



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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Home Page:
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*Kevin S. Brown, Dale A. Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita,
Mark A. Tisdell and Thomas W. Wiggins*

Vision Statement: The Community of Choice for Families and Business

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

Monday, August 10, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:06 p.m. Michigan Time.*

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Sean Canto, Chief of Fire and Emergency Management
Scott Cope, Director of Building and Ordinance Compliance
Ron Crowell, Deputy Fire Chief
Kurt Dawson, Director of Assessing/Treasury
Lance DeVoe, Park Ranger II
Pamela Gordon, Director of Human Resources
Bob Grace, Director of MIS
Charnele Sanders, Adult Advisor to the Rochester Hills Government Youth Council
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
Leanne Scott, Deputy Clerk
Alexis Smith, Rochester Hills Government Youth Council Representative
Isabella Tan, Rochester Hills Government Youth Council Representative
Maria Willett, Chief Assistant to the Mayor*

PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was led by Rochester Hills Firefighter Candidate Derek
Gardner.*

APPROVAL OF AGENDA

A motion was made by Brown, seconded by Kochenderfer, that the Agenda be Approved as Amended to move Legislative File 2015-0327 Recommendation for Michigan Liquor Control Commission approval of a Class C Liquor License application for Smoker's Outlet of Rochester Hills, Inc. (a/k/a Wild Bill's Tobacco) to follow Legislative File 2015-0307 Request for Conditional use Approval - Wild Bill's Tobacco, to provide alcoholic beverage sales for on-site consumption at its location in the Rochester Hills Plaza, located on the north side of Walton, east of Rochdale, Zoned B-3, Shopping Center Business. The motion carried by the following vote:

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

COUNCIL AND YOUTH COMMITTEE REPORTS

Alexis Smith, Rochester Hills Government Youth Council (RHGYC) Representative, stated that she looks forward to giving the 2014-2015 RHGYC's final report this evening.

PRESENTATIONS

2015-0310 2014/2015 Rochester Hills Government Youth Council Final Report

Attachments: [081015 Agenda Summary.pdf](#)

Alexis Smith, Co-Chair of the Rochester Hills Government Youth Council (RHGYC), stated that she will be a senior at Stoney Creek High School in the fall, and noted that this will be her fourth year serving on the RHGYC. She commented that Chairperson Chris Russell sends his apology for his inability to attend tonight's meeting.

Isabella Tan, RHGYC Secretary, stated that she is a graduating senior this year completing her first and last year on the RHGYC.

Ms. Smith and Ms. Tan reviewed the 2014-2015 RHGYC's accomplishments, noting the following:

- In August of 2014, eight new members were added to the RHGYC, and immediately began work for a busy year ahead of them.
- Serving for the first half of the year as Chairperson was Chris Russell, with Taylor Thorpe as Co-Chairperson. For the second half of the year, Chris Russell remained Chairperson, and Alexis Smith was elected Co-Chairperson.
- The RHGYC continued with its constant goal to become more involved with the community in as many ways as possible. Projects included:
 - * Participation in the Paint the Plow event.
 - * The Rochester Hometown Christmas Parade.
 - * Volunteering at Terrific Tuesdays at the Older Persons' Commission.
 - * Manpower for the Easter Egg Hunt at the Village of Rochester Hills.
 - * Volunteering at both the Brooksie Way Half Marathon and the Back to the Beach race.
 - * Planning a special-themed party at the American House.

- * *Assisting the Mayor at his State of the City address.*
- * *Holding the RHGYC's annual 5K, with 30 local donors and sponsors and over 200 runners, resulting in a donation of \$11,000 to the Blessings in a Backpack charity.*

The five departing seniors were mentioned:

- *Omar Ilyas, who attended International Academy, and will be attending the University of Michigan.*
- *Maura Losh, who attended Rochester High School, and will be attending Saginaw Valley State University.*
- *Sharanya Pai, who attended International Academy, and will be attending the University of Michigan.*
- *Matthew Randall, who attended Rochester High School, and will be attending the University of Michigan.*
- *Isabella Tan, who attended Rochester High School, and will be attending Oakland University.*

Next year's calendar of events is rapidly filling and includes:

- *The Brooksie Way.*
- *The Rochester Hometown Christmas Parade. RHGYC member Ramona Johnson will be Junior Grand Marshal for the parade.*

Ms. Smith *stated that RHGYC members are proud of what they have accomplished over the course of this year, and look forward to what the coming year has in store. She expressed her thanks on behalf of the RHGYC to City Council, Mayor Barnett, City Clerk Tina Barton and her staff, Charnele Sanders, and the residents of Rochester Hills for their continued support of the RHGYC.*

President Hooper *thanked the RHGYC for their efforts this past year.*

Presented.

2015-0309 Swearing in Ceremony - 2015/2016 Rochester Hills Government Youth Council (RHGYC)

Attachments: [081015 Agenda Summary.pdf](#)

Mr. Tisdell *stated that it has been a pleasure to serve as the City Council Representative to the Rochester Hills Government Youth Council (RHGYC). He explained that earlier this summer, Adult Advisor to the Youth Council Charnele Sanders, departing senior Isabella Tan, and he interviewed 17 candidates for the 2015-2016 RHGYC. Each interviewer read the candidate essays and letters of recommendation and independently scored each candidate's interview answers, tallying the scores to arrive at the resulting selections.*

He commented that each member will be called forward for the Oath of Office by City Clerk Tina Barton, pledging to become sworn representatives of the City with a specific charge and obligation to maintain and enhance the honor of Rochester Hills.

He expressed thanks to Ms. Tan and Ms. Sanders for their efforts in selecting this unique and valuable council of young adults, and Clerk Barton, Deputy Clerk Leanne Scott, and the Clerk's Office staff for their time, effort and support they give to the RHGYC. He introduced a video review of the past year's RHGYC.

Mr. Tisdell invited Mayor Barnett and Council Members to the front of the dais to greet the outgoing and incoming RHGYC members. He introduced graduating senior Omar Ilyas, Maura Losh, Isabella Tan, Sharanya Pai and Matthew Randall, and he announced the incoming members:

Returning members:

- Ali Ahmed, Adams High School, District 1
- Jasneet Aulakh, Rochester High School, District 3
- Chris Russell, Rochester High School, District 3
- Shreya Reddy, Rochester High School, District 4
- Hannah Kowalski, International Academy, District 2
- Alexis Smith, Stoney Creek High School, District 2
- Taylor Thorpe, Adams High School, District 2
- Brianna Morris, Avondale High School, District 3
- Ramona Johnson, Rochester High School, District 4

Incoming members:

- Grace Currier, Marian High School, District 1
- Joshua Morgan, Oakland Christian School, District 3
- Elena Romund, Rochester Adams High School, District 2
- Samina Saifee, Detroit Country Day, District 4
- Katharine Smyth, Rochester Adams High School, District 1
- Jack Vaglia, Rochester Adams High School, District 1

City Clerk Barton administered the Oath of Office to the 2015-2016 RHGYC.

Mr. Tisdell invited the RHGYC members and their families to stay for a brief reception after the Presentations portion of the meeting.

Presented.

2015-0317 Swearing-In Ceremony - New Firefighter Candidates

Attachments: [081015 Agenda Summary.pdf](#)

Sean Canto, Chief of Fire and Emergency Services, stated that the American Fire Service is rich in tradition and has a fascinating history. He commented that tonight is where it all starts and sets the tempo for what is coming up in a firefighter's new career. He noted that some departments hold this ceremony when they hire a new member; and some wait until they have finished and have graduated from the Academy. He stated that the ceremony confirms to the new firefighter candidates that they are about to become part of a special family.

They know from the very beginning that they are going to be held accountable and that it is a privilege and an honor to wear the badge. He explained that over the next 12 weeks these individuals will be put through an arduous training program to include fire suppression and emergency medical techniques, vehicle driving and apparatus operations, and community risk reduction activities as well as a daily physical fitness program. After completion of these 12 weeks and if successful, these individuals will graduate, receive their badge, and become a probationary member of the Rochester Hills Fire Department. He welcomed the following firefighter candidates:

- Daniel Cooper
- Derek Gardner
- Timothy Kempinski
- David Kopko
- Michael Loveless
- Sean Mangan
- Loren Mitchell
- Phillip Thomas
- Ryan Wood

City Clerk Tina Barton administered the Oath of Office to the Firefighter Candidates.

President Hooper welcomed the candidates on behalf of City Council, and the residents and voters of Rochester Hills. He commented that safety is the utmost primary service in Rochester Hills and Chief Canto's leadership has been supported by the voters.

A reception was held during Council's recess.

Presented.

(Recess 7:26 p.m. to 7:45 p.m.)

PUBLIC HEARINGS

2015-0285 Public Hearing on the Norton Lawn and Hickory Lawn Special Assessment District paving project

Attachments: [081015 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[072015 Agenda Summary.pdf](#)
[Aerial Location Map.pdf](#)
[Engineer Report.pdf](#)
[Hickory Lawn Draft Assessment Roll.pdf](#)
[Norton Lawn Draft Assessment Roll.pdf](#)
[OHM Prelim Const Cost Est.2015.June12.pdf](#)
[072015 Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that a Public Hearing is to be held tonight to gather comments on the Special Assessment District (SAD)

process for the paving of Norton Lawn and Hickory Lawn. He noted that the Public Hearing is a part of the process dictated by City Council's SAD Policy.

President Hooper commented that Council will receive public comment on the SAD process and no resolution will be considered this evening. He explained that the next step would be to bring the item back on a future agenda.

Mr. Schneck stated that following the Public Hearing, Council may determine to end the process or may choose to proceed. He noted that a decision is to be deferred for 28 days following the Public Hearing to give the property owners who may object to the SAD an opportunity to circulate a petition of objection.

President Hooper questioned what petitions have been filed with the City.

Mr. Schneck responded that the City is in receipt of petitions provided both to the Clerk's Office and the Assessing Department to verify addresses and ownership; and he noted that there is in excess of 51 percent desiring the SAD process to move forward.

President Hooper noted that the petitions were submitted based on addresses; whereas, the actual determination will be determined on buildable lots.

Mr. Schneck confirmed that this is correct.

President Hooper noted that some owners may have one address; however, they are owners to more than one lot.

President Hooper Opened the Public Hearing at 7:48 p.m.

Vicki Boork, 2724 Hickory Lawn, stated that she and her husband are opposed to the paving of Hickory Lawn. She stated that she purchased her home on Hickory Lawn in 1993 because Rochester Hills was a rural area with one acre homes on dirt roads. She commented that paving will bring children to play in the street and create a dangerous situation as they will not hear vehicles approaching. She commented that speed humps lower the value of a home. She noted that during the public information meeting Paul Davis, City Engineer, stated that a couple of individuals who had signed the initial petitions had changed their minds. She asked Council to pave only Norton Lawn.

Terri Meiers, 2819 Norton Lawn, stated that she was in attendance to speak on behalf of her husband, John Meiers. She commented that the majority of the residents want the roads paved and want speed humps installed. She cited some statistics that indicated that over a four-day period, 3,584 vehicles traveled on Norton Lawn, with 46.7 percent of those traveling more than 25 miles per hour. She stated that traveling speeds are reduced in between speed humps by 20 to 25 percent, and will result in a 40 to 60 percent reduction in vehicle traffic. She commented that paving will help allergy sufferers by reducing dust after the City grades the roadway, as it currently is at least two days between grading activities and brine applications. She stated that homes will increase in value.

Ryan Hoppe, 2688 Hickory Lawn, stated that if the road is not paved, at a minimum a stop sign should be installed for north/south traffic on Hickory Lawn at Wabash.

Joseph Peters, 2850 Hickory Lawn, explained that he was the individual who circulated petitions along his street. He stated that out of 33 buildable lots, he visited 23 individuals, and obtained 20 signatures. He noted that of the other three, one individual did not want to sign the petition, and two others were living in Florida for the winter. He pointed out that 20 signatures comprises over 51 percent of the 33 buildable lots. He stated that the street is used for a cut-through and has horrendous rush hour traffic; and the street should be paved to fix the dirt and potholes. He mentioned that 22 children live on the block and speed humps are needed.

Ryan Guzall, 2637 Norton Lawn, stated that he learned of two Federal Emergency Management (FEMA) studies undertaken in Eugene, Oregon, that found speed humps negatively impact emergency response times, by a 6.5 second average. He added that speed humps are the most disruptive traffic calming devices and damage emergency apparatus. Subdivisions request their removal. He commented that speed humps increase emissions, and noted that his elderly neighbor will have to pay a \$15,000 assessment for three lots.

Seeing No Further Public Input, President Hooper Closed the Public Hearing at 8:03 p.m.

President Hooper questioned whether the City has undertaken any studies on the need for a stop sign at Wabash and Hickory Lawn, or studies on speed humps currently installed in the city, and if any subdivisions have asked for speed humps to be removed.

Mr. Schneck responded that he would look into whether any studies had been undertaken. He explained that typically requests for stop signs are presented to the Advisory Traffic and Safety Board via the Engineering Department. He stated that he is not aware of any requests for removal of speed humps.

President Hooper questioned how many speed humps have been installed to date.

Mr. Schneck responded that it was approximately 50, and he noted that the humps were often installed at the request of homeowners' associations.

President Hooper questioned whether input from adjacent property owners on both sides of the street is considered when locating humps.

Mr. Schneck responded that property owners on both sides of the street are notified.

President Hooper noted that only five individuals commented during the Public Hearing. He pointed out that the petitions turned in indicate a majority support the SAD. He questioned what the next step in the process will be.

Mr. Schneck responded that the process will continue per the SAD Policy. Council has the option to either end or to continue the process. Should Council continue the process, a final determination is deferred for 28 days to allow property owners an opportunity to circulate petitionable objection to the SAD.

President Hooper noted that he attended the June 24, 2015 informational meeting and observed overwhelming support for the SAD. He stated that anyone opposed will have 28 days to circulate a petition, and will need to obtain signatures of more than 51 percent. He commented that unless Council Members object, Council will wait until the 28-day period has ended to see if there are any petitions brought forward to halt the process on one or both streets.

Ms. Morita questioned why sidewalks are not going in.

Mr. Schneck responded that the SAD Policy does not provide for the installation of sidewalks. The SAD Policy specifies the procedure for going from gravel to paved.

Ms. Morita questioned whether a safety path could be incorporated later.

Mr. Schneck responded that the safety path would be a separate initiative which would be built into the Capital Improvement Plan. He pointed out that the decision to be made is whether to move forward or not with a project to take the road from gravel to paved.

Ms. Morita questioned whether it would be less expensive to do the paving and pathway at the same time.

Mr. Schneck responded that there could be economies of scale to complete both tasks at once, however, he noted that based on the initial engineering performed, pathways would have impacts to roadside objects such as trees, driveways and drainage. He commented that the project would morph itself into a larger scope.

President Hooper commented that easements and right-of-ways would have to be obtained.

Ms. Morita questioned that if pathways are something that the residents really want, would the City want them to come to express this wish, or if this is something the City would undertake later.

Mr. Schneck responded that pathways would be a separate project altogether. He mentioned that there are a number of areas in the city where pathway projects are not complete as the City has not been able to obtain easements. He stated that while some economies of scale could be realized in the construction, there would be much more engineering and due diligence required.

Mr. Tisdell questioned what the speed limit is for gravel roads in Rochester Hills.

Mr. Schneck responded that while legislation states that gravel roads are prima facie at 55 miles per hour, there are provisions in the law that can allow a

community to post a road at 25 mph based on whether it is within a platted subdivision or have a large number of driveways within a certain distance. He noted that these streets are within a residential district.

Mr. Tisdell questioned whether the local ability to establish a speed limit would increase if the road is taken from gravel to asphalt.

Mr. Schneck responded that it would.

Mr. Brown questioned whether the City has seen damage to emergency vehicles or snow plows resulting from speed humps.

Mr. Schneck responded that there has not been an increase in maintenance. He pointed out that the design of speed humps has evolved over time and are now longer and more oblique.

Mr. Hetrick commented that it would be helpful if the City had any data compiled on how speed humps affect response times within Rochester Hills. He questioned what the speed limit would be if the road is paved, and whether that limit would change from the current limit.

Mr. Schneck responded that it would be considered a residential street and would be posted at 25 miles per hour.

President Hooper commented that at this point Council will wait 28 days to determine whether any petitions of objection are filed. If at the end of this period it is determined 51 percent of the owners of the buildable lots are in agreement, Council will take the matter up at a future meeting to determine whether it wishes to proceed.

Discussed.

PLANNING AND ECONOMIC DEVELOPMENT

- 2008-0302** Request for Approval of an Extension of the Final Site Condominium Plan until July 14, 2016 - Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One-Family Residential, L&R Homes, Inc., Applicant

Attachments: [081015 Agenda Summary.pdf](#)
[Memo Anzek 071715.pdf](#)
[Extension Letter 061615.pdf](#)
[Minutes PC 072115.pdf](#)
[072114 Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Extension Letter 060914.pdf](#)
[Memo Anzek 061314.pdf](#)
[Minutes PC 061714.pdf](#)
[072913 Agenda Summary.pdf](#)
[Minutes PC 071613.pdf](#)
[Letter Vito Ext 061313.pdf](#)
[Memo Anzek 071213.pdf](#)
[071612 Agenda Summary.pdf](#)
[V. Randazzo Ltr 060712.pdf](#)
[Minutes PC 062612 \(Excerpt\).pdf](#)
[Memo Anzek 062212.pdf](#)
[080811 Agenda Summary.pdf](#)
[Minutes PC 071911.pdf](#)
[Memo Anzek 071911.pdf](#)
[080910 Agenda Summary.pdf](#)
[Letter Randazzo 060211.pdf](#)
[Signed Request for Extension.pdf](#)
[Memo Delacourt 072010.pdf](#)
[Minutes PC 072710.pdf](#)
[Minutes PC 061708.pdf](#)
[Minutes PC 032007.pdf](#)
[Minutes PC 020706.pdf](#)
[071408 Agenda Summary.pdf](#)
[Staff Report 061708.pdf](#)
[Review Comments.pdf](#)
[071408 Resolution.pdf](#)
[080910 Resolution.pdf](#)
[080811 Resolution.pdf](#)
[071612 Resolution.pdf](#)
[072913 Resolution.pdf](#)
[072114 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, and **Vito Randazzo**, representing L&R Homes, were in attendance.

Mr. Randazzo stated that his firm is requesting an extension of the final site condominium plan for Pine Woods, a 29-unit development south of Auburn and East of Livernois. He explained that they are currently working on final construction plans with the City's Engineering Department and expect to break ground soon.

Mr. Anzek noted that after a brief discussion at the July 21, 2015 Planning Commission meeting, the Commission unanimously recommended granting the extension.

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

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

Enactment No: RES0217-2015

Resolved, that the Rochester Hills City Council hereby approves an Extension of the Final Site Condominium Plan until July 14, 2016 for Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One-Family Residential, Parcel Nos. 15-34-101-073, -074, and -075, L&R Homes, Inc., Applicant.

2015-0307 Request for Conditional Use Approval - Wild Bill's Tobacco, to provide alcoholic beverage sales for on-site consumption at its location in the Rochester Hills Plaza, located on the north side of Walton, east of Rochdale, Zoned B-3, Shopping Center Business; Joe Qonja, on behalf of Smoker's Outlet of Rochester Hills, Applicant

Attachments: [081015 Agenda Summary.pdf](#)
[Staff Report 072115.pdf](#)
[Applicant Info.pdf](#)
[Map Aerial.pdf](#)
[Minutes PC 072115.pdf](#)
[Minutes PC 042115.pdf](#)
[PC Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, introduced **Joe Qonja**, representing Smoker's Outlet of Rochester Hills, Inc., d.b.a. Wild Bill's Tobacco. He explained that the City's recently adopted Ordinance requires Conditional Land Use approval for a new establishment to have alcohol on the premises. He stated that the Planning Commission held a Public Hearing on July 21, 2015, and all property owners within 300 feet were notified. No objections were noted, and four or five individuals attended in support of the proposed operation. The Planning Commission unanimously recommended approval.

Public Comment:

Dominic J. Mocerri, 3005 University Drive, Auburn Hills, stated that he is a current client of Mr. Qonja, and expressed his support. He commented that approval will improve services and allow for the ability for friends to get together. He stated that the operation will revitalize the shopping center.

Raymond Bechtel, 3195 Fairgrove Terrace, stated that he is a customer of Wild Bill's Tobacco and meets many individuals there. He commented that the operation will be a great addition to the city.

Joe Shallal, Birmingham, Michigan, stated that he is the Attorney for Mr. Qonja and is in attendance to answer any questions.

Gary W. Benner, 1637 Deepwood Circle, stated that he is a retired police officer, and commented that Mr. Qonja has a good approach to screen for individuals who may not be 18 years of age.

Mike Tahy, 1735 Black Maple, commented that he strongly recommends Council approve Mr. Qonja 's request.

Larry Winkelmann, 1157 Cripple Creek, expressed his support for the proposal. He stated that he is a local business owner and the expansion would provide a location for business owners to gather and hold meetings. He commented that Mr. Qonja is a phenomenal family man.

Keith Sawdon, Sandalwood Drive, expressed his support for the proposal, noting that Mr. Qonja holds his responsibility very carefully. He noted that identification is checked carefully.

Anna Djurasaj, 3495 Mocer Court, Oakland Township, stated that she has personally known Mr. Qonja for over 15 years and holds him and his family in high regard.

Council Discussion:

President Hooper noted the location's proximity to Rochester High School and questioned how the policy will be enforced to keep underage individuals out of the establishment.

Mr. Qonja responded that anyone looking 30 or younger will be carded at the door. He added that anyone without identification will be asked to leave. He stressed that he has terminated employees who have not abided by that policy.

President Hooper commented that most of the public speakers were male.

Mr. Qonja responded that the business currently attracts mostly cigar smokers. He commented that once the expansion is complete, he would expect an expansion in his clientele.

Mr. Kochenderfer expressed his thanks to Mr. Qonja for investing in the city. He commented that it is his opinion that the city could use a business such as this.

Mr. Tisdell noted that discussions in the Liquor License Technical Review Committee (LLTRC) centered around positive identification for customers. He questioned whether a Food and Drug Administration (FDA) requirement exists regarding identification.

Mr. Qonja responded that the FDA has been regulating the industry. He explained that his employees request identification at the door before a customer tries to make a purchase. He mentioned that the law states that a parent is not allowed to come into the establishment with a child, and he stated that he abides by that law.

Mr. Brown noted discussions in the LLTRC in reference to hookah lounges and the clientele those types of businesses attract. He questioned how his establishment and its clientele differ.

Mr. Qonja responded that hookah bars cater to customers between 18 and 25. He commented that he would provide a high-end lounge with comfortable seating that will be attractive to older clientele, and suggested that a business professional or enthusiastic sports fan would be the type of client. He added that business members of the community would be able to have a quick meeting over a cigar and a glass of bourbon. He mentioned that his brother-in-law owns a similar business in Birmingham.

Mr. Wiggins questioned whether Mr. Qonja has had any problems in his establishment.

Mr. Qonja responded that he had instances of petty theft where someone was caught stealing cigars on a regular basis. He noted that the Oakland County Sheriff's Department caught the individual. He mentioned there was a break-in approximately six or seven years ago through a smashed window.

Mr. Wiggins questioned whether Mr. Qonja has any previous experience with alcohol sales.

Mr. Qonja responded that he worked in his father's liquor store in Detroit while a student at Oakland University.

Mr. Wiggins questioned whether the hours of operation have been determined.

Mr. Anzek responded that the Planning Commission questioned the hours of operation, and the majority of the Commission members determined that it was not an issue. He stated that whatever the Michigan Liquor Control Commission sets as limitations would be acceptable.

Mr. Wiggins questioned how late the business expects to be open.

Mr. Qonja responded that he wants to understand his clientele before making that determination. He commented that the Birmingham location closes at 1:00 a.m. and West Bloomfield closes between 1:00 a.m. and 2:00 a.m. He stated that he would expect that 12:00 midnight on weekdays and 1:00 a.m. on weekends would be his target; however, he was not yet sure.

Mayor Barnett noted that Mr. Qonja's customers speak very highly of him. He stated that the City is given a certain number of these licenses to encourage development and spur growth. He stated that it is his opinion that this is a good place for this type of business.

Mr. Hetrick commented that he is excited to see the business succeed and is encouraged that Mr. Qonja is thinking through his hours of operation. He stated that he would like to see the business close at midnight or earlier.

See Legislative File 2015-0307 for discussion on the Liquor License Recommendation.

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

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

Enactment No: RES0218-2015

Resolved, that the Rochester Hills City Council hereby approves a Conditional Use for Wild Bill's Tobacco, City File No. 15-010, to provide alcoholic beverage sales for on-site consumption at the Rochester Hills Plaza, located on the north side of Walton, east of Rochdale, Zoned B-3, Shopping Center Business, part of Parcel No. 15-09-476-033, Joe Qonja, on behalf of Smoker's Outlet of Rochester Hills, Applicant, based on documents dated received by the Planning and Economic Development Department on June 19, 2015 with the following findings:

Findings:

1. The expanded use will promote the intent and purpose of the Zoning Ordinance.
2. The proposed building has been designed and is proposed to be constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land and the capacity of public services and facilities affected by the use.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another entertainment option.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways and refuse disposal.
5. The proposed development should not be detrimental, hazardous or disturbing to existing or future neighboring land uses, persons, property or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

2015-0327 Recommendation for Michigan Liquor Control Commission approval of a Class C Liquor License application for Smoker's Outlet of Rochester Hills, Inc. (a/k/a Wild Bill's Tobacco)

Attachments: [081015 Agenda Summary.pdf](#)
[Application Pkt.pdf](#)
[Transfer Contract.pdf](#)
[Letters of Support.pdf](#)
[MLCC Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper questioned whether this will be the City's last quota license until the next Census.

City Clerk Tina Barton responded that it is.

Mr. Brown noted that Council does not grant a license; it makes a recommendation to the State should it choose to endorse the application.

See Legislative File 2015-0307 for discussion on the Conditional Land Use.

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

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

Enactment No: RES0219-2015

Resolved, that the Rochester Hills City Council hereby recommends that the Class C liquor license application for Smoker's Outlet of Rochester Hills, Inc. be considered for approval by the Michigan Liquor Control Commission.

PUBLIC COMMENT for Items not on the Agenda

Lee Zendel, 1575 Dutton, noted that an Environmental Protection Agency report concluded that hydraulic fracturing has not caused widespread harm to drinking water in the United States. He mentioned that between 25,000 to 35,000 wells are drilled each year. He stated that there were only 151 cases in which fracking fluids were spilled on or near a drilling well, with none of the spills reported to have reached groundwater. He mentioned a Bloomberg article which reported that the recycling movement is experiencing a crisis, with profits falling.

Scot Beaton, 655 Bolinger, stated that while there was a bit of progress on the Avon Country Market development, it has not been substantial. He requested an update on the development.

CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2015-0266 Approval of Minutes - City Council Regular Meeting - June 15, 2015

Attachments: [CC Min 061515.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0220-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 15, 2015 be approved as presented.

2015-0286 Approval of Minutes - City Council Special Meeting - June 29, 2015

Attachments: [CC Special Mtg Min 062915.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0221-2015

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on June 29, 2015 be approved as presented.

2015-0287 Approval of Minutes - City Council Regular Meeting - June 29, 2015

Attachments: [CC Min 062915.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0222-2015

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 29, 2015 be approved as presented.

2015-0295 Request for Acceptance of a Warranty Deed for Public Road Right-of-Way work for Cumberland Pointe Subdivision, granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company

Attachments: [081015 Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0223-2015

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by S.E. Michigan Land Holding LLC, a Michigan limited liability company, 51237 Danview Technology Court, Shelby Township, MI 48315, for Parcel No. 15-27-151-003.

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

2015-0300 Request for Approval of FY 2016 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$69,806.00

Attachments: [081015 Agenda Summary.pdf](#)
[2016 SMART Municipal Credit Contract.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0224-2015

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal year 2016 Municipal Credits to the Older Persons' Commission as presented.

Further Resolved, that the Mayor is authorized to execute and deliver the transfer agreement on behalf of the City.

2015-0301 Request for Purchase Authorization - MIS: Blanket Purchase Order for Annual Support and Maintenance for the City's Asset Management Software in the amount not-to-exceed \$47,000.00; Lucity, Inc., Overland Park, KS

Attachments: [081015 Agenda Summary.pdf](#)
[Lucity Quote.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0225-2015

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Annual Support and Maintenance for the City's Asset Management Software to Lucity, Inc., Overland Park, Kansas in the amount not-to-exceed \$47,000.00 through September 30, 2016.

2015-0311 Request for Purchase Authorization - CLERK: Blanket Purchase Order for printing and publishing of legal and other notices as the "Official City Newspaper" in the amount not-to-exceed \$40,000.00 through June 30, 2018; Oakland Press, Pontiac, MI

Attachments: [081015 Agenda Summary.pdf](#)
[Bid Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0226-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order for printing and publishing of legal and other notices to the Oakland Press, Pontiac, Michigan, as the "Official City Newspaper" in the amount not-to-exceed \$40,000.00 through June 30, 2018, and further authorizes the Mayor to execute a contract on behalf of the City.

Passed the Consent Agenda

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

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

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Hetrick expressed his congratulations to the Fire Department for the addition of the new candidates and is excited to see those men stand at attention and be prepared for the next stage of public safety. He commented that members have saved his life at least once.

Ms. Morita expressed concern that there is no safety path on Adams Road between Avon and Hillendale. She noted that she was in a significant traffic jam last Friday on her way to Meadowbrook Music Festival and watched pedestrians walk northbound on the southbound side in the roadway. She requested Mayor Barnett help enlist the cooperation of Oakland University to remedy this situation.

Mayor Barnett mentioned discussions held with Auburn Hills regarding safety paths. He noted that recent repaving of Avon Road brought pathway to within 100 yards of Adams Road. He stated that he would look into the matter.

Mr. Wiggins responded to public comment regarding the construction of the Avon Market development and stated that some issues were resolved and the business owner has agreed to start moving forward. He stated that he will continue to follow up and suggest that some completion dates be added.

Ed Anzek, Director of Planning and Economic Development, noted that asphalt plants closed for the winter, stopping progress. He commented that the City was notified by the Road Commission for Oakland County of an issue with an underground drain.

Mayor Barnett stated that Mr. Hetrick's comments regarding the Fire Department were actually on point; and he credited the hard work of the Public Safety and Infrastructure Technical Review Committee and its predecessor, the Police and Road Funding Technical Review Committee for its recommendations to Council.

He displayed photos highlighting several events, including a cricket tournament at Bloomer Park, ribbon cuttings at new businesses including Fresh Thyme, the Michigan Senior Olympics, and the Mayor's Business Council receipt of a City Livability Award. He expressed his appreciation to the Planning Department for their efforts.

He mentioned progress on road projects, noting the following:

- Rochester Road overlays were completed mostly during overnight hours.
- The Tienken Road project is progressing.
- Livernois Road north of Tienken was regraded and limestone applied.
- He mentioned that it is hoped that the section of Tienken Road from Livernois to Rochester Road could open within a week to ten days.
- The intersection of Brewster and Tienken was closed for approximately 72 hours for rehabilitation of the intersection.
- To date, 65 percent of the concrete has been poured for this year's rehabilitation program, and 88 percent of the targeted sections have been removed. Two large sections will be poured tomorrow.

Upcoming events include:

- The Museum will host the Little House in the Village Writers Camp August 17 through August 20, 2015.
- The Environmental Education Center will host Fishing 101 on August 22, 2015.
- Vintage Baseball is slated for August 23, 2015.
- The Brooksie Way will be held on September 27, 2015.

ATTORNEY'S REPORT

None.

NEW BUSINESS

2015-0168 Request for Approval of Acquisition of the undeveloped 7.5 acre portion of Parcel No. 15-33-401-005, located at 1380 Ruby Avenue, Rochester Hills, recommended by the Green Space Advisory Board

Attachments: [081015 Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Ruby property maps 15-33-401-005.pdf](#)
[Ruby Property nomination.pdf](#)
[Ruby property score sheet.pdf](#)
[GSAB Ruby Vicinity map 4-15.pdf](#)
[Proposed GS Motion for 1380 Ruby Ave.pdf](#)
[GSAB Resolution 062315.pdf](#)
[Resolution \(Draft\).pdf](#)

Green Space Advisory Board representatives **Tim Gauthier** and **Samantha Phillips** were in attendance, along with **Lance DeVoe**, Park Ranger II.

Mr. Gauthier noted that properties considered for acquisition under the Green Space Millage and receive evaluation for criteria including water resources and habitat protection. He displayed an outline of the proposed Ruby Avenue parcel, noting that it ranked Priority 1 in the Natural Features Inventory and encompasses 9-1/2 acres with 17 percent wetlands and 95 percent woodlands. He pointed out that the property contains a home that has not been lived in for several years.

He noted that the Green Space Advisory Board has recommendations for consideration:

1. Acquire the entire 9-1/2 acres and have the home torn down.
2. Split the property so that the home can be sold as a different parcel and a conservation easement would be sought for that portion of the property. A green space parcel of 7.6 acres would result, located in an area of the city that does not have a significant amount of green space.

The parcel has old growth tree canopy, wildlife habitat, and high quality wetlands.

Council Discussion:

President Hooper noted that the Green Space Millage funds cannot be used to pay for the demolition of the house. He questioned whether General Fund dollars could be used to tear the home down.

Keith Sawdon, Director of Finance, confirmed that it could.

President Hooper questioned whether the home is uninhabitable.

Mr. Gauthier responded that he did not know.

Mr. DeVoe stated that the home was not entered.

Ms. Phillips stated that the Green Space Advisory Board did not review the house.

President Hooper commented that if the home is not habitable, the entire property should be considered.

Mr. Wiggins stated that the property contains a buried oil tank and expressed concern that additional cost could be encountered for its removal.

Mr. Gauthier responded that he was not aware of the tank.

Mr. Wiggins questioned whether there is an estimated value for the property.

Mr. Gauthier stated that the Green Space Advisory Board does not explore details of price.

Kurt Dawson, Director of Assessing/Treasury, stated that the true cash value of the entire parcel is estimated at \$400,000, including the home.

Mr. Hetrick pointed out that the property scoring appears fairly low. He questioned how it compares to other properties.

Mr. Gauthier noted that Harding property had a higher score as it was a large parcel. The Childress property received a lower score due to its steep slopes. That property was on the Clinton River. He noted that this property is not on a waterway or a river, and is smaller.

Mr. DeVoe noted that connectivity to a trail or river adds points.

Ms. Phillips commented that even though the property lost points because of a lack of connectivity, the Board liked the fact that it was away from the river and trail.

Mr. DeVoe noted that even though the wetland is small, it has quality. The property also has high quality hardwoods including oaks and hickories. He commented that this property is in an area where the city does not currently have any green space.

Mr. Hetrick questioned whether the owner was approached to consider splitting the property.

Joan Trevaskis, representing the estate of her parents, stated that the family would consider a split. She noted that the home is habitable and is structurally sound.

President Hooper questioned how long the home has been vacant.

Ms. Trevaskis responded that it has been vacant for five years.

Mr. Kochenderfer commented that the Green Space Advisory Board suggests properties for acquisition, the Administration negotiates a price, and Council determines whether it wishes to acquire the property.

President Hooper stated that it is his opinion that the entire parcel should be pursued.

Mr. Tisdel moved, and **Mr. Kochenderfer** supported, to pursue acquisition of the entire parcel.

Ms. Morita suggested that the mover and seconder consider an amendment to include a baseline environmental assessment of the property.

Mr. Tisdel agreed, and **Mr. Kochenderfer** supported the inclusion in the motion of a baseline environmental assessment of the oil tank.

Mayor Barnett questioned whether the only option Council wishes to pursue is the entire parcel. He noted that the Administration could bring multiple options and prices for Council's consideration.

Mr. Kochenderfer stated that he did not see a downside to exploring price points on other options.

Mr. Tisdel agreed to amend the motion to include consideration of all options in the purchase of either the entire parcel or a split off portion of the parcel, along with requiring a baseline environmental assessment of the oil tank on the property.

Mr. Kochenderfer supported the amended motion.

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

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

Enactment No: RES0227-2015

Whereas, the Rochester Hills City Council established the Green Space Advisory Board (GSAB) for the purpose of developing strategies and recommendations to City Council regarding the expenditure of Open Space Millage funds for permanently preserving natural green spaces, wildlife habitats and scenic views; protecting woodlands, wetlands, rivers and streams; and expanding the Clinton River Greenway and other trail corridors;

Whereas, GSAB has established a Property Interest Acquisition Process which included parcel identification, determination of availability, assemblage of a candidate list, determination of target properties and recommendation to City Council;

Whereas, GSAB has established a Property Evaluation Criteria which included water resources, habitat protection, recreational/historical resources, other factors and adverse factors;

Whereas, GSAB has evaluated the nominated property based on the Property Evaluation Criteria, site visits, greenway connectivity, and how they fit into Oakland County's Green Infrastructure Network;

Whereas, GSAB has also considered how the nominated parcel supports the City's Master Recreation Plan;

Whereas, based on its findings, GSAB recommends the City pursue the acquisition of the undeveloped 7.5 acre portion of Parcel No. 15-33-401-005,

Now Therefore Be It Resolved, that the Rochester Hills City Council accepts the GSAB recommendation to pursue all options for the acquisition of either the entire parcel or a split off portion of the Parcel No. 15-33-401-005, located at 1380 Ruby Avenue, Rochester Hills, along with a baseline environmental assessment of the oil tank on the property.

Be It Further Resolved, that the City Council authorizes the City Administration to create an acquisition team and begin the acquisition process with the property owner.

2015-0298 Request for Purchase Authorization - DPS/ENG: Standard Agreement for Municipal Street Lighting for the upgrade of one (1) public street light at the entrance to Walnut Creek Subdivision in the amount of \$453.00; Detroit Edison Company

Attachments: [081015 Agenda Summary.pdf](#)
[Walnut Crk-DTE Agreement.pdf](#)
[Walnut Crk-LED Map.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the homeowner's association approached the City and requested that it work with Detroit Edison for the replacement of a high pressure sodium bulb with an LED fixture.

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

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

Enactment No: RES0228-2015

Resolved, that the Rochester Hills City Council approves the Standard Municipal Street Lighting Agreement for the upgrade of one (1) public street light at the entrance to Walnut Creek Subdivision to the Detroit Edison Company, Belleville, Michigan in the amount of \$453.00 and further authorizes the Mayor to execute the agreement on behalf of the City.

2015-0318 Request for Adoption of an updated Mailbox Replacement Policy

Attachments: [081015 Agenda Summary.pdf](#)
[Mailbox Replacement Policy \(Draft\).pdf](#)
[Mailbox Replacement Policy 080989.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett noted that the current mailbox policy has been in place since the late 1980s. He stated that after multiple administrative discussions and legal recommendation, a revised policy is recommended for Council's consideration which would require individuals provide any pertinent receipts to adjust the amount allowed for replacing a mailbox damaged by the City valued above \$100.00.

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

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

Enactment No: RES0229-2015

Resolved, that the Rochester Hills City Council hereby adopts the updated Mailbox Replacement Policy.

2015-0316

Mayor's 2016 Proposed Budget

a. Presentation

b. Adoption of Resolution acknowledging receipt of the 2016 Proposed Budget and the 2017 and 2018 Projected Budget and setting the Budget Public Hearing for September 14, 2015

Attachments: [081715 Agenda Summary.pdf](#)
[081715 Budget Presentation Schedule.pdf](#)
[Suppl Presentation - Overview.pdf](#)
[081015 Agenda Summary.pdf](#)
[081015 Resolution.pdf](#)

Mayor Barnett introduced a video which highlighted the hundreds of hours of preparation of the proposed 2016 and projected 2017 and 2018 Budget.

President Hooper noted that Council is requested to accept the proposed budget documents this evening and set the public hearing date for the Budget and Millage Rates.

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

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

Enactment No: RES0230-2015

Whereas, the City of Rochester Hills City Council have worked to develop City goals for the Fiscal Year 2016; and

Whereas, based on those City goals, the Mayor's Fiscal Year 2016 Proposed Budget and 2017 and 2018 Projected Budget was developed; and

Whereas, at the August 10, 2015 City Council Meeting, the Mayor delivered the 2016 Proposed Budget Plan for the Fiscal Year beginning January 1, 2016.

Be It Resolved, that the Rochester Hills City Council acknowledges receipt of the 2016 Proposed Budget and the 2017 and 2018 Projected Budget and hereby gives notice of Public Hearing to be held at 7:00 p.m. on Monday, September 14, 2015 at the Rochester Hills City Hall, 1000 Rochester Hills Drive, for the purpose of discussing the 2016 Budget and providing opportunity to all interested parties to present comments thereon prior to formal adoption by the Rochester Hills City Council.

Be It Further Resolved, that the publication of the Notice of Public Hearing is hereby authorized.

ANY OTHER BUSINESS

NEXT MEETING DATE

Special Budget Meeting - Monday, August 17, 2015 - 5:30 p.m.; Regular Meeting - Monday, August 31, 2015 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:27 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.