father's Day this past weekend and wished everyone a safe Fourth of July holiday. He noted that the City's Festival of the Hills Fireworks Display would be held on Wednesday, June 25th at Borden Park.

Mr. Webber expressed his appreciation to the residents of Streamwood for bringing their concerns of the concrete batch plant to Council's attention. He mentioned that the Rochester Hills Government Youth Council's (RHGYC) 5K was held this past Saturday, with proceeds raised for the charity Blessings in a Backpack. He thanked the RHGYC members along with Clerk's Office staff for their efforts.

Mr. Brown echoed sentiments for a happy and safe Fourth of July. He noted that he would appreciate the Administration's support to resolve any issues on activities on the Hamlin Road property. He noted that Boy Scouts from Troop 125 were in attendance at the meeting.

Mr. Kochenderfer noted that the City's zoning laws address nuisance operations and expressed his hope that a solution would be found for the residents.

Ms. Morita commented that she is interested in what the Administration's response will be to the residents of Streamwood. She acknowledged her mother-in-law Estelle, from Tucson, was watching the meeting this evening; and noted that she will be at the Festival of the Hills.

Mr. Tisdell mentioned that Michigan Governor Rick Snyder spoke at a Mayor's Business Council meeting earlier this year and noted that Governor Snyder stated that more than ten percent of robotics competitors in Michigan hail from Rochester Hills.

Mr. Wiggins encouraged the Streamwood residents to call or email Council with their concerns and questions. He invited everyone to attend the Festival of the Hills.

Sharanya Pai, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC 5K benefitting Blessings in a Backpack was sponsored by Michigan Property Maintenance and GLT International. She noted that over 250 registrants participated, and \$14,500 will be donated to the charity. She mentioned that this is the first community where the Blessings in a Backpack program will be continued over the summer. She expressed her thanks to the many volunteers and parents who helped, including City Clerk Barton, Deputy Clerk Scott, and Clerk's office staff.

In response to Public Comment, **Mayor Barnett** noted that the City received the first complaint regarding concrete processing on the Hamlin Road property today. He commented that the property has been utilized in what the City thought was a similar fashion for the past four years. He stated that he has directed Allan Schneck, Director of DPS/Engineering, to make this a number one priority to address concerns. He mentioned that the activities supply all of the cement for the city projects and efforts were to find a centrally-located place for operations. He commented that the City has been trying to market that property and believes it would be a great world headquarters for a company.

He provided the following update on current road projects:

- Work continues in the subdivisions for concrete and asphalt road rehabilitation. Grosse Pines is the first subdivision completed.
- Work continues on Avon and Tienken Roads.

Mayor Barnett commented that he is proud of the DPS team as he received word today that out of 38,000 DPS teams in the country, Rochester Hills' team was ranked 59th, and garnered a spot in the top 75 ranked by Governing Magazine. He mentioned that the department received a grant to conduct a snow plow optimizational study, designed to determine if there is any way for the department to save time and gain efficiencies.

He displayed photos from recent events, including Paddlepalooza, the RHGYC's 5K, and races at the Velodrome; and he announced that the annual Garden Walk will be held this coming Thursday from 10 a.m. to 6 p.m. He expressed his thanks to Festival of Hills lead presenting sponsor TTI Global and representative Lori Blaker. He commented that he appreciated the patience of the residents of the area during the event to be held June 25th at Borden Park.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

2014-0230 Approval of Minutes - City Council Special Meeting - May 19, 2014

Attachments: [CC Special Mtg Min 051914.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0137-2014

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on May 19, 2014 be approved as presented.

2014-0231 Approval of Minutes - City Council Regular Meeting - May 19, 2014

Attachments: [CC Min 051914.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0138-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on May 19, 2014 be approved as presented.

2014-0246 Request for Approval of the Community Development Block Grant 2015-2017 Cooperation Agreement

Attachments: [Agenda Summary.pdf](#)
[Cooperation Agreement Letter.pdf](#)
[Cooperation Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0139-2014

Resolved, that the Rochester Hills City Council authorizes that the City opt into Oakland County's urban county Community Development Block Grant (CDBG) programs for years 2015, 2016, and 2017. Furthermore, we resolve to remain in Oakland County's urban county Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.

2014-0236 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for 2014 Pavement Striping and Legend Program in the amount of \$77,661.27 with a 10% contingency of \$7,766.13 for a total not-to-exceed amount of \$85,427.40; R.S. Contracting Inc., Casco, MI

Attachments: [Agenda Summary.pdf](#)
[2014 CityRH Legend Program.pdf](#)
[2014 CityRH Striping Program.pdf](#)
[2014 Pavement Striping Inventory.pdf](#)
[2014 Pavement Legends Inventory.pdf](#)
[2014 RCOC Tab Legend.pdf](#)
[2014 RCOC Tab Striping.pdf](#)
[2014 RCOC Tab Raised Marker.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0140-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for 2014 Pavement Striping and Legend Program to R.S. Contracting, Inc., Casco, Michigan in the amount of \$77,661.27 with a 10% contingency of \$7,766.13 for a total not-to-exceed amount of \$85,427.40, 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.

2014-0253 Adoption of the Oakland County Hazard Mitigation Plan

Attachments: [Agenda Summary.pdf](#)
[HM Final Plan Public Distribution.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0141-2014

Whereas, the mission of the City of Rochester Hills includes the charge to protect the health, safety, and general welfare of the people of Rochester Hills; and

Whereas, the City of Rochester Hills, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

Whereas, and the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

Whereas, the City of Rochester Hills has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

Whereas, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6);

and

Whereas, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

Now Therefore Be It Resolved, by the Rochester Hills City Council and the Mayor of the City of Rochester Hills, Michigan, that

1. The Oakland County Hazard Mitigation Plan (or section (s) of the Plan specific to the affected community) is/are hereby adopted as an official plan of the City of Rochester Hills.
2. The Emergency Management Director is charged with supervising the implementation of the Plan's recommendations, as they pertain to Rochester Hills, Michigan and within the funding limitations as provided by the Mayor of the City of Rochester Hills or other sources.
3. The Emergency Management Director shall give priority attention to the following action items recommended in portions of the Plan specific to the City of Rochester Hills, Michigan:

6.3.1 (p. 180) The City of Rochester Hills

Mitigation Strategies

- 1) **Provide transportation for citizens, especially seniors, in cases of emergencies. The city contains at least 15 senior citizen facilities and has a state-of-the-art senior center, attracting large numbers of seniors to the area.**
- 2) **Address the problem of the Clinton River rising as a result of too much water draining from other communities.**
- 3) **Prohibit the building of private bridges that may back up small streams and result in flooding. Flooding is a problem on the Paint Creek, Clinton River and Stoney Creek.**

Passed the Consent Agenda

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

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

ORDINANCE FOR ADOPTION

- 2014-0098** Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, Sections of C-I, Commercial Improvement district, including Sections 138-6.300, Principal Uses Permitted; 138-6.301, Conditional Uses; 138-6.302, Required Conditions; and Section 138-6.303, Area, Bulk and Development Regulations, and to prescribe a penalty for the violation thereof

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[060214 Agenda Summary.pdf](#)
[Minutes PC 052014.pdf](#)
[Minutes PC 041514.pdf](#)
[Ordinance w-markup 051314.pdf](#)
[Ordinance 051314.pdf](#)
[Memo Breuckman 051314.pdf](#)
[Memo Breuckman 041014.pdf](#)
[Public Hearing Notice.pdf](#)
[060214 Resolution.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0142-2014

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, Sections of C-I, Commercial Improvement district, including Sections 138-6.300, Principal Uses Permitted; 138-6.301, Conditional Uses; 138-6.302, Required Conditions; and Section 138-6.303, Area, Bulk and Development Regulations, and to prescribe a penalty for the violation thereof, is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, June 23, 2014 following its publication in the Oakland Press on Sunday, June 22, 2014.

2014-0099 Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise Principal and Conditional Uses, required conditions, front yard setback requirements, parking space requirements, and to add building design standards

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[060214 Agenda Summary.pdf](#)
[REC-W Rezoning Map.pdf](#)
[Letter to property owners.pdf](#)
[M-59 Corridor Plan Development Plan Map.pdf](#)
[Ordinance w-markups 051314.pdf](#)
[Ordinance 051314.pdf](#)
[Minutes PC 052014.pdf](#)
[Minutes PC 041514.pdf](#)
[Memo Breuckman 051314.pdf](#)
[Memo Breuckman 041014.pdf](#)
[Public Hearing Notice.pdf](#)
[060214 Resolution.pdf](#)
[Resolution.pdf](#)

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

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

Enactment No: RES0143-2014

Resolved, that an Ordinance to amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise Principal and Conditional Uses, required conditions, front yard setback requirements, parking space requirements, and to add building design standards, is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, June 23, 2014 following its publication in the Oakland Press on Sunday, June 22, 2014.

NEW BUSINESS

2014-0237 Request for Purchase Authorization - DPS/GAR: Purchase of one (1) platform/dump body and associated equipment in the amount of \$9,597.17; Knapheide Truck Equipment, Flint, MI

Attachments: [Agenda Summary.pdf](#)
[Tabulation.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that approval is sought for the purchase of a platform dump body for a Parks vehicle. He explained that the vehicle currently has a traditional pickup bed, and retrofitting the vehicle for a platform dump body will make work easier, provide dump capabilities for easier unloading, and prevent on-the-job injuries.

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

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

Enactment No: RES0144-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) platform/dump body and associated equipment from Knapheide Truck Equipment, Flint, Michigan in the amount of \$9,597.17.

2013-0095 Request for Purchase Authorization - DPS/ENG: Increase to Blanket Purchase Order/Contract for Construction Engineering Services for the Grant Pump Station Replacement Project in the amount of \$20,000.00 for a new not-to-exceed amount of \$150,860.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[HRC CE Amendment Proposal.pdf](#)
[031813 Agenda Summary.pdf](#)
[HRC Proposal.pdf](#)
[031813 Resolution.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that additional funds are requested due to the complexity of the project. He explained that the project includes mechanical engineering, electrical engineering, excavation, demolition and a diverse type of work. He commented that the project had a seasonal shutdown, and when it was re-engaged, very wet conditions were encountered. The consultants indicated that they incurred additional expense and can foresee more coming, as the project is still not complete and will require restoration work and preparation of as-built drawings.

Mr. Brown requested clarification whether the additional \$20,000 requested will not exceed the limits of the project including the ten percent contingency.

Mr. Schneck responded that if the entire budget is reviewed, including construction plus a ten percent contingency as well as amount allocated for Hubbell Roth & Clark services, the total amount will not exceed what was originally budgeted for the entire project as a whole.

Mr. Wiggins questioned whether weather caused the field changes.

Mr. Schneck responded that this project is fairly complex to deliver. He stated that even with all due diligence undertaken, electronics, fabricated boxes and pumps installed into a fairly sizeable wet well led to a project that was more complicated than was thought.

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

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

Enactment No: RES0145-2014

Resolved, that the Rochester Hills City Council hereby authorizes the increase to Blanket Purchase Order/Contract for Construction Engineering Services for the Grant Pump Station Replacement Project to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the amount of \$20,000.00 for a new not-to-exceed amount of \$150,860.00 and 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.

2014-0243 Request for Purchase Authorization - DPS/ENG: Contract for Sheldon Road Paving from Placid Court to Mead Road in the amount of \$716,195.25 and a 10% contingency in the amount of \$71,619.52 for a total not-to-exceed \$787,814.77; Cadillac Asphalt, Inc., Shelby Township, MI

Attachments: [Agenda Summary.pdf](#)
[Suppl Bid Tabs \(Revised\).pdf](#)
[Bid Tabs.pdf](#)
[Resolution.pdf](#)

President Hooper stated that he works in the construction industry and noted that Cadillac Asphalt is one of the subcontractors his firm has worked with. He stated that he has no interest in the firm and has had no involvement in the bid process, and as such sees no reason to recuse himself from discussion and vote on this item.

Allan Schneck, Director of DPS/Engineering, stated that the City received five sealed bids on June 3rd. He noted that Cadillac Asphalt is the lowest most responsive bidder and is recommended for award of the contract.

Public Comment:

Lee Zendel, 1575 Dutton Road, noted that the 2014 Capital Improvement Plan (CIP) included a 1,500 foot project on Sheldon Road to be paved in 2015 and a 1,700 foot project on School Road to be paved in 2019. He mentioned that both project cost estimates in the CIP book were in the range of \$300,000; and he questioned why the project cost was so high. He pointed out that there was an error in the bid tabulation spreadsheet and suggested that Council should send this item back for corrections and a detailed explanation.

Mr. Schneck responded that in the 2014-2015 CIP, the costs listed were associated with the paving portion of the project. He commented that once design commenced, it was determined that work would be required to address storm sewer and drainage issues on the east side of the property. He added that the CIP figures did not include pathway construction. He explained that the bid tabulation broke out the paving and other work. He noted that there was \$5.8 million in reserves in the Local Streets Fund after the First Quarter Budget Amendment, and subsequent to the Second Quarter Budget Amendment, there will be approximately \$4.2 million in fund balance. He commented that the annual operating expense is \$4.7 million, and it is recommended under best management practices in accounting to have 20 percent of annual operating expense in Fund Balance. He stated that if approved tonight, there would be more than 20 percent in fund balance.

Council Discussion:

President Hooper noted that the original estimate did not include the scope added to the project. He stated that the project was competitively bid, and the engineer's estimate was on the low side.

Mr. Schneck explained that the engineer's estimate includes average weighted unit prices and reviewed previous Michigan Department of Transportation projects, as well as projects that had been solicited by the City.

President Hooper commented that in looking at the bid tabulation, the price of the asphalt is less than the current market price.

Mr. Brown stated that with the errors contained in the Excel spreadsheet calculations, it is difficult to determine the exact totals. He questioned whether the timeliness of the project meant that it would need to be approved tonight.

Mr. Schneck responded that it was hoped that the project would be completed before school begins. He explained that if award is delayed until July, the completion date would run into October or November.

Mr. Kochenderfer questioned whether things could be done differently going

forward to correct the process and foresee some of the issues encountered such as stormwater drainage.

Mr. Schneck responded that once a situation is encountered, it is conveyed to the Mayor and Council that the project is larger in scope than was originally anticipated. He stated that in speaking with Fiscal, it was determined that the project should be let out for bid in order to ascertain accurate numbers.

Mr. Kochenderfer suggested that projections should be tightened up at the engineering estimate level.

Mr. Wiggins questioned why this section of gravel road needed to be paved and if other projects have more urgency.

Mr. Schneck explained that the Clear Creek development agreed to pave a portion of the roadway. He noted that this section of gravel road requires graders be transported. He stated that the adjacent schools request maintenance for grading and dust control; and he noted that paving the road would go to the corporate boundary of the city and help the City's ability to respond and delegate resources elsewhere.

Ms. Morita requested confirmation of the following:

- Cadillac Asphalt's bid was approximately 10 percent higher than the engineer's estimate.
- The engineers originally estimated approximately \$660,000 for the total project and Cadillac Asphalt came in at approximately \$716,000.
- The bid range went up to over \$1 million.
- The difference between the high bid and the low bid was approximately \$400,000; approximately 66 percent higher than the lowest bid.

Mr. Schneck responded that was correct.

Ms. Morita commented that she saw the errors in the spreadsheet and was provided one with no errors. She stated that she was pleasantly surprised to see that the contractor being recommended was actually the low bidder.

Mr. Webber stated that he does not see a need to delay the project as it appears timing is critical; however, he commented that what is submitted to the CIP should be what goes into the budget. He noted that he would rather see the engineer do more realistic estimates.

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

Aye 5 - Hooper, Kochenderfer, Morita, Tisdell and Webber

Nay 2 - Brown and Wiggins

Enactment No: RES0146-2014

Resolved, that the Rochester Hills City Council hereby authorizes a contract for Sheldon Road Paving from Placid Court to Mead Road in the amount of \$716,195.25 and a 10% contingency of \$71,619.52 for a total not-to-exceed amount of \$787,814.77 and further

authorizes the Mayor to execute the contract on behalf of the City.

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

- 2014-0244** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for Sheldon Road Paving (Placid Court to Mead Road) in the amount not-to-exceed \$93,100.00; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Attachments: [Agenda Summary.pdf](#)
[OHM CE Proj Svcs 008 - Sheldon Rd.pdf](#)
[Resolution.pdf](#)

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

Aye 6 - Brown, Hooper, Kochenderfer, Morita, Tisdel and Webber

Nay 1 - Wiggins

Enactment No: RES0147-2014

Resolved, that the Rochester Hills City Council hereby authorizes the Contract/Blanket Purchase Order for construction engineering services for Sheldon Road Paving (Placid Court to Mead Road) in the amount not-to-exceed \$93,100.00 to Orchard, Hiltz & McCliment, Inc., Livonia, Michigan 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.

- 2014-0247** Salary Recommendation for Directors' General Adjustment - 2015

Attachments: [Agenda Summary.pdf](#)
[2015 Proposed Director Salaries.pdf](#)
[Resolution.pdf](#)

Pamela Gordon, Director of Human Resources, stated that the Human Resources Technical Review Committee met on May 28th and June 2nd to discuss 2015 salaries for Directors, the Mayor, Council and Boards and Commissions. She noted that the committee recommends a one percent general adjustment for Department Directors.

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

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

Enactment No: RES0148-2014

Whereas, pursuant to Article II, Section 5 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the HR Technical Review Committee has met to discuss recommendations concerning the general base pay adjustments for department directors in 2015.

Whereas, the committee concurs that an improvement in economic and market conditions continues to support the consideration of a conservative salary adjustment.

Resolved, the amount of 1% shall be added to the general base salary budget for department directors for 2015, in the amount of \$11,552, bringing the total base salary budget for department directors to \$983,757.

2014-0248 Salary Recommendation for Directors' Equity Adjustment - 2015

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

Pamela Gordon, Director of Human Resources, stated that City Clerk Tina Barton joined the City a little over a year ago and has been a welcome addition. She explained that in reviewing external and internal data regarding the salary for City Clerk, the Human Resources Technical Review Committee recommends a two percent adjustment for internal equity reasons, which will better align the salary with other directors. She noted that the salary increase for City Clerk would be a two percent equity adjustment, plus the one percent general adjustment.

President Hooper stated that Clerk Barton is a welcome addition to Rochester Hills, and concurred with the recommendation.

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

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

Enactment No: RES0149-2014

Whereas, pursuant to Article III, Section 5 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the Human Resources Technical Review Committee met to discuss recommendations concerning individual salary equity adjustments for department directors in fiscal year 2015.

Whereas, internal and external salary comparisons support a modest equity adjustment to the salary for City Clerk.

Resolved, that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee that a 2% equity adjustment be authorized for the position of City Clerk in 2015, bringing the total base salary to \$93,257.

Further Resolved, that the base salary of the Director of Assessing/Treasury shall continue to be frozen at the current rate of \$110,952 in 2015.

2014-0249 Salary Recommendation for Directors' Variable Performance (Discretionary) Pool - 2015

Attachments: [Agenda Summary.pdf](#)
[Variable Perf Pool History.pdf](#)
[Resolution.pdf](#)

Pamela Gordon, Director of Human Resources, stated that performance pay

was previously made available to the Mayor for bonuses for specified department directors. She noted that it was implemented in 2002; however, as of 2008, there had been no further performance pay provided for directors primarily due to the difficult economic conditions. She stated that the Human Resources Technical Review Committee is recommending to begin a gradual implementation of the performance pay component of directors' salary with \$8,000 allocated for 2015 available to the Mayor to apply to specified directors based on his discretion.

Mr. Webber questioned whether the Committee has thought about performance-based increases rather than across-the-board increases.

Ms. Gordon responded that Council Policy for compensation provides for three components of pay. She commented that the concern is that directors are aligned appropriately with other employee units. She stated that other units will be receiving a one percent adjustment in 2015, and this recommendation aligns with the performance component of director pay.

Mr. Tisdell questioned whether a formalized review process is in place.

Mayor Barnett responded that the process is adapted each year. He explained that each director goes through a series of year-end activities, including goal setting and review of goals achieved. He commented that each year the review process has been modified to be slightly different than the previous year. He noted that a consultant group has joined with the Administration to talk about morale issues. He mentioned that he had a merit-based process for two years.

Mr. Kochenderfer commented that he likes the idea of performance and merit-based increases. He stated that he would like to see one or the other; and suggested that the one percent increase be eliminated and replaced by a performance pool greater than \$8,000.

Mr. Brown stated that the performance pool originally was eliminated at the request of the Directors. He mentioned that he does not know of many areas of the private sector to not have a bonus component. He commented that while he understands the concern of having both, the cost of living has increased by significantly more than one percent. He suggested that a more formal way be developed for the review process.

Mr. Wiggins questioned whether other municipalities have merit increases that are performance-based.

Ms. Gordon responded that cities like Troy and Novi are reviewed and surveyed for their general adjustments. She stated that she would have to do a survey to review other compensation components. She explained that the City's policy in place includes the three components.

Mayor Barnett stated that it is important to note that the directors eliminated the performance pay of their own accord. He stressed that they have not requested its reinstatement. He commented that if this pool is approved tonight, in the future he could see the equity adjustment being eliminated.

Ms. Morita stated that her main concern in HRTRC discussions was that the one percent general adjustment is not keeping pace with inflation. She pointed out that with the market improving, long-term employees are moving around. She commented that the \$8,000 can be considered a tool to reward those employees who have done a great job over the past years and who the City does not want to lose.

Mr. Webber commented that if the performance pool will eliminate the equity adjustment, he would be in favor of it.

Mr. Wiggins suggested that the Administration take the next year and review best practices of communities.

Mr. Kochenderfer concurred, noting that the next year provides an opportunity to do research.

Ms. Gordon responded that the Administration will be looking at contracts that will be expiring, noting that compensation will be impacted.

President Hooper commented that he believes that \$8,000 is too little and \$20,000 should be considered. He stressed that he does not want to see the money split up 11 ways. He expressed his support for the adjustment.

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

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

Enactment No: RES0150-2014

Whereas, pursuant to Article III, Section 5 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the Human Resources Technical Review Committee met to discuss recommendations concerning variable performance (discretionary) pay for department directors in fiscal year 2015.

Whereas, current economic conditions support a gradual reinstatement of the performance-based component of pay for department directors.

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee that \$8000 be budgeted for variable performance pay for department directors in 2015.

2014-0250 Salary Recommendation for Mayor - 2015

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

Pamela Gordon, Director of Human Resources, noted that the Human Resources Technical Review Committee recommends a one percent adjustment for the Mayor's salary for 2015, and noted that this is consistent with the increase to directors' pay.

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

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

Enactment No: RES0151-2014

Whereas, pursuant to Article IV, Section 3 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the HR Technical Review Committee has met to discuss recommendations concerning the Mayor's salary for 2015.

Whereas, it was the consensus of the Human Resources Technical Review Committee that the general adjustment recommended for department directors in 2015 should be applied to the Mayor's salary,

Resolved, that the amount of 1% shall be added to the salary of the Mayor, bringing the Mayor's annual base salary to \$112,311 for 2015.

2014-0252 Salary Recommendation for City Council - 2015

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

Pamela Gordon, Director of Human Resources, stated that the Human Resources Technical Review Committee recommends that the current salary and meeting requirements be maintained for City Council.

President Hooper noted that this will be the twelfth straight year with no change for City Council.

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

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

Enactment No: RES0152-2014

Whereas, pursuant to Article III, Section 5 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the Human Resources Technical Review Committee met to discuss recommendations concerning the compensation for members of City Council in fiscal year 2015.

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee that the base salary for Council shall remain unchanged at the rate of \$7,850.48 for Council President, \$6,577.43 for Council Members.

Further resolved that the per diem rate of \$60 per meeting shall remain unchanged.

2014-0251 Salary Recommendation for Boards and Commissions - 2015

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

Pamela Gordon, Director of Human Resources, noted that the Human Resources Technical Review Committee recommends no change for compensation for Boards and Commissions, as well as Board of Review.

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

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

Enactment No: RES0153-2014

Whereas, pursuant to Article VI, Section 3 of the *City Council Policy for Salaries of Department Directors and Mayor, and Per Diem Fees for City Boards and Commissions*, the Human Resources Technical Review Committee met to discuss recommendations concerning the per diem compensation for members of boards and commissions in Fiscal Year 2015.

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Human Resources Technical Review Committee and that the per diem compensation for boards and commissions remain unchanged at seventy-five dollars (\$75) for chairpersons and sixty five dollars (\$65) for members per meeting attended for Fiscal Year 2015 for the following boards and commissions.

Building Authority
Construction/Fire Prevention Code Board of Appeals
Economic Development Corporation
Planning Commission
Zoning Board of Appeals/Sign Board of Appeals
Historic Districts Commission

Further Resolved that the 2015 per diem for Assessment Board of Review will also remain unchanged at \$100.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber reported that the OPC Governing Board has rescheduled their regular July meeting to July 3rd at 5:00 p.m.

Mr. Brown noted that outgoing Executive Director Marye Miller's last official workday could be as early as this coming Friday. He suggested that anyone wishing to stop in and see her before she leaves might consider doing it this week.

Public Safety and Infrastructure Technical Review Committee:

President Hooper reported that the Committee visited the City's fire stations this past Saturday.

Mr. Wiggins expressed his appreciation to Chief Sean Canto for hosting the tour of the City's facilities.

Rochester Avon Recreation Authority (RARA):

Mr. Wiggins reported that RARA's fall program schedule would be coming out soon.

ANY OTHER BUSINESS

Mr. Brown requested that the updated spreadsheet for the Sheldon Road Paving item previously adopted be uploaded to the Legislative File.

Mayor Barnett reminded residents that the City's watering restrictions are in effect, noting that the use of automatic sprinkler systems are limited to the hours of midnight to 5:00 a.m. He added that residents should program their systems to stagger their starting times away from the top of the hour, and explained that this eliminates a surge in water usage that would adversely affect the City's billing rates from the Detroit Water and Sewerage Department.

NEXT MEETING DATE

Regular Meeting - Monday, July 7, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:47 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

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

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

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