



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

*Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel,
Michael Webber and Ravi Yalamanchi*

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, April 23, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel, Michael Webber and Ravi Yalamanchi

Others Present:

*Tracey Balint, Project Engineer
Pranita Balusu, Rochester Hills Government Youth Council Representative
Bryan Barnett, Mayor
Tara Beatty, Chief Assistant
Jim Breuckman, Manager of Planning
Alan Buckenmeyer, Parks Operations Manager
Scott Cope, Director of Building/Ordinance Compliance
Paul Davis, City Engineer
Bruce Halliday, Fleet Manager
Michael Hartner, Director of Parks and Forestry
Captain Michael Johnson, Oakland County Sheriff's Office
Jane Leslie, City Clerk
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

*Mr. Tisdel introduced **Andrew Sheldrick**, a fifth grade student at Holy Family Regional School. Andrew participated in Student Ideas for a Better America, a national invention competition for students in Pre-K through college. His invention, the Lighted Retriever, is designed to dislodge foreign objects from the garbage disposal and won first place in the Holy Family School's competition last May. The winning invention was sent on to the organization's National Headquarters for review. The Lighted Retriever was chosen for national recognition in October of 2011.*

***Andrew** led the Pledge of Allegiance.*

APPROVAL OF AGENDA

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

PUBLIC COMMENT

Oakland County Commissioner Jeff Matis announced that the County Health Department's Nurse On Call program is available Monday through Friday from 8:00 a.m. to 5:00 p.m. Residents can phone 1-800-848-5533 to speak to a nurse regarding any health-related issue or to receive a referral for medical treatment. He reported that the County also has programs for Veterans, with information available regarding services that range from transportation to burial assistance and more. He invited individuals to contact him for more information.

Dee Hilbert, 3234 Quail Ridge Circle, requested an update on the property on Hamlin Road that was formerly Suburban Softball. She noted that she has seen activity on the site recently and mentioned that a new real estate sign has been erected.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to public comment, **Mr. Webber** stated that the Brownfield Redevelopment Authority has not met this year, and he is not aware of updates on the Hamlin Road property.

Mr. Klomp reported that as of May 16th, Fire Station 2 in District 4 is now manned with two full-time fire fighters 24 hours a day, seven days a week.

Mr. Kochenderfer extended his appreciation to those in attendance and to County Commissioner Jeff Matis for his update on County activities and programs.

Mr. Tisdell extended his appreciation to Andrew Sheldrick for leading the Pledge of Allegiance. He announced that the Rochester Hills Government Youth Council 5K Run/Walk is scheduled for June 16th. Online registration is available at www.goracego.com.

Pranita Balusu, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC is busy soliciting sponsorships and

donations for the 5K, and she encouraged anyone interested to register for the event. She mentioned that the RHGYC will be working on Beautification Projects, planting flowers at City Hall and at the Van Hoosen Jones-Stoney Creek Cemetery.

Mayor Barnett stated that he is not aware of any development activities on the property at Hamlin and Adams. He commented that any work currently underway might be related to previous environmental approvals. He commented that while the Administration is constantly involved in peripheral discussions regarding the site, he has not personally been involved in any meetings regarding the property in over a year. He made the following announcements:

- The Avon Road Bridge Replacement Project is slated for completion in mid-June. He noted that within a week or two the more unpredictable components of the project will be complete and construction activities will be less weather-dependent.
- The power outage experienced today at City Hall and approximately 150 nearby homes was due to wind and has been corrected.
- The Administration has been working with the City of Rochester to coordinate activities and keep residents informed in conjunction with the Main Street Makeover project. Main Street in downtown Rochester will close to traffic on May 14th for the next phase of the project.
- Three grants were recently awarded:
 - * The City received a fifty-percent funding match for a previously-funded generator for City Hall.
 - * Additional pedestrian enhancements along Avon and Livernois in addition to work at Veteran's Memorial Pointe will be funded by a \$200,000 Michigan Transportation Enhancement Grant. The City is one of only four communities to receive this grant.
 - * The Clinton River Watershed Council (CRWC) was one of six groups selected nationwide to compete for a \$25,000 grant funded by MillerCoors. After a nationwide voting campaign, the CRWC's "WAIT WAIT... Don't Step There, Fish Here!" program to improve the stream bank in Yates Park along the Clinton River won the grant contest by five votes.
- Rochester Hills has been named a Tree City USA for the 22nd year in a row. The City's Arbor Day recognition will be held on Friday, April 27th at 4:00 p.m., at Bloomer Park.

Mayor Barnett announced that Owen Winnie, a member of the City's Local Development Finance Authority since 2006, had passed. He acknowledged Mr. Winnie's years of service to the City.

Council observed a moment of silence in Mr. Winnie's memory.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2012-0135 Presentation by the Police and Road Funding Technical Review Committee on their recommendations to City Council; Don Cline, Chairperson, and Dale Hetrick, Vice-Chairperson, presenters

Attachments: [Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)

President Hooper noted that several citizen members of the Police and Road Funding Technical Review Committee were in attendance including Donald Cline, Dale Hetrick, Tom Stevens, LeAnne Rogers, Linda Raschke and Walter Johnson. He mentioned that Captain Michael Johnson, Oakland County Sheriff's Department, was also in attendance.

Don Cline, Chairperson of the Police and Road Funding Technical Review Committee (PRTRC), stated that he has been a member of the PRTRC since 2008, and Dale Hetrick has served on the PRTRC for three years. He stated that the PRTRC will present a summary of their discussions over the last year-and-a-half regarding Police Funding:

The History and Accomplishments of Our Citizen Driven Committee

- History and Background
 - * Formed in 2007 - Citizen driven committee
 - * 50 meetings to date
 - * 3 Homeowners Association meetings with access to 110 homeowners associations
 - * 24 Prioritized recommendations provided to Council in 2008
 - 911 Dispatch
 - Fund Balance Policy
 - Transfer 50 percent of ACT 51 Major Road to Local Road Funding
 - * City Government Cost Reductions
 - 20 percent reduction in its work force
 - Health care plan re-design
 - 25 percent reduction in energy use citywide
 - Refinanced Bond Debt saving approximately \$1.5 million
- Success - 2011 Local Road Millage
 - * Repurpose expiring bond millage
 - * Provide \$1 million in local road funding
 - * No impact to overall tax rate
 - * Overwhelmingly supported by voters.
 - 10,639 voted yes
 - 4,497 voted no

Our Findings and Recommendation for Police Service Sustainability - Relatively Stable Incident Trend 2008-2011

The presentation included several graphs which noted stable incident trends from 2008 to 2011, detailing the trend in Public Safety/Part A Crimes, Public Safety/Part B Crimes, and Public Safety/Part C Crimes. A chart for calls for service was included:

	<i>Calls for Service</i>	<i>Part A</i>	<i>Part B</i>	<i>Part C</i>
2008	30,652	2,514	1,694	24,553
2009	27,352	2,118	1,538	21,896
2010	31,135	1,941	918	25,859
2011		1,941	805	24,642

He noted that the PRTRC is recommending one of its solutions to Council to maintain status quo on officer funding at the current level of 57 officers. He commented that the main goal is to provide adequate police services at a reasonable cost to the citizens of the City.

Our Findings and Recommendation for Police Service Sustainability - Very Efficient Service

- *Comparison of Sworn Police Officers per 1,000 residents*
 - * *Rochester Hills - 57 officers, 0.81 per 1,000 residents*
 - * *Auburn Hills - 52 officers, 2.48 per 1,000 residents*
 - * *Farmington Hills - 104 officers, 1.32 officers per 1,000 residents*
 - * *Troy - 123 officers, 1.54 officers per 1,000 residents*
- *Law Enforcement Cost Comparison (Budget to Number of Sworn Officers) - 2011*
 - * *Rochester Hills - \$153,896*
 - * *Auburn Hills - \$245,288*
 - * *Farmington Hills - \$181,730*
 - * *Troy - \$223,848*

He noted that Rochester Hills has maintained the lowest cost and lowest ratio of officers per capita of every community reviewed in Oakland County.

Our Findings and Recommendation for Police Service Sustainability - Funding Challenges

- *First source of funding - General Fund*
 - * *Prioritize Police but hinder Local Road Funding*
- *Beginning in Fiscal Year 2016, increased funding further erodes Local Road support*
- *Multiple dedicated millages fund remainder of service*
 - * *Dedicated millages expiring in 2013*
- *Multiple funding sources create administrative challenges and confuse residents*

He noted that the two expiring millages provide approximately 43 percent of Special Police Fund revenues. The remainder comes from General Fund as well as the ACT 51 Gas Tax. He pointed out that if the millages are not reviewed and a funding source identified, the General Fund will be required to fund Police Services entirely. The PRTRC recommends a dedicated source of funding going forward.

Our Findings and Recommendation for Police Service Sustainability - Impact on Public Safety

- Currently 57 Officers
 - * Reduced to 57 in Fiscal Year 2011
 - * Proposal to reduce to 56 officers in Fiscal Year 2012 and 55 in Fiscal Year 2013, in an effort to control an ever increasing General Fund subsidy, was rejected by City Council
 - * Resident concerns about future reductions

He noted that a prime concern voiced by e-mail and during homeowners associations meetings was that the proposed reductions would impact response time and be a detriment to the community, and would not be viewed favorably by residents.

Dale Hetrick continued:

Our Findings and Recommendation for Police Service Sustainability - Resident Input

- Facebook
- Education - One-Pager
- YouTube Video
- Friends/Neighbors
- Homeowners Association Meetings
- Press releases

Mr. Hetrick noted that the City's website and the PRTRC Facebook page gave residents an opportunity to download information for review on the funding challenges and provide feedback.

Resident Feedback

- Support for increased long term millage
- Renew the current level of funding
- A 20-year/ long-term solution
- Charter amendment
- We want funding choices
- Maintain the status quo
- No new taxes
- 60 or more officers

He summarized that the feedback received from residents consists of three main points: 1) Residents are happy with police services and prefer that they remain at the levels they are today; 2) Residents want the cost of police services to remain affordable; and 3) Residents want choices, including additional officers. He commented that the feedback gave the PRTRC much direction as to how to structure their recommendations to Council.

Our Findings and Recommendation for Police Service Sustainability - Maintaining the Status Quo (2 Options)

- *Dedicated Millage*
 - A. *Renew expiring Police Funding Millage - 1.208 mills*
 - B. *Request New Police Millage - 2.5 mills to provide dedicated funds in lieu of General Fund*
- *Maintains current police funding*
- *Ten year duration*

OR

- *Charter Amendment*
 - A. *Request Amendment to Fund Police up to 3.7 mills*
- *Maintains current police funding*
- *Permanent*
- *Requires vote to change*

He noted that these recommendations keep the level of police services at today's service levels and simplify the funding mechanism. He stated that to promote the fiscally-conservative approach Council desires, and in order to not tie Council's hands with a specific mandate, a Council commitment to reduce spending by 2.5 mills is recommended. He noted that this recommendation provides flexibility and maintains status quo.

Our Findings and Recommendation for Police Service Sustainability - Quality of Life Improvements

- *B. Fund Up to 8 additional officers - 0.4 mill*
 - * *Add School Liaison Officers*
 - * *Add Neighborhood Watch (Community Policing) Officers*
 - * *Maintain/Enhance Response Time*

Mr. Hetrick noted that this option would be a direct increase, if approved by voters. This additional 0.4 mills would allow the increase in services requested by residents responding to requests for feedback. He noted several comments received from residents:

Our Findings and Recommendation for Police Service Sustainability - Feedback from Residents

- *"...my opinion on this issue is to pick this option: to amend the City Charter to add 3.7 mills for funding of police services. If included in the Charter... We will always need police services, and it doesn't make sense to spend time and money reviewing this every so many years, and even risk the possibility that funding won't be approved."*
- *"...strongly support the proposal... we need to keep our Rochester Hills community a safe place to live and enjoy."*
- *"Seems like the proposal is simply a continuation of funding at current levels..."*

He noted that feedback on the draft proposal was received by both email and through the Facebook page. He commented that there is some support for funding Police Services through a Charter Amendment and the general feeling of the respondents is that however funding is achieved, the status quo should be maintained.

Mr. Hetrick acknowledged the members of the PRTRC, including City Council Members Greg Hooper and Michael Webber; Citizen Representatives Don Cline Jr., Dale Hetrick, Walter Johnson, Linda Raschke, LeAnne Rogers, Nancy Soisson and Tom Stephens; Administrative Representatives Captain Michael Johnson (Oakland County Sheriff's Office), Keith Sawdon, Director of Finance, and Allan Schneck, Director of DPS/Engineering; and Rochester Hills Government Youth Council Members Amith Diwakar, Farha Hanif and Nicholas Michetti. He expressed his thanks to Christine Wissbrun, Administrative Aide, City Clerk's Office, for her help in preparing the PRTRC's minutes and keeping all the committee's documents in place.

Mr. Cline commented that the individuals that the PRTRC have talked to have indicated that they want a choice and want their input heard.

Council Discussion:

Mr. Yalamanchi thanked the committee for their efforts. He noted that Council currently allocates 2.5 mills of its 5 mill General Fund levy to fund Police Services and questioned how a General Fund reduction could be accomplished. He commented that reducing the General Fund levy to 2.5 mills would take away the ability of future Councils to levy those mills.

Mr. Hetrick responded that the General Fund millage could be reduced by 2.5 mills and either a dedicated millage or a Charter Amendment would fully fund Police Services at 3.7 mills. He responded that the PRTRC is not recommending a mandate that the General Fund millage be reduced; however, it is suggesting that Council elect not to levy the 2.5 mills.

President Hooper noted that the two choices are 1) a dedicated millage of 3.708 mill and a reduction in spending of 2.5 mills in the General Fund budget; and 2) a Charter Amendment for 3.708 mills and the 2.5 mills currently spent out of the General Fund would not be spent.

Mr. Yalamanchi questioned whether the bottom line would change.

Mr. Hetrick responded that the recommendation's objective is to ensure a zero-change in taxes.

Mr. Cline noted that it would allow Council to have the 2.5 mills if so needed at a later date; however, at the beginning, Council would reduce the levy by 2.5 mills.

Mr. Yalamanchi stated that reducing the General Fund millage by a Charter Amendment would take away Council's flexibility.

John Staran, City Attorney, commented that the PRTRC reviewed the option of a permanent reduction in the Operating Charter if the General Fund no longer needed to subsidize Police Services. After extensive discussion, it was determined that a reduction of the City's authorized operating millage to 2.5 mills

would potentially handcuff City Council in dealing with unforeseen circumstances and is extremely low in comparison to other municipalities. The result was to recommend to not reduce the millage, but not levy it.

Mr. Kochenderfer commented that the education component of any proposal is his biggest concern. He stated that he is in agreement that the City needs an option for status quo that keeps funding at current levels without a tax increase. He noted that ballot language will be key and questioned whether the PRTRC has explored potential language.

Mr. Cline responded that the PRTRC discussed potential ballot language with Mr. Staran and education will become the committee's charge once Council determines which direction it wishes to proceed. He stated that misconceptions can spread like wildfire.

Mr. Kochenderfer stated that he would like to see an exploration of the ways to get a clear message across to the voters that there would be no tax increase.

Mr. Hetrick noted that draft ballot language for the various proposals is available for review and feedback.

Mr. Webber thanked the committee members, noting that they have worked diligently to get the word out to the community. He commented that from a taxpayer/citizen perspective, he likes the option of taking discretionary money and dedicating it toward police for the next ten years. He stated that the suggestion of requesting an extra 0.4 mills to add officers to improve quality of life should be considered and commented that voters will have to look at that proposal and determine whether they want to pay a little more toward that goal. He suggested Council hold a Public Hearing at the May 7 Regular City Council Meeting to review draft ballot language.

Mr. Tisdell stated that Section 4.2.7 of the City Charter limits funding options for levying taxes to an ad valorem tax.

Mr. Staran confirmed that was correct, noting the ad valorem tax is subject to all limitations that would apply to other property taxes.

Mr. Tisdell noted that future revenues are dependent upon future property values. He stated that he would advocate flexibility be built into the proposal by having "up to" included in the ballot language, such as "up to 3.7" or "up to a 2.5 mill reduction in the General Fund levy". He commented that bills are paid with dollars, not millage amounts, and stated that the City should maintain a consistent flow of dollars for that expense.

Mr. Yalamanchi questioned whether the PRTRC discussed whether to include only the expiring millage amounts as a part of the Charter.

Mr. Cline responded that the PRTRC did not discuss the possibility of incorporating only the expiring millages into the Charter. The goal is to fund Police Services in their entirety.

Mr. Yalamanchi questioned whether the intent of the Public Hearing would be to arrive at ballot language at that meeting.

President Hooper responded that the intent is to hold a Public Hearing and receive public input; no decision or vote would take place on May 7th.

Mr. Staran explained that in order to have a question in place on the August Primary ballot, the language must be approved by May 29th. He stated that there are a couple of meetings where Council could deliberate prior to that deadline and no decision must be made on May 7th.

Mr. Rosen stated that the choice is for either a 3.7 mill Charter Amendment or a 3.7 mill dedicated millage, with a recommendation that Council promise not to levy the entire 2.5 mills for General Fund. He pointed out that Council was looking at a dedicated Police Millage to free up monies for Local Roads; and while Council can promise not to spend 2.5 mills out of the General Fund, promises can be broken. He stated that unless a definitive trigger mechanism is incorporated to not allow the spending of the 2.5 mills, it will be a tax increase. He pointed out that costs continue to rise and taxable values have gone down; and recovery will be limited by inflation and the Headlee Amendment. He stated that a Charter Amendment to reduce the General Fund levy of 5 mills to 2.5 mills would hamper the City's own ability to do the job it is being asked to do. He commented that there is not enough time between now and the August Primary to clearly educate the voters and Council will face significant opposition. He stated that he has been calling for a dedicated long-term police millage for ten years and mentioned that if the costs of Police Services rise, the General Fund will still need to contribute a subsidy. He commented that it would be better to go to the voters in November; and, if unsuccessful, return for an early election in 2013.

Mr. Klomp commented that he shares the concern that without anything formally in place to limit General Fund spending, it would signify a tax increase. He stated that as a Council Member and as an owner of two homes in the City, he sees it as an important consideration to have significant conversation to put voters' minds at ease about how the funding will take place and how Council will proceed.

Mr. Webber suggested Council should provide some intent through a resolution to demonstrate that it will not levy the full amount for the General Fund prior to placing a proposal on the ballot. He stated that while Council cannot tie the hands of future Councils, it could act for the next few years. He pointed out that Council approves a three-year budget based on a five-year forecast and should know what the City needs going forward. He mentioned that 3.7 mills was looked at as what is necessary to keep 57 officers taking into account cost of living adjustments for the next ten years projected by Keith Sawdon, Director of Finance. He commented that the education process has already begun and noted that this year's election dates fall in August and November, with no Presidential Primary next February.

Mr. Rosen requested information as to election dates and deadlines, when the current millages will cease to be collected, and what mechanism it would take to limit General Fund spending to 2.5 mills. He questioned whether a resolution of Council would suffice. He stated that the PRTRC has done excellent work in framing the issues.

President Hooper responded that City Clerk Jane Leslie will provide election dates and deadlines. He stated that he will direct Mr. Staran to have draft ballot language available for discussion at the Public Hearing, along with an analysis of the options on how to limit a reduction in spending to 2.5 mills. He noted that all information is on the City's website.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0056-2012

Resolved, that the Rochester Hills City Council hereby accepts the report of the Police and Road Funding Technical Review Committee and sets a Public Hearing for May 7, 2012, to review and discuss draft ballot language.

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.

2012-0123 Approval of Minutes - City Council Joint Meeting with Auburn Hills - March 26, 2012

Attachments: [CC Min Joint Mtg 032612.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0057-2012

Resolved, that the Minutes of a Rochester Hills City Council Joint Meeting with the Auburn Hills City Council held on March 26, 2012 be approved as presented.

2012-0121 Approval of Minutes - City Council Regular Meeting - April 2, 2012

Attachments: [CC Min 040212.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0058-2012

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 2, 2012 be approved as presented.

2012-0115 Request for Purchase Authorization - DPS/ENG: Contract for the 2012

Pavement Striping Program in the amount of \$49,184.20 with a 5% contingency of \$2,459.21 for a total not-to-exceed amount of \$51,643.41; R.S. Contracting Inc., Casco, MI

Attachments: [Agenda Summary.pdf](#)
[2012 Pavement Striping map.pdf](#)
[Bid Tab.pdf](#)
[2012 Pavement Striping Inventory.pdf](#)
[R&S Contracting Letter 031312.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0059-2012

Resolved, that the Rochester Hills City Council authorizes a contract for the 2012 Pavement Striping Program to R.S. Contracting Inc., Casco, Michigan in the amount of \$49,184.20 with a 5% contingency of \$2,459.21 for a total not-to-exceed amount of \$51,643.41 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2012-0119** Approval of the Water Service Agreement between the Charter Township of Oakland, the City of Rochester Hills and Rebecca L. Barron for connection to the water main located on the south side of the property located at 794 Dutton, Oakland Township, Michigan

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[DPS Memo 032012.pdf](#)
[Water Service Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0060-2012

Resolved, that the Rochester Hills City Council approves the Water Service Agreement between the Charter Township of Oakland, the City of Rochester Hills and Rebecca L. Barron for the property located at 794 Dutton, Oakland Township, Michigan and further authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

Passed the Consent Agenda

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

The Following Consent Agenda Items were Discussed and Adopted by Separate Motion.

- 2012-0114** Request for Approval of Fireworks Display Permit Application for Festival of the Hills event, to be held at Borden Park on Wednesday, June 27, 2012, Wolverine Fireworks Display, Inc., applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Fire Dept Memo 033012.pdf](#)
[Wolverine Fireworks Application & Backup.pdf](#)
[Resolution.pdf](#)

Public Comment:

Lee Zendel, 1575 Dutton Road, questioned why the event is not held close to the actual July 4th holiday.

Mayor Barnett responded that the event is always held each year on the Wednesday prior to July 4th. He added that the Oakland County Sheriff's Office runs training exercises that night, and the City is not billed overtime for their services.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0061-2012

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

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

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

Therefore, Be It Resolved, that the Rochester Hills City Council does hereby approve a permit for Wolverine Fireworks, Display, Inc. to provide a fireworks display for the Festival of the Hills event at Borden Park on Wednesday, June 27, 2012.

2012-0128 Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for HVAC Preventative Maintenance and Repair Services for three City-owned buildings in the amount not-to-exceed \$84,000.00 for a two-year period; K&S Ventures, Inc., Auburn Hills, MI

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

Mr. Yalamanchi questioned why K&S Ventures was selected as there was another bidder almost 50 percent below their price.

Scott Cope, Director of Building/Ordinance Compliance, stated that nine bids were received, with two of the bids coming in considerably lower than the rest. One low bidder was considered not qualified as they did not meet the minimum requirements and recommendations of the manufacturer. He explained that the award process included a review of evaluation sheets from 2010, and noted that the City's experience with the other low bidder, Temperature Services, from 2003 through 2006 include reports of overcharges and a dissatisfaction with their services. He noted additionally that a sample preventative maintenance

report, a requirement of the bid submission, was not included with their bid.

Mr. Yalamanchi noted that K&S Ventures' bid includes four hours of preventative maintenance visits, and questioned how the City's custodial staff will provide the remainder of required preventive maintenance services.

Mr. Cope responded that staff will be performing minor tasks in house to save costs. He mentioned that K&S Ventures installed the City's equipment and has more experience with it.

Mr. Yalamanchi commented that if a lower bidder is just as good, they should be given a chance.

Mr. Cope responded that the services provided from 2003 through 2006 by the low bidder were not satisfactory.

President Hooper noted that the award will extend an existing contract.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0062-2012

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to K&S Ventures, Inc., Auburn Hills, Michigan, for HVAC Preventative Maintenance and Repair Services for three City-owned buildings in the amount not-to-exceed \$84,000.00 for a two-year period and further authorizes the Mayor to execute a contract on behalf of the City.

ORDINANCE FOR ADOPTION

- 2011-0431** Acceptance for Second Reading and Adoption - An Amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone two vacant parcels totaling approximately 7.3 acres, known as parcels 15-01-277-015 and 15-01-278-006, located on Dequindre, south of Washington, from RE Residential Estate, to R-1 One Family Residential, and to repeal conflicting Ordinances and prescribe a penalty for violations thereof

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Suppl White Letter.pdf](#)
[Suppl Rezoning Protest Petition.pdf](#)
[Suppl RE Zone Northeast Map.pdf](#)
[Suppl NE Zoning Map.pdf](#)
[040212 Agenda Summary.pdf](#)
[Map.pdf](#)
[Density.pdf](#)
[Winkler Mill Estates Density and Age\(1\).pdf](#)
[Staff Report Rezoning.pdf](#)
[Memo Anzek 092711.pdf](#)
[Minutes PC 110111.pdf](#)
[Minutes PC 100411.pdf](#)
[Minutes PC 101706.pdf](#)
[Minutes CC 111506.pdf](#)
[Site Plans.pdf](#)
[WE Density.pdf](#)
[040212 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, explained that the City received a Rezoning Protest Petition relative to this request. After a review by City Attorney John Staran, the petition was determined to be valid. According to the Michigan Zoning Enabling Act, an affirmative vote of five members of Council is subsequently required for approval of the rezoning.

John Staran, City Attorney, confirmed that the Petition is a mechanism recognized under the Michigan Zoning Enabling Act with the appropriate number of owners signing this petition as verified, and will, therefore, require a supermajority vote of five members in order to approve the proposed rezoning.

Public Comment:

Kristin Klick White, 56187 Dequindre Road, expressed opposition to the request, noting that before she and her husband bought their home less than a year ago, they relied on the representation of the Planning Department that the development could not be revived on this parcel. She stated that it is impermissible spot zoning and would change the character of her neighborhood and would go against the years of planning that went into developing the City's Master Plan. She commented that by approving the request, the entire zoning ordinance adopted two years ago would be at risk. She pointed out that the amendment will create an inconsistent neighborhood with both Residential Estate and R1 zoning.

Robert White, 56187 Dequindre Road, stated that there is no compelling reason to deviate from the master plan and change the zoning. He noted that Residential Estate zoning exists throughout the entire area except for the Carter Road development. He commented that by allowing the rezoning, instead of protecting estate-like parcels, Council would be ushering in their demise. He stated that prior to purchasing their home, they received in-person assurance from Planning staff that the property was developable under Residential Estate zoning only. He commented that the Master Plan reflects deliberate choices the community has made.

Melinda Hill, 1481 Mill Race, stated that she sat on the Committee in 2005 and 2006 that helped developed the update to the Master Land Use Plan (MLUP) and noted that at that time, it was recommended by both Mr. Breuckman, representing the Planning Consultant, and Ed Anzek, Director of Planning and Economic Development that it would be wise to utilize Residential Estate zoning in this portion of the City to protect these larger lots. She noted that there are significant green belt buffers between this property and the development in Rochester to the south. She commented that the site plan lapsed and the property was rezoned Residential Estate and there is no good reason to rezone.

Robert Link, 1956 Carter Road, stated that he expressed his concern regarding the rezoning request at the Planning Commission meeting. He noted that both parcels have significant water saturation and commented that runoff could affect his property. He commented that while he could encourage developers to build homes in Rochester Hills to increase the tax base, the zoning on this property should remain as it is.

Debbie Prachaseri, 1860 Carter Road, noted that the largest lot in Winkler Mill Estates to the north is 43,560 square feet, and the smallest is 19,420. She commented that the largest lot actually abuts the property in question. She stated that the fact that the density of the development in Macomb County across Dequindre is irrelevant. She pointed out that the property features mature trees that act as a significant noise buffer for her neighborhood and expressed her hopes that the developer keeps that in mind. She commented that there are two ponds on the property and one is currently being filled in, and expressed concern for the possibility that it could result in flooding on Carter Road.

President Hooper pointed out that the largest lot in Winkler Mill Estates is actually a combination of two parcels. He questioned the number of homes that would result if rezoned back to R1 versus remaining Residential Estate.

Mr. Breuckman responded that it would most likely result in eight or nine homes, versus five or six homes if the property remains Residential Estate.

Council Discussion:

Mr. Tisdell questioned how the parcels were zoned when the MLUP was first adopted and when the change was made to Residential Estate.

Mr. Breuckman responded that the parcels were zoned R1 in the 2007 MLUP. The parcels were rezoned to Residential Estate upon the creation of that zoning category in 2009.

Mr. Tisdell questioned how the surrounding parcels were zoned and sized.

Mr. Breuckman responded that the neighborhood to the immediate north is zoned R1, with an average lot size of 24,000 square feet, while this property and the other parcels in between Winkler Mill Estates and the parcels in Rochester are zoned Residential Estate.

Mr. Tisdell noted that a zoning change would only increase the number of lots by two or three.

President Hooper questioned how large the White's property is, directly adjacent to the subject parcels.

Mr. Breuckman responded that their property is slightly more than two acres at approximately 90,000 to 100,000 square feet.

Mr. Kochenderfer commented that zoning districts and master plans are subject to change; however, at the same time the City has a responsibility and duty to provide as much certainty as possible. He questioned whether there has been a review of parcels throughout the City to determine whether other mistakes were made. He commented that he sympathizes with the Whites and wants to prevent this type of situation from occurring in the future.

Mr. Breuckman responded that staff looked at other areas with the potential to change, and mentioned that the Residential Estate zoning along Livernois was reviewed. He stated the larger parcels along the east side of Rochester Road south of Mead are zoned Residential Estate as well. He explained that areas of large lots west of Rochester Road remained R1 because they were adjacent to Residential Cluster District zoning. He pointed out that the residential estate zoning parallels the gas easement in the northeast part of the City, and includes two historic districts. He commented that planning staff feels these areas are defensible to remain Residential Estate. He stated that these are the only two parcels zoned Residential Estate with access to Dequindre and upon a review of density, nothing else fits within these characteristics.

Mr. Kochenderfer commented that he visited the Whites' home and stated that the property and its well-defined drainage issues should be protected. He stated that the character of properties on Washington Road are very different than those on Dequindre Road. He pointed out that the subject property owner also has an interest. He stated that should this be approved, he wants to see the Planning Commission take a hard look at the concerns expressed today; and he would like to see the developer meet with the residents before presenting plans to the Planning Commission.

Mr. Yalamanchi stated that Mr. Breuckman was previously employed by the consultant that wrote the MLUP and developed the zoning changes. He commented that the proposed change is not being initiated by the developer and pointed out that the City has a commitment to the community. He stated that the City made a commitment and should take every precaution during the next Master Planning process.

Mr. Rosen stated that as a member of the Planning Commission from 1990 to 2005, he participated in the Master Land Use process that resulted in the current MLUP. He commented that he believes that Residential Estate zoning is an excellent idea and promotes the founding fathers' idea that Rochester Hills should be a bedroom community. He pointed out that the City has relied on that idea for the last 40 years and has turned into a premier community. He stated that the City makes promises roughly every five to seven years in developing its MLUPs. He commented that with the exception of the older development on Carter Road, the entire northeast corner is almost all Residential Estate and should remain so.

Mr. Webber questioned whether the parcel would have ever been considered for Green Space purposes.

Mr. Breuckman responded that he did not believe that the property was reviewed as a possible green space purchase.

Mr. Webber commented that the property owner has rights as well and he did not see a dramatic character-altering change between five or six houses and eight or nine houses. He noted that the Planning Commission will have to look at the site plan and pond issues, and he stated that he is comfortable with approving the request.

Mr. Klomp commented that Council is in a very difficult position and there is great importance placed on the integrity of the process. He stated that there was every opportunity previously to challenge the current zoning and he is not supportive of approving the request.

President Hooper noted that the property was zoned R1 until 2009, and the adjacent subdivision is R1. He stated that he believes that the integrity and size of the homes built will not have a detrimental effect on the area.

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

Aye 4 - Hooper, Kochenderfer, Tisdell and Webber

Nay 3 - Klomp, Rosen and Yalamanchi

Enactment No: RES0064-2012

Resolved, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone two vacant parcels totaling approximately 7.3 acres, known as parcels 15-01-277-015 and 15-01-278-006, located on Dequindre, south of Washington, from RE Residential Estate to R-1 One Family Residential, and to repeal conflicting Ordinances and prescribe a penalty for violations thereof is hereby accepted for Second Reading and Adoption and shall become effective on Friday, May 4, 2012 the day following its publication in the Rochester Post on Thursday, May 3, 2012.

NOMINATIONS/APPOINTMENTS

2012-0139 Request to Confirm the Mayor's reappointment of Keith Sawdon to the Economic Development Corporation for a six (6) year term to expire March 31, 2018

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

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0065-2012

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Keith Sawdon to the Economic Development Corporation for a six (6) year term to expire March 31, 2018.

NEW BUSINESS

2012-0133 Request to Transfer Ownership in 2011 Class C license (#163957-2011) and SDM license (#170149-2011), located at 6870 N. Rochester Road, Rochester Hills, Michigan from 6870 Rochester, LLC to Luca's Chophouse Rochester,

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

*Applicant **Luca Gjonaj** and son **Nik Gjonaj** were in attendance.*

***Nik Gjonaj** stated that his father is very excited to be opening his second Luca's Chophouse in its Rochester Hills location. He stated that the restaurant will have a strong focus on all-natural beef, pork and veal in a fine dining atmosphere.*

***President Hooper** noted that two previous businesses have not been successful in that location.*

***Nik Gjonaj** responded that the previous businesses had managerial issues and conceptual problems. He stated that his family's restaurant is a cut above what was previously there, and hospitality will be the backbone of their service.*

***Mr. Rosen** welcomed them to the community and cautioned them that there has historically been a parking shortage in that location.*

***Mayor Barnett** commented that it is his belief that if the restaurant takes care of its customers, it will do well.*

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0066-2012

Resolved, that the request made by Luca's Chophouse Rochester, LLC, seeking a transfer of ownership of certain Class C and SDM licenses, located at 6870 N. Rochester Road, Rochester Hills, Oakland County, Michigan 48306 from 6870 Rochester, LLC (and through Court Judgment transferred to Curtis Properties LLC) be considered for approval.

2012-0125 Request for Approval of an Interlocal Agreement with the City of Sterling Heights for Building Department Plan Review and Inspection Services

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

Scott Cope, Director of Building/Ordinance Compliance stated that this Interlocal Agreement is similar to the agreement that the City has with Shelby Township. He explained that there will be no compensation exchanged between the two cities unless the hours of service become imbalanced by more than 50 hours. He mentioned that it is hoped that an agreement with Sterling Heights may help fill the gap and eliminate the need for a part-time electrical inspector.

Mr. Webber noted that this is a win-win for both communities.

Mr. Kochenderfer questioned whether a conflict could arise if both Shelby Township and Sterling Heights make requests at the same time.

Mr. Cope responded that there is the potential for an occasional scheduling conflict; however, Shelby Township is in discussions with Sterling Heights as well for the same type of shared services. He stressed that the City's own needs will always come first before providing assistance to other communities.

Mr. Rosen questioned whether this type of shared service is spreading to other communities.

Mr. Cope responded that this has been discussed and encouraged at Oakland County Building Officials meetings.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0067-2012

Resolved, that the Rochester Hills City Council hereby approves the Interlocal Agreement between the City of Rochester Hills and the City of Sterling Heights for the sharing of Building Department Plan Review and Inspection Services and authorizes the Mayor to execute the agreement on behalf of the City.

2012-0126 Request for Approval to begin the process to eliminate a portion of a locally designated historic district located at 1651 W. Avon Road

Attachments: [Agenda Summary.pdf](#)
[Site Map.pdf](#)
[HDC Minutes 111104.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, noted that the historic district located at 1651 and 1631 W. Avon Road was established based on the historical structure and during a time when the entire parcel was designated. He explained that subsequent to designation, the lot was split and a new home built on one parcel. That particular parcel has no intrinsic historic value subject to Historic District regulations, and the Historic Districts Study Committee (HDSC) will review this property only for a review of the removal of that portion of the historic designation only. He pointed out that the study cost of approximately \$1,000 is modest

and funds are already in the HDSC's budget; and the process will take approximately six to nine months.

Mr. Webber questioned whether this was a part of any City-wide review.

Mr. Breuckman responded that this is a staff-led request and was on a list of housekeeping items to be done.

Mr. Webber questioned whether the property owner has been notified.

Mr. Breuckman responded that they have been notified and commented that removing the designation is to the owner's benefit.

Mr. Webber suggested that a timeline be added for completion of the study and a return to Council.

Mr. Breuckman responded that he would suggest that 15 months is a reasonable timeframe.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0068-2012

Resolved, that the Rochester Hills City Council hereby directs the Historic Districts Study Committee (HDSC) to begin the preliminary report regarding the delisting of 1651 W. Avon Road and report back to City Council within fifteen (15) months.

2012-0118

Request for Approval of the Interlocal Service Agreement between the County of Oakland and the City of Rochester Hills for WRC Vector Vehicle Maintenance, Water Meter Testing Services and Other Related Water & Sewer Maintenance Services

Attachments: [Agenda Summary.pdf](#)
[Interlocal Agreement with Exhibits.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the proposed agreement between Rochester Hills and Oakland County is similar to the interlocal agreement the City has with the Cities of Rochester and Auburn Hills. He commented that individuals who have toured the City's DPS Facility have been very impressed; and he noted that this has spurred an interest in forming relationships with other communities through interlocal agreements.

Public Comment:

Oakland County Commissioner Jeff Matis stated that governmental units must find ways to partner together to reduce costs while maintaining the services that residents expect. He commented that he discussed shared services with John McCulloch, Oakland County Water Resources Commissioner, and lobbied for an agreement with Rochester Hills. He commented that the Agreement signifies a team effort and is a win-win for both governmental entities.

Council Discussion:

Mr. Yalamanchi mentioned that tonight's agenda also includes a request for the purchase of a vactor truck and questioned whether this type of equipment could be shared, avoiding an additional purchase.

Mr. Schneck responded that the City is actually reducing its fleet, keeping only two vactor trucks in service. He noted that one vehicle is fully depreciated.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0069-2012

Resolved, that the Rochester Hills City Council approves the Interlocal Service Agreement between the County of Oakland and the City of Rochester Hills for WRC Vactor Vehicle Maintenance, Water Meter Testing Services and other related water and sewer maintenance services and authorizes the Mayor to execute the agreement on behalf of the City.

2012-0117 Request for Purchase Authorization - DPS/ENG: Contract for the Vehicular Bridge Rehabilitation Program - Vehicular and Pedestrian in the amount of \$511,000.00 with a 10% contingency of \$51,100.00 for a total not-to-exceed amount of \$562,100.00; Z Contracting, Inc., Shelby Township, MI

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Bid Tabs.pdf](#)
[Suppl Budgetary Concerns.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the proposed Bridge Rehabilitation Program includes four vehicle bridges, seven pathway bridges, and three Paint Creek Trail bridges. He distributed information regarding the cost breakdown of the project components. He commented that plans and specifications were not previously completed to give firm and accurate budget numbers and not enough funding was allocated in the 2012 Budget. He stated that funds have been identified in other areas of the budget to coverage the shortfalls, including:

- \$400,000 was originally budgeted for Tienken Road right-of-way acquisition; however, due to a utilization of Tri-Party funding, the City's actual obligation is \$116,677, providing a balance of \$283,333.
- The City expended only 29.18 percent of its Winter Maintenance budget, providing \$158,000 in unused funds.
- It is being recommended that funds for the Pathway portion of the project be drawn from the Pathway Construction Fund fund balance. He noted that \$60,000 less was spent last year for pathway rehabilitation than was allocated.

He noted that the three Paint Creek Trail pedestrian bridges were not in the 2012-2017 Capital Improvement Project (CIP) plan; however, they have been included in the 2013-2018 CIP. He commented that these bridges fall under the

General Fund expense category, as City Attorney John Staran's legal opinion noted that these bridges were not identified in the Pathway Millage.

Mr. Schneck commented that the projects are warranted and will address safety concerns; and funding, with the exception of the Paint Creek Trail bridges, has been identified. He pointed out that completing the projects in their entirety will provide economies of scale; and stated that if portions of the project are deferred, there will most likely be an increase in the project cost due to a smaller project scope, inflation and further deterioration of the bridges.

President Hooper questioned whether the Tienken Road right-of-way acquisition costs are reimbursable and how the amounts were estimated allowing funding to be reallocated to this project.

Paul Davis, City Engineering, noted that the Tienken Road widening is a High Priority-1 SAFETEA-Lu project which requires a ten percent local match. He explained how the right-of-way costs were estimated and stated that the actual costs are not final. He commented that work has been completed to identify the right-of-way needs, and there will be a separate expenditure to come for the actual purchase. He noted that the Road Commission for Oakland County is now estimating that the project will be done in 2014.

President Hooper noted that a funding source has not been identified for the Paint Creek Trail portion of the work and questioned where the Administration is looking to fund this project.

Mr. Schneck responded that the Fiscal Department determined that the City has received some unanticipated tax revenue and State Shared Revenue that would cover this amount.

Mr. Davis stated that the Paint Creek Trail bridges constitute a Parks project to be expensed out of the Facilities Budget within the General Fund. He explained that while the City owns the Clinton River Trail, the Paint Creek Trail is owned by the Trailways Commission. He noted that it is the City's responsibility to maintain the Paint Creek Trail bridges.

Public Comment:

Lee Zendel, 1575 Dutton, questioned whether it is appropriate to award the contract to Z Contractors, as it is a relatively new company and their low bid is over \$180,000 less than the second-lowest bidder. He questioned the validity of any bonding source for the project, and suggested that the proposed contract be amended with a strong clause that the City will not approve any funding over the contract bid unless Council approves a significant change in the scope of work.

Melinda Hill, 1481 Mill Race, commented that the meeting packet lacks information regarding the cost breakdowns. She questioned whether it was projected in 2008 that this work would have to be done now, and commented that the three year budget discussions did not include the project or its funding source.

President Hooper stated that Z Contracting was formerly Posen Contracting, which went Chapter 11. He noted that Posen was actually the contractor for the Tienken Road Bridge over Paint Creek. He questioned who reviews construction performance bonds.

John Staran, City Attorney, stated that typically Purchasing reviews bonds; and anything noted out of the ordinary is submitted to him for approval.

President Hooper noted that the City will not accept a bond that does not have financial integrity.

Mr. Staran concurred, stating that the City does not accept just any bond.

Council Discussion:

President Hooper stated that he wants to see a funding source identified for the Paint Creek Trail portion of the project.

Mr. Klomp questioned whether the proposed work on the bridges includes infrastructure repair.

Mr. Schneck responded that there are structural components that need repair, including repair of concrete spalling, footings and so forth. General maintenance items such as minor railing repair are done by City staff.

Mr. Klomp questioned whether the deterioration accelerates over time and questioned how the necessary work was identified. He commented that inspection reports might be of interest to the Paint Creek Trailways Commission.

Mr. Schneck responded that deterioration does accelerate. He explained that there are a variety of different repairs necessary for each individual bridge. He commented that the Kings Cove Drive bridge is showing deck delamination. He mentioned that the bridges are reviewed for obvious defects and some nondestructive testing is done. He commented that preventative maintenance is also suggested to avoid future deterioration. He noted that vehicular bridges are inspected on a biennial basis. He stated this is the first time in a number of years that a rehabilitation project has been proposed for the Trailways and it is an appropriate time to undertake this project.

Mr. Klomp questioned whether the Trailways and pathways will have to close during reconstruction.

Mr. Davis responded that the contractor proposes to work on one bridge at a time. Each pathway and Trailway bridge will be closed to pedestrian traffic during the work on that bridge.

Mayor Barnett commented that it is rare that previous estimates are so far off of the actual bid and noted that once the inspection reports were received, it was determined that there is worse deterioration than was originally anticipated. He mentioned that the Administration has had a good track record of projects coming in under budget and stated that should Council opt to hold the budget figures as originally approved, the necessary work will not all be able to be done. He stated that given a directive, it is his belief that the Administration can locate funding during the course of the year. He suggested that the Paint Creek bridges were planned in the CIP for 2013, and one solution would be to defer that work until next year.

Mr. Yalamanchi questioned whether it is known that there will not be additional right-of-way costs for the Tienken Road Project, and how the Clinton River Trailway portion of the work can be accomplished with Pathway funds, while the Paint Creek Trailway portion cannot.

Mr. Schneck responded that it cannot be confirmed at this time that there will not be additional right-of-way acquisition costs for Tienken Road; however, there are Tri-Party funds available to offset the amount required.

Mr. Staran responded that when the Pathway ballot language was originally drafted, broad language was considered. The ballot language was pared down to include pathways along main arterial roadways and the Clinton River Trail. The ballot language was not broad enough to include the Paint Creek Trail.

Mr. Yalamanchi pointed out that the recommended contractor has just come out of Chapter 11 bankruptcy and noted that their bid is significantly lower than the other bids. He questioned whether the City should consider a consultant other than Hubbell, Roth & Clark.

Mr. Davis noted that no one responded to the first solicitation for bids. He noted that the consultant reviewed the bids to verify that there were no errors or omissions in the low bid. He pointed out that the City uses three engineering and construction consultants, and mentioned that Orchard, Hiltz & McCliment was utilized for the Hamlin Road Widening project.

Mr. Yalamanchi stated that pathways and trailways are used extensively in the community. He moved that the proposal be accepted with the Paint Creek Trailway portion of the project funded from the CIP fund balance.

The motion died for lack of support.

Mr. Kochenderfer expressed concern that the Tienken Road right-of-way costs can be accurately estimated at this time. He commented that he does not have enough information to determine whether any portion of the project can safely be deferred.

President Hooper questioned whether the inspection reports can be made available for Council's review.

Mr. Davis noted that the inspection reports are available. He commented that there were no bridges identified as critical and dangerous, and mentioned that the Administration attempts to combine projects for economies of scale. He noted that if any portion of the project is rebid, there will be an additional mobilization cost.

Mr. Tisdell commented that it appears that funding has been located through creative management of budgetary funds and questioned whether this is within the scope of what the City can do.

Mr. Webber mentioned that while he recognizes that bridge condition is a concern, he does not see where the City has budgeted for these projects, and struggles to see where the economies of scale exist in combining them.

President Hooper questioned whether the Paint Creek Trail portion of the project could be held for later approval with a change order.

Mr. Schneck responded that the contractors knew when they submitted their bids that the three Paint Creek Trail bridges were not certain to be included.

President Hooper suggested that Council consider awarding the contract for the vehicular bridges and pathway bridges with the funding sources identified by staff (MR-40A for the Vehicular Bridges and Fund Balance for the Pathway) and to hold the Paint Creek Trail bridges for future consideration and award pending firm budget identification.

Mr. Yalamanchi stated that he was open to that suggestion; however, he would like to have a review of the bridge conditions on the Trailway presented at the next Council meeting.

Discussion ensued to determine what the total amount of the award should be, with the Paint Creek Trail portion of the project omitted.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0070-2012

Resolved, that the Rochester Hills City Council authorizes a contract for the Vehicular Bridge Rehabilitation Program - Vehicular and Pedestrian for eleven (11) structures to Z Contracting, Inc., Shelby Township, Michigan in the amount of \$423,006.00 with a 10% contingency of \$42,301.00 for a total not-to-exceed amount of \$465,307.00 and further authorizes the Mayor and City Clerk to execute a contract on behalf of the City.

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

Further Resolved, that the Administration provide a report on the three (3) Paint Creek Trail Pedestrian Bridge Rehabilitation structures as to their safety and the urgency for rehabilitation of these structures, as well as identification of a firm budget source, at the May 7, 2012 City Council Meeting.

2012-0124 Request for Purchase Authorization - DPS/ENG: Agreement for construction engineering services for the Bridge Rehabilitation Program-Vehicular and Pedestrian in the amount not-to-exceed \$75,900.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[HRC Letter 040912.pdf](#)
[Resolution.pdf](#)

It was determined, based on the discussed during the prior Agenda Item (Legislative File 2012-0117), that this item would be approved with the construction engineering portion allocated to the Paint Creek Trail bridges omitted at this time.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0071-2012

Resolved, that the Rochester Hills City Council approves the agreement for construction engineering services for the Bridge Rehabilitation Program-Vehicular and Pedestrian to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan, for eleven (11) structures, in the amount not-to-exceed \$57,684.00 and further authorizes the Mayor to execute a contract on behalf of the City.

2012-0127 Request for Purchase Authorization - DPS/FLEET: Purchase of one (1) combination sewer truck in the amount not-to-exceed \$399,902.50; Jack Doheny Companies, Northville, MI

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

Allan Schneck, Director of DPS/Engineering, explained that the current Combination Sewer Truck has been fully depreciated and inspection and repair reports suggest that it is due for replacement. He stated that its replacement is included in the Capital Improvement Project (CIP). He mentioned that the acquisition is a part of a National Intergovernment Purchasing Alliance and the City receives a stipend for any vehicle purchased under this solicitation anywhere in the nation.

President Hooper noted that the bid for the vehicle is over budget.

Bruce Halliday, Fleet Manager, responded that while request is over budget, the purchase of a road grader came in under budget to offset the overage.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0072-2012

Resolved, that the Rochester Hills City Council authorizes the purchase of one (1) combination sewer truck from Jack Doheny Companies, Northville, Michigan in the amount not-to-exceed \$399,902.50.

2012-0116 Request for Purchase Authorization - DPS/ENG: Contract for engineering and architectural design services for a proposed salt storage structure and cold storage conversion building rehabilitation in the amount not-to-exceed \$62,500.00; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Attachments: [Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Salt Storage Facility Study.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering; **Paul Davis**, City Engineer; and **Tracey Balint**, Project Engineer were in attendance. Mr. Davis also noted that

Dan Fredendall and Wayde Hoppe were also in attendance representing Orchard, Hiltz & McCliment (OHM).

Mr. Schneck noted that the project was presented to the Planning Commission on March 6th.

Mr. Davis gave the following presentation:

ROCHESTER HILLS SALT STORAGE PRESENTATION TO THE PLANNING COMMISSION:

Existing DPS Facility at 511 Auburn Road

- Two parcels of property provide a DPS campus of approximately 18-1/2 acres.
- Original DPS building was constructed in 1972.
- Newer DPS building was completed in February 2008.

He noted that indoor storage provides less wear-and-tear on equipment and allows vehicles to be ready to go upon starting. He mentioned that the City received compliments on its winter road maintenance during the harsher 2011 winter and commented that it is a direct result of the indoor storage.

Westerly Half of the Existing DPS Campus

- The area west of the old DPS building was previously used for outdoor vehicle storage.
- The space now is used for storage of reclaimed asphalt millings and bulk aggregate purchase.

Mr. Davis noted that a salt storage facility was removed from the DPS project in 2006, and cold storage was slated for 2015. He commented that fuel dispenser replacement was tabled also at that time; however, it was subsequently built later. He displayed an aerial photograph showing an existing three-sided storage building used to store salt, covered with tarps held down by tires, and noted that more manual labor results from the salt being handled twice. He mentioned that in 2011, an employee sustained an injury while moving tarps and was placed on disability.

A slide noting underground utilities was displayed. He stated that staff from the Michigan Department of Natural Resources-Environment and Water Bureau (MDNR) visited the site in 2010 and made comments on areas of improvement to eliminate runoff from salt piles. MDNR personnel also noted that secondary containment is required for brine storage in excess of 1,000 gallons. Brine storage tanks are now located inside the old DPS building.

Historical Amount of Salt Used by DPS

2003 - 4,431.46 tons
2004 - 4,327.19 tons
2005 - 4,495.51 tons
2006 - 1,852.98 tons
2007 - 4,076.15 tons
2008 - 5,125.78 tons
2009 - 2,985.65 tons
2010 - 3,626.90 tons
2011 - 4,427.95 tons

Mr. Davis explained that based on salt usage, salt storage capacity could be as much as 4,500 to 6,000 tons. He noted that the City purchases salt in bulk as a part of an Oakland County consortium, and must commit to a certain amount of salt each year. The City commits to purchase 5,500 tons each year, and is obligated to accept a minimum of 3,850 tons. Additional salt must be stored outside with tarps.

He noted that the three-sided structure would be used for materials and aggregate storage if it is not needed for salt. The structure would also provide the ability to store street sweeping materials.

Proposed Salt Storage Considerations

- A new building should provide efficient traffic circulation.
- The exterior height should not exceed the height of the new DPS building.
- A salt storage building should match colors of the new DPS building.
- The salt storage building shape should be rectangular.
- Materials resistant to salt corrosion should be required.

Proposed Salt Storage Parameters

- The new facility will be designed for 3,500 tons of salt.
- Interior salt pile should not exceed 20 feet.
- A portion of the older DPS building will be demolished to accommodate the proposed salt storage structure.
- The northerly portion of the older DPS building will be retained for cold storage.
- The proposed salt storage structure will be partitioned with an interior concrete wall. (Considered Option Two in OHM's Salt Storage Facility Study).

Mr. Davis noted that salt stored for a long time will harden and must be broken up. He stated it would be better to be able to take salt all the way from the back of a pile, and partitioning the building will allow this.

- The new salt storage building will have eight- to 12-foot concrete support walls and a higher panel material.
- The new facility will have a rubber membrane roof.
- LED lighting will be reviewed for inclusion with the salt storage building.

He displayed renderings for an aerial view of the facility along with street views eastbound and westbound on Auburn Road.

He noted that the cost for Option Two is estimated at \$845,000; tonight's request would award an engineering design services contract to OHM for \$51,000. He noted that \$11,500 was committed previously for preliminary engineering, making the total amount to OHM not-to-exceed \$62,500.

Public Comment:

Melinda Hill, 1481 Mill Race, commented that back in the mid-1990s, a joint venture was explored between the City and the Rochester Community Schools. At that time, the City knew its current facility was not in compliance with the

Environmental Protection Agency. The cost for the new DPS facility was so large that the cold storage portion of the project was eliminated to be completed at a later date. She stated that while she is not saying that this should not be done, she questioned whether more information could be made available for those who were not privy to prior discussions, and whether the rectangular design would cost more money than a dome-type.

Council Discussion:

President Hooper questioned whether the previous plans from 2006 were available.

Mr. Schneck responded that the previous plans are in the file; however, at the time, the scope of design was fairly extensive. He noted that the project is now being considered with more of a value-type approach.

Mr. Davis mentioned that one of the earlier plans recommended a barn-type of construction with a high arch gambrel. He stated that it was determined that it is not necessary to allow drivers to pull entirely into the building. He commented that a dome was not explored previously.

President Hooper questioned what construction estimates were for the previous plans.

Mr. Davis responded that previous work did not progress into detailed plans.

Mr. Yalamanchi questioned whether any of the previous design work could be used.

Mr. Davis responded that no detailed design plans had been prepared for the salt structure. City files contain only conceptual plans and cost proposals. He noted that the proposed current design is much less than was originally suggested and storage was previously estimated for much more than 3,500 tons.

Mr. Yalamanchi questioned whether the City will utilize the Water and Sewer Capital Fund.

Mr. Davis responded yes, noting that funding will be from the Water and Sewer Capital Fund 593.

Mr. Tisdell stated that the City's current storage capability is 2,100 tons right now, and this requires inventory to be moved twice per season. He questioned whether cost estimates are available for labor and equipment currently allocated to move the salt in the current storage area.

Mr. Davis stated that he would have to ask Bud Leafdale, General Superintendent for that information.

Mr. Tisdell questioned what percentage of purchased salt is lost through runoff.

Mr. Davis responded that he did not know.

Mr. Schneck stated that a significant reduction in time and effort will be accomplished through eliminating handling the materials twice.

Mr. Tisdell questioned whether there is a delivery process that could be put into place to eliminate or reduce the need to handle the salt multiple times.

Mr. Davis stated that a new facility would reduce the time needed from what is currently expended pushing salt into the bins in the three-sided structure.

Mayor Barnett responded that a dome structure with a conveyor could be built; however, that would require a dome with a height of approximately 80 feet.

Mr. Schneck pointed out that a conveyor would require maintenance as well.

Mr. Rosen questioned how much salt is delivered at any one time.

Mr. Davis responded that the City receives multiple deliveries within a short period. He mentioned that there is a benefit to be able to store more during times of salt shortages.

Mr. Rosen commented that storage for 3,500 tons seems appropriate. He mentioned that it would be advantageous to avoid handling the salt twice.

Mr. Davis explained the loading paths that the trucks take and commented that one of the storage areas could also be emptied out during the summer and used for other storage purposes.

Mr. Rosen questioned whether the City makes its own brine.

Mr. Davis responded that the City currently purchases brine from the County for ten cents a gallon.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0073-2012

Resolved, that the Rochester Hills City Council authorizes a contract for engineering and architectural design services for a proposed salt storage structure and cold storage conversion building rehabilitation to Orchard, Hiltz & McCliment, Inc., Livonia, Michigan in the amount not-to-exceed \$62,500.00 and further authorizes to Mayor to execute a contract on behalf of the City.

COUNCIL COMMITTEE REPORTS

Older Persons Commission (OPC):

Mr. Yalamanchi reported that the proposed revisions to the Interlocal Agreement for the OPC will be presented at the May 7, 2012 Council Meeting.

Rochester-Avon Recreation Authority (RARA):

Mr. Klomp reported that RARA will be in attendance at the May 7, 2012 Council meeting to discuss new facility plans.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, May 7, 2012 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:16 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

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