



Rochester Hills

Minutes

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, November 14, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - Susan M. Bowyer, Dale Hetrick, James Kubicina, Stephanie Morita, Mark A.
Tisdell and Thomas W. Wiggins

Absent 1 - Kevin S. Brown

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Ken Elwert, Director of Parks and Forestry
Vince Foisy, Supervisor of Communication Services
Bob Grace, Director of MIS
Deborah Hoyle, Senior Financial Analyst
Sara Roediger, Manager of Planning
Allan Schneck, Director of DPS/Engineering
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Tamara Williams, Chief Assistant to the Mayor*

Mr. Brown provided prior notice that he would be unable to attend.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

Absent 1 - Brown

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

President Tisdell introduced Audrey Weber, RHGYC Representative. He noted that she is a junior at Rochester High School and is Captain of the Cross Country Team, a member of the National Honor Society, and the Social Studies Honor Society. He stated that she is in her first year as a member of the RHGYC. He commented that the RHGYC will be visiting many different departments throughout the City as a part of their monthly meetings, affording the members the experience to work up close with the various departments.

Ms. Weber reported that the RHGYC members toured Fire Station #1 and learned about fire safety. She announced that members will be volunteering at the Premiere Event for the PBS Movie on the Rochester Hills Museum at Van Hoosen Farm this coming Thursday, November 17 at the Emagine Theater, hosting a gift wrap fund raiser at Barnes and Noble in December, providing manpower at the warming tent at the Rochester Hometown Christmas Parade on Sunday, December 4 in downtown Rochester, and helping at the City's Holiday Family Fun Night on Friday, December 9. She noted that members are planning their annual 5K Run/Walk and will be selecting the charity to receive the proceeds from the race at their December meeting.

Older Persons' Commission (OPC):

Mr. Hetrick reported that the OPC has begun its annual Giving Campaign, which will benefit the Meals on Wheels program, Transportation Services, and the Medical Equipment Loan Program, among others at the center. He announced that the second installment of the Rewired Not Retired program will be held on Wednesday, November 16 at 7:00 p.m. at the OPC. The presentation for this month's program will be on travel and retirement.

Avondale Youth Assistance (AYA)/Rochester Auburn Hills Community Coalition (RAHCC):

Vice President Morita announced that the AYA and RAHCC will host a program on Drugs 101 on Thursday, November 17 at the Avondale Meadows Media Center on 1435 W. Auburn Road. Interested parents and families are asked to RSVP in advance, and information is available on AYA's and RAHCC's Facebook pages.

Rochester Avon Recreation Authority (RARA):

Mr. Kubicina reported that the RAYA held its Annual Report Breakfast this morning, hosted by the Older Persons' Commission. He commented that the everything is on budget and their programs are in order. An uplifting report focused on the successful Camp Safari.

PRESENTATIONS

2016-0445 Award Presentation for Riverbend Park Design; Ralph Nunez, DesignTeam+, Presenter

Attachments: [111416 Agenda Summary.pdf](#)

Ralph Nunez, Design Team+, stated that on September 29, 2016, the Michigan Society of Landscape Architects held their annual meeting in Grand Rapids, with this year's theme being Art and Landscape. Riverbend Park was submitted for their Awards Program, and it was recently announced that a review team awarded the park's Strategic Framework Plan a Planning and Analysis Merit Award. He commented that many people have been involved in this project and deserve recognition, including Ed Anzek, Director of Planning and Economic Development, along with recently-retired Parks and Forestry Director Mike Hartner, and the Lawrence Technological University students who participated in the initial planning concept. He presented the City's award to Mayor Barnett and City Council.

Mayor Barnett presented some video highlights of the Park's development. He commented that winning the award brings state-wide attention to a project that has been in the hearts and on the minds of many in the community. He commented that in August of this year, 3,100 cars visited Riverbend Park, which is one-third of those visiting fully-developed Bloomer Park, and is indicative of how the community is looking forward to the development of this park. He noted that the City should find out within the next few weeks whether it will receive some significant grants for park development. He stated that the Administration has been extremely vigilant and aggressive in seeking additional funding sources for the park.

He commented that the Name That Park contest received over 450 submissions from various students, groups, and individuals. He stated that Council will be considering confirmation of appointments to the Naming Committee today. He expressed appreciation for all the interest and excitement in Riverbend Park.

Presented.

PUBLIC HEARINGS

2016-0417 Community Development Block Grant (CBDG) Program Year 2017 Application

Attachments: [111416 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Deborah Hoyle, Senior Financial Analyst, explained that for Program Year 2017, funding is proposed to be kept at the same levels. She noted that the bulk of funding is proposed to go to Minor Home Repair, at \$121,817; Yard Services will continue with a \$10,000 allocation, contributions to HAVEN are proposed at \$7,000, and the Emergency Services clothing program is proposed to receive \$10,000.

She noted that in 2015, 54 minor home repair projects were completed, averaging approximately \$2,400 each. The Yard Services program, with assistance by the Older Persons' Commission, provided mostly snow removal services for 58 seniors.

Vice President Morita and Mr. Hetrick recused themselves from discussion and voting on this item as they are Council representatives to the Older Persons' Commission Board.

President Tisdell Opened the Public Hearing at 7:14 p.m.

Natalie Finch, representing Rochester Area Neighborhood House, 1720 S. Livernois Road, expressed her appreciation to the City for its continued support. She explained that approximately half of their clients served through the emergency services program are Rochester Hills residents. She commented that the program strives to take individuals from crisis to sustainability.

Seeing No Further Public Comment, President Tisdell Closed the Public Hearing at 7:15 p.m.

Dr. Bowyer expressed her appreciation for the work the program undertakes, noting that it helps the community in crisis.

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

Aye 4 - Bowyer, Kubicina, Tisdell and Wiggins

Abstain 2 - Hetrick and Morita

Absent 1 - Brown

Enactment No: RES0259-2016

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

Whereas, the City of Rochester Hills has duly advertised and conducted a public hearing on November 14, 2016 for the purpose of receiving public comments regarding the proposed use of Program Year 2017 Community Development Block Grant funds (CDBG) in the approximate amount of \$148,817; and

Whereas, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account Number	Project Name	Amount
731227	Minor Home Repair	\$121,817
732170	Yard Services	\$10,000
730137	Battered & Abused Spouses	\$7,000
730571	Emergency Services	\$10,000
		\$148,817

Resolved, that the City of Rochester Hills CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

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

Attachments: [111416 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[102416 Agenda Summary.pdf](#)
[Dayton Grant Legal Dwg for Proposed Vacation.pdf](#)
[Applic to Vacate Grant.pdf](#)
[Amended Dayton Road Engineers Report.pdf](#)
[Grant Rd Engr Report.pdf](#)
[Dayton Vac Area \(Draft-101116\).pdf](#)
[Grant Vac Area \(Draft-101116\).pdf](#)
[Location Map.pdf](#)
[Staran Letter to MacLeish 100316.pdf](#)
[DeYonker Permission Ltr.pdf](#)
[Seaver Title Ltr 061716.pdf](#)
[DTE Response.pdf](#)
[Comcast Response.pdf](#)
[South Blvd Gardens Plat.pdf](#)
[Grant Road Vacation Map.pdf](#)
[Looking N Preserve along Sanctuary.pdf](#)
[Looking S of Winding Brook along Sanct Blvd.pdf](#)
[End of Ex Grant.pdf](#)
[102416 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that Council approved the setting of the Public Hearing for the vacation of the public portions of Grant Road and Dayton Road north of Grace Avenue at its October 24, 2016 Regular Meeting. He noted that he was in attendance to answer any questions Council or members of the public might have.

President Tisdell Opened the Public Hearing at 7:17 p.m.
Seeing No Public Comment, President Tisdell Closed the Public Hearing at 7:18 p.m.

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

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

Absent 1 - Brown

Enactment No: RES0260-2016

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

portions of existing public right-of-way for Grant and Dayton; The vacated area for Dayton is a rectangular shape dimensioned as 425.14 feet x 30.01 feet x 452.96 feet x 30.04 feet and the vacated area for Grant is a rectangular shape dimensioned as 347.50 feet x 60.02 feet x 349.13 feet x 60 feet. Both of these areas are depicted by drawing file "Dayton Grant Legal Dwg for Proposed Vacation.pdf".

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

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

Now, Therefore, Be It Resolved:

1. That the above-described street, alley, public ground, public right-of-way or part thereof shall be vacated, discontinued or abolished.
2. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.
3. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.
4. That there is hereby reserved a non-exclusive 30-foot wide easement along the entire length of the proposed Dayton right-of-way for utility purposes as requested by DTE Energy and Comcast Cable

PUBLIC COMMENT for Items not on the Agenda

Scot Beaton, 655 Bolinger, expressed his appreciation to the members of the DPS Department for their work this summer in rebuilding the streets in his subdivision. He commented that the City has the best DPS Department, the best Fire Department, and best Sheriff's Department in the area.

CONSENT AGENDA

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

- 2016-0135** Request to rescind Resolution RES0241-2016 passed on October 24, 2016 to Vacate the public portion of S. Castell Avenue south of Helmand Road and replace it with a revised Resolution

Attachments: [111416 Agenda Summary.pdf](#)
[102416 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[101016 Agenda Summary.pdf](#)
[050216 Agenda Summary.pdf](#)
[Ltr to Property Owners 041316.pdf](#)
[Public Hearing Notice 050216.pdf](#)
[041116 Agenda Summary.pdf](#)
[Location Map 032916.pdf](#)
[Applic for Vacation of ROW 012215.pdf](#)
[Google Map View of S. Castell S. of Helmand.pdf](#)
[Miller Auth Letter 101615.pdf](#)
[Snow Auth Letter 101615.pdf](#)
[041116 Resolution.pdf](#)
[050216 Resolution \(Draft\).pdf](#)
[101016 Resolution.pdf](#)
[102416 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0261-2016

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

the public portion of S. Castell Avenue south of Helmand Road

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

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

Be It Resolved, that the Rochester Hills City Council does hereby rescind Resolution RES0241-2016 passed on October 24, 2016 and replaces it with this revised Resolution to Vacate the public portion of S. Castell Avenue south of Helmand Road.

Be It Further Resolved:

1. That the above-described street, alley, public ground or part thereof shall be vacated, discontinued or abolished.
2. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.
3. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

2016-0442 Request for Approval of a Fireworks Display Permit for Light the Village, November 18, 2016; Wolverine Fireworks Display, Inc., Applicant

Attachments: [111416 Agenda Summary.pdf](#)
[Aerial Photo.pdf](#)
[Fire Department Memo.pdf](#)
[Application and MSDS Forms.pdf](#)
[Fireworks Plan.pdf](#)
[List of Fireworks.pdf](#)
[Insurance 2016.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0262-2016

Whereas, Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan, is providing the fireworks display for The Village of Rochester Hills, Rochester Hills, Michigan; and

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

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

Resolved, that the Rochester Hills City Council does hereby approve a permit for Wolverine Fireworks Display, Inc. to provide a fireworks display for The Village of Rochester Hills on Friday, November 18, 2016, subject to the following conditions:

1. The display shall be in conformance with the 2014 Edition of NFPA 1123, and the 2006 International Fire Code.
2. During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing.
3. No smoking shall be allowed in the discharge area where fireworks or other pyrotechnic materials are present.
4. No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or drugs that could adversely affect judgment, movement, or stability.
5. Subject to onsite inspection the night of the display.

2016-0440 Request for Purchase Authorization - MIS: Project Budget for purchase of equipment, supplies and software in the amount not-to-exceed \$66,200.00 through December 31, 2017; State Contracts, National Cooperative Contracts and Other Supply Sources

Attachments: [111416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0263-2016

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for the purchase of equipment, supplies and software utilizing State Contracts, National Cooperative Contracts and Other Supply Sources in the amount not-to-exceed \$66,200.00 through December 31, 2018.

Passed the Consent Agenda

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

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

Absent 1 - Brown

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett reported that a boil water advisory, which had been put into place on Sunday following a break of an 84-inch watermain in Troy, was lifted this afternoon. He stated that it had been a challenge to get the information out to the residents, and he noted that the City has exceptional DPS and MIS teams that assisted in spreading the word.

He thanked Clerk Barton and the election workers for their efforts in conducting the Presidential Election last week. He commented that over 250 election workers were needed, and a little over 76 percent of the City's voters participated. He expressed his appreciation to the residents who participated, and those who chose to run for various offices.

He noted that following:

- The City held a Veteran's Day Ceremony last Friday, November 11, 2016, at Veteran's Memorial Pointe.
- November is the highest month for car-deer accidents and Rochester Hills is one of the top communities for encountering a deer. Caution is needed driving between the hours of 5:00 and 7:00, both morning and evening. No hunting is allowed within the City limits.
- The Paint the Plow program is in its fourth year. Each school has the opportunity to paint the plow mechanism of a plow truck that generally works in the area they represent. The program also affords the opportunity for a peek into the life of a DPS employee.
- The premiere event for the PBS movie, On Van Hoosen Farm, will be held at the Emagine Theater on Wednesday, November 16, 2016. A second theater was booked after the first was sold out. The documentary tells the stories of the families that founded the community, and highlights the role the women played in leadership.
- Light the Village is set for Friday, November 18, 2016. Events begin at 6:00 p.m. Last year over 4,000 were in attendance.
- New lighting is in place in the Auditorium which should improve lighting for Council cable broadcasts.

President Tisdell noted that the City has averaged approximately 150 deer-vehicle collisions each year, and he commented that State Farm Insurance cites

statistics that the average expense of a deer-vehicle collision is \$4,200. He commented that this represents \$650,000 in damage to vehicles in Rochester Hills each year. He stated that this is a recognized problem that the City is trying to improve upon.

He noted that Council Member Brown was unable to attend, and had asked him to read Mr. Brown's email complimenting City Clerk Tina Barton, Deputy Clerk Leanne Scott, and the Clerk's Department for another well-run election.

Dr. Bowyer congratulated Mr. Nunez of Design Team+ for developing a plan for Riverbend Park which integrates nature and design. She thanked City Clerk Barton for running a successful election. She commented that she is looking forward to attending Wednesday night's premiere at the Emagine Theater.

M. Hetrick stated that he will be attending the premiere as well. He commented that viewing the rare Supermoon was a great way to start his day.

Mr. Kubicina noted that November 10th was the 241st birthday of the United States Marine Corps. He stated that Rochester Hills is the home to Technical Sergeant Al Murphy, a decorated Veteran who received the Distinguished Flying Cross in World War II. Mr. Murphy is 94 years old and lives at American House.

Tina Barton, City Clerk, expressed her appreciation to Deputy Clerk Leanne Scott. She noted that over 13,000 absentee voters cast their ballots, and commented that after the first bulk mailing of absentee ballots, the Clerk's staff processed nearly 1,000 absentee ballots per week. She stated that nearly 300 election workers helped, with the vast majority being Rochester Hills residents. She mentioned two Precinct Chairpersons who were in attendance this evening, Lorraine McGoldrick and Dr. Lisa Winarski. She stated that Oakland Community College, Rochester High School and Auburn Hills Christian School students helped, along with nearly every City department. She commented that it is a team effort, with a three-month process and many long nights. She pointed out that the City's first precinct results were modemed into Oakland County at 8:06 p.m.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

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

Attachments: [111416 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[102416 Agenda Summary.pdf](#)
[Nomination Form - Naming Committee.pdf](#)
[Naming of City Parks, Bldgs & Facilities Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell noted that a vote would be taken between nominees Mr. Hetrick and Kubicina for the appointment of a Council Member to the Naming Committee.

Mr. Hetrick stated that as there were six Council members in attendance this evening likely resulting in another tie vote, he wished to concede his nomination to the Naming Committee and would cast his ballot for Mr. Kubicina.

Vice President Morita thanked Mr. Hetrick, noting that it was very gracious for him to yield his nomination to Mr. Kubicina.

Mr. Kubicina expressed his appreciation for the appointment, stating that he is looking forward to serving on the Naming Committee.

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

Aye 5 - Bowyer, Hetrick, Morita, Tisdell and Wiggins

Nay 1 - Kubicina

Absent 1 - Brown

Enactment No: RES0264-2016

Resolved, that the Rochester Hills City Council hereby appoints Jim Kubicina to serve on the Naming Committee for a term to expire December 3, 2017.

2016-0443 Confirmation of the Mayor's Appointment of Kristin Bull, Luke Fleer, Michele Gage and Darlene Janulis to the Naming Committee, each for a one-year term to expire December 31, 2017

Attachments: [111416 Agenda Summary.pdf](#)
[Naming Policy.pdf](#)
[Bull CQ.pdf](#)
[Fleer CQ.pdf](#)
[Gage CQ.pdf](#)
[Janulis CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

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

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

Absent 1 - Brown

Enactment No: RES0265-2016

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's Appointment of Kristin Bull, Luke Fleer, Michele Gage and Darlene Janulis to the Naming Committee, each for a one-year term to expire December 31, 2017.

2016-0444 Confirmation of the Mayor's Reappointment of Del Stanley, and the Appointment of Werner Richard Braun III, and James Nachtman to the Brownfield Redevelopment Authority, each for a three-year term to expire

2019

Attachments: [111416 Agenda Summary.pdf](#)
[Braun CQ.pdf](#)
[Nachtman CQ.pdf](#)
[Stanley CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

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

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

Absent 1 - Brown

Enactment No: RES0266-2016

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's Reappointment of Del Stanley, and the Appointment of Werner Richard Braun III, and James Nachtman to the Brownfield Redevelopment Authority, each for a three-year term to expire November 13, 2019

NEW BUSINESS

2015-0085 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Langeron Charities, Inc.

Attachments: [111416 Agenda Summary.pdf](#)
[Cover Ltr - Explanation of Gaming Activity 040915.pdf](#)
[Bylaws.pdf](#)
[Articles of Incorp.pdf](#)
[Amend to Articles of Incorp filed 090314.pdf](#)
[Explanation of Amendment to Articles.pdf](#)
[IRS form.pdf](#)
[IRS Verification of Status.pdf](#)
[Revenue and Expense 0815 to 0816.pdf](#)
[List of Charity Directors.pdf](#)
[Annual Report filed 092315.pdf](#)
[Written Summaries of Org Nature and Purpose.pdf](#)
[Board Mtg Min-Resolution 041015.pdf](#)
[Board Minutes 2009.pdf](#)
[Solicitation Registration Forms.pdf](#)
[Donation Letters-Recommendation Letters \(stitched together\).pdf](#)
[CC Minutes 072015.pdf](#)
[Charitable Gaming License Policy 062011.pdf](#)
[072015 Agenda Summary.pdf](#)
[072015 Cover Letter.pdf](#)
[072015 Bylaws.pdf](#)
[072015 Articles of Incorporation.pdf](#)
[072015 IRS Determination Letter.pdf](#)
[072015 Revenue and Expense Statement.pdf](#)
[072015 Board of Directors.pdf](#)
[072015 Initial Solicitation Registration Form.pdf](#)
[072015 Organization Summary.pdf](#)
[072015 Board Resolution.pdf](#)
[072015 Letters Regarding Langeron Charities.pdf](#)
[072015 - CC Mtg Min 022315.pdf](#)
[072015 Articles of Incorporation obtained from State website on 062415.pdf](#)

[072015 Resolution \(Draft\).pdf](#)
[022315 Agenda Summary.pdf](#)
[022315 Cover Letter.pdf](#)
[022315 Bylaws.pdf](#)
[022315 Articles of Incorporation.pdf](#)
[022315 IRS Determination Letter.pdf](#)
[022315 Revenue and Expense Statement.pdf](#)
[022315 Board of Directors.pdf](#)
[022315 Initial Solicitation Registration Form.pdf](#)
[022315 Organizational Minutes 050109.pdf](#)
[022315 Organization Summary.pdf](#)
[022315 Board Resolution.pdf](#)
[022315 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Marc Mattoni, Attorney, was in attendance representing **Rudy Krichmar**, of Langeron Charities. He commented that Mr. Krichmar has been before Council on two prior occasions with a request for Langeron Charities to receive a nonprofit designation from the City for the purpose of obtaining a charitable gaming license. He noted that the Michigan Gaming Control Board requires a resolution from the City indicating that the charitable organization is a recognized nonprofit within the community. He stated that he had the opportunity to review the letter drafted by City Attorney John Staran that indicated that certain information was missing

from Langeron's application; and he noted that it is now his understanding from speaking with Mr. Krichmar that the missing information has been submitted and the application is complete. He requested Council proceed with a decision on the application.

President Tisdell noted that this is the third time that the organization has been before Council; with the first two times the application package was not complete. He pointed out that another important part of the process is an affirmation from City Council following Council's Charitable Gaming License Policy which states that the City shall consider the viability of the organization, scope, level of activity or involvement, events, and recognition in the community. He stated that the evidence presented include three donations of unidentified clothing items and a notation of a \$5,000 cash contribution made to another organization. He commented that he does not see that the organization has gained identity or recognition within the community. He stated that he has been involved in charitable fund raising with one organization for over 22 years, and he noted that there is much more that the organization could be doing. He stated that his recommendation would be to deny the affirmation.

Mr. Mattoni stated that the donations of clothing and items are to God's Helping Hands, a charity on Avon Industrial Drive in Rochester Hills, and to Rochester Area Neighborhood House in Rochester. He commented that the application indicates that Mr. Krichmar intends to expand his activities, and if Council approves the application they expect to raise significant funds for charitable purposes through charitable gaming. He pointed out that Mr. Krichmar is an immigrant and asked him to accompany him today as he has some difficulty communicating in English. He stated that he only recently became Mr. Krichmar's attorney; however, he has known him as a honorable and reputable person. He commented that there is every intent to make the organization a successful, viable charity.

President Tisdell stated that he would encourage the development of a valuable and charitable asset. He noted that Council's duty is to confirm the organization at this date, and he stated that he cannot do that.

Mr. Mattoni questioned whether Council would consider adjourning the matter.

President Tisdell responded that should Council not grant the affirmation, it does not preclude the organization from reapplying. He stated that Council will proceed with the item.

Council Discussion:

Dr. Bowyer stated that she has been involved with much fund raising, and she noted that much can be done without utilizing a casino. She questioned what charity funds raised would be going to.

Mr. Mattoni responded that charitable gaming affords the opportunity to raise funds for a charity within a confined environment. He stated that the volume of funds raised in the gaming environment is significant. He pointed out that under the State's rules, a charity can only have a gaming activity for four days each

year, and each particular charity is limited in terms of the number of games or activities it can be involved with.

Vice President Morita stated that she has also been involved in many fund raising activities, including securing charitable gaming licenses. She commented that the organizations she has been involved with were able to state exactly how the money would be used in the community, and she noted that none of this information is available from Mr. Mattoni's client. She pointed out that even though she previously expressed concerns regarding the organization's Articles of Incorporation, these have not been addressed. She stated that she cannot support the designation.

After the motion to deny the request was passed, **President Tisdell** commented that while it is noble of Mr. Mattoni's client to want to contribute to the community, he would encourage him to go out and demonstrate charitable activities. He stated that the denial will not preclude the charity from coming back at a later date.

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

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

Absent 1 - Brown

Enactment No: RES0267-2016

Resolved, that the request from the Langeron Charities, Inc., located at 2781 Dearborn, Rochester Hills, MI 48309, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be denied.

2016-0466 Request for Acceptance of the proposed Road Right-of-Way Conveyance, Realignment and Construction Agreement for Eddington Road

Attachments: [111416 Agenda Summary.pdf](#)
[Concept Realignment.pdf](#)
[Road Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Mr. Wiggins stated that Dr. Lisa Winarski would be speaking on behalf of the Eddington Property Owners Association (EPOA).

Allan Schneck, Director of DPS/Engineering, stated that the Council's acceptance of the proposed agreement would facilitate the realignment of Eddington with Drexelgate, and allow for the installation of a traffic signal. He commented that the realignment has been under consideration for many years, and traffic studies have concluded that if the alignment was constructed a traffic signal would be warranted. He pointed out that Rochester Road, M-150, is under the jurisdiction of the Michigan Department of Transportation (MDOT). He stated that the proposed realignment has been discussed with MDOT, and based on MDOT's correspondence to the City in August and September of 2014, the traffic signal was conditionally approved at a realigned Eddington Boulevard.

President Tisdell noted that Dr. Winarski could request in advance more than the allowed three minute public comment timeframe to present on behalf of the EPOA. He stated that he would allow up to ten minutes for the EPOA's comments.

Dr. Lisa Winarski, 194 Bedlington, on behalf of the EPOA, noted the following:

- This development has been in front of Council more than any other over the last 20 years. Concept plans presented have been all over the board; however, in the end the property owner has always failed to find a buyer.
- The City rezoned the property instead of insisting on a Planned Unit Development (PUD) that the City would have more control over. While desiring a cohesive design, the developer has gone to "Plan B" to sell off parcels. It was initially understood that the realignment was explored because the owner said he would pay for it.
- Current conditions on Rochester Road in this section have no warrant for a traffic signal.
- MDOT has a boulevard for this area in its Capital Improvement Plan for 2020 or 2021.
- The possibility of future development and safety concerns is not enough to warrant a realignment of Eddington. This was all created by poor planning on the City's part.
- The \$1.7 million project will be undertaken at the cost of the taxpayers. The developer will only be contributing \$175,000. If there is a high probability that Rochester Road will become a boulevard, the City should not undertake this.
- No realignment should be undertaken without a true viable site plan.
- The creation of two T-style roads in Eddington Farms slows response time and presents safety concerns. Connective roads from the new development will not be acceptable.
- The agreement does not take the EPOA into account.
- The agreement states that the old Eddington Road will be used as a parking lot.
- The Mayor should veto the agreement, should Council pass this item.
- The City Attorney should recuse himself as he once represented the developer.

Lorraine McGoldrick, 709 Essex, stated that this is not the way development should occur in the City. She commented that almost \$3 million will go into improving private property.

Stevie Morris, 1276 Pembroke Drive, noted wording in the proposed agreement referencing an adoption date of November 14, 2016, and questioned whether this was already a done deal. She stated that while \$175,000 will be contributed by G&V, and \$125,000 contributed from excess funds unused for the Tienken Road Rehabilitation Project, the taxpayers will pay the rest. She commented that these funds should go toward fixing existing roads. She questioned whether the subdivision would be given any identity, and stated that the only purpose was to make the G&V property more marketable.

Teresa Storinsky, 153 Grosvenor Drive, noted that a four-lane boulevard is the preferred fix for the corridor. She stated that a realigned roadway would not reduce accidents, and would only benefit the developer.

Scott Armstrong, 625 Lexington, questioned whether there would be a guarantee that the light would be installed if the road were realigned. He stated that the change should not be made now.

Scot Beaton, 655 Bolinger, commented that Rochester Road should be rebuilt as a commercial boulevard and the intersections left as-is. He questioned why the Planning Commission is not reviewing this agreement first, if the Fire Department had done any studies, and if Drexelgate and Eddington would still be boulevards at the intersection. He noted that the FB Overlay continues to put perimeter streets into backyards, and pointed out that the street proposed to the far east of the property abuts to a 30 foot right-of-way. He questioned who would maintain the buffer zone.

President Tisdell noted that the project had a PUD that had expired, and that the property owner did not choose to have it extended.

John Staran, City Attorney, confirmed that the PUD expired as the developer did not follow through with its obligations and rights in a timely manner, and indicated to the City in writing that he had no intention of doing so. Council terminated the PUD and sent the matter back to the Planning Commission for study and to make a recommendation to Council as to what should be done with the zoning. He explained that the current zoning of FB-2 is the result of that study and recommendation.

President Tisdell stated that status-quo is not an option, and the property will eventually be sold. He commented that one of the advantages and requirements of FB-2 is that it requires cohesive construction and connectivity. He pointed out that the proposed agreement would eliminate any risk of curb cuts.

Sara Roediger, Manager of Planning, stated that there is no site plan on the table for consideration. She explained that the property has two zoning designations: R-4, and an FB-2 overlay, which is an option to create more flexibility in uses in exchange for a more cohesive development, promoting a walkable main street instead of a typical suburban strip shopping center. She stated that R-4 would allow single family and other uses such as schools, daycares and places of worship, with a setback of 35 feet. Under the FB overlay, any building has to be set back 50 feet from the property line, and any road must be 10 feet from the property line. She pointed out that the Zoning Ordinance does not require a landscape buffer for R-4; FB-2 is a business use. She noted that with the proposed agreement, the property owner has offered to provide a 30-foot landscape buffer, and is committing to designing secondary access near the 30-foot open space to create additional space. She commented that this is more than double what the City could require for FB-2 and pushes any building closer to Rochester Road and away from the residential neighborhood.

President Tisdell pointed out that without the development agreement, the houses along Farnborough, with their 30 foot backyards, could have commercial development within 40 feet of their homes.

Ms. Roediger commented that without the agreement, the City cannot prevent anything 10 feet from the property line.

President Tisdell stated that the FB overlay requires a standardized exterior and will allow for consistency of any exterior appearance. He questioned whether the City has signed off on Rochester Road becoming a boulevard.

Mr. Schneck responded that the City has not signed anything regarding a boulevard. He explained that MDOT will typically review corridors during scoping studies, to look at the corridor and see how it functions and how it could be incorporated into a future project. He stated that during a conversation with MDOT this afternoon, the question was asked regarding a 2020 project making Rochester Road a boulevard. Their response was that there is no funding obligated or available. He pointed out that MDOT is directing all of their funding to I-75 and I-94 projects for the foreseeable future.

President Tisdell noted that projects for I-75 and I-94 will be ongoing for the next 16 years. He commented that should MDOT want to divert any of those dollars for other projects, it would be walking away from \$4 in matching funds per \$1 spent.

Mr. Schneck concurred, noting that Federal funding is typically 80 percent of a project. He reiterated that MDOT conveyed their construction plans for the next 16 years would be I-75 and I-94.

President Tisdell commented that the City does not know what will go in the development, and he stated that this is part of the beauty of FB-2. He noted that the design will be consistent. He stated that the proper order is to start with a traffic signal, and he pointed out that it eliminates curb cuts and preserves the 30 foot landscape buffer, which were desired items in the survey of residents that the City undertook. He questioned whether the Fire Department was consulted regarding a T-road.

Mr. Schneck responded that many roads are T-intersections and are perpendicular to each other.

President Tisdell requested the Mayor address Eddington's identity.

Mayor Barnett commented that the reason that the City negotiated a contribution of \$175,000 from the developer is to protect the identity of Eddington Farms. He stated that the City wants to see Eddington Farms' sign kept.

Mr. Staran responded to public comment regarding his alleged involvement with the developer, and noted that while he has certainly had encounters with G&V, and individuals Mr. Gilbert and Mr. Vennettilli over the years, he has never represented them, neither as individuals, nor any of their relatives or their business entities.

Mayor Barnett stated that this has been a continuing issue during his entire ten years as Mayor and six years on Council before that. He commented that there has been an incredible amount of misinformation on this issue and stated that Ms. Winarski's closing argument for the EPOA is based on something that is completely not factual, along with Facebook messages regarding a boulevard which is not going to happen. He noted that the vacant property is changing, and he pointed out that the 100-unit Stonecrest development is progressing, along with apartments to the north side of the property. He commented that to simply hope that the developer will fumble is not good planning for the City nor its residents. He stated that it is inherently challenging to leave Eddington and turn south.

He noted that this property has had the most residential engagement of all developments in the City. He stated that individual committees reviewed the options and a survey was sent to 450 homeowners, which was used as a boilerplate for discussion. He pointed out that three items were noted in the survey, including the traffic light, cohesive development, and a buffer in the back to add distance between the development and homes. He stressed that this agreement focuses on these three items, yields minimum curb cuts, and increases the development's buffer from a minimum of 10 feet to almost 100 feet total. He noted that there would be more difficulty to exit Eddington with an additional four or five curb cuts to the north and to the south. He stated that not only would he not veto the agreement, he strongly supports it.

President Tisdell requested comments made regarding the investment of \$3 million in to private property be addressed, along with the dates cited in the proposed agreement.

Mr. Staran responded that the Mayor addressed that comment, and he noted that technically no money is being invested in private property. He explained that the City is investing in public infrastructure that is designed to not impede access or promote private development, but is to actually make traffic safety paramount and improve efficiency and convenience of access of the subdivision to Rochester Road. He noted that the agreement was drafted with the expectation that it would be on tonight's agenda; and once the agenda scheduling is set, as many blanks as possible in the agreement are filled in.

Mr. Schneck noted that an independent comprehensive traffic study was undertaken along this section, which stated that the optimal location for a traffic signal is at the realigned Eddington at Drexelgate. He pointed out that the Traffic Improvement Association, another independent entity, reviewed the signal study and confirmed MDOT's findings in an April letter to the City. He explained that there are operational concerns regarding consideration of a signal at Meadowfield and Yorktowne, as it is only one-quarter mile from Avon.

President Tisdell stated that while the City spent funding to realign Yorktowne with Meadowfield, a requirement for a signal was that the Chrysler dealership had to close its southernmost curb cuts and direct traffic onto Yorktowne, and a price could not be negotiated for that. He pointed out that there was also a conflict with the commercial development across the street. He stated that the

current land owner is donating the right-of-way and agreeing to the 30 foot landscaped berm and north-south connection road. He noted that if the City had to condemn the property, it would be in excess of \$3 million. With regard to comments made asking for Planning Commission input, he stated that the Planning Commission already had its input on this item. He questioned who would be responsible for maintaining the right-of-way.

Mr. Schneck responded that the City maintains public right-of-ways.

Mr. Hetrick questioned whether the only location that a traffic light would be permitted would be at a realigned Drexelgate and Eddington.

Mr. Schneck confirmed that was correct, and stated that MDOT will not allow a signal at M-150 and Yorktowne/Meadowfield.

Mr. Hetrick questioned whether there would be a need for the EPOA to maintain the right-of-way.

Mr. Schneck responded that there have been times that a homeowners association has approached the City and desired a higher level of maintenance; however, the City would not be approaching the association for maintenance.

Mr. Hetrick commented that it is really about safety, and he stated that it is City Council's job to provide for the safety of the residents that travel Rochester Road every day.

Mr. Staran noted that the correspondence from MDOT's Director at the time which stated that the only location that a traffic light would be allowed is at a realigned Eddington is the clearest and firmest directive that one will ever see from a State official. Last Monday, it was once again confirmed in writing from MDOT that this is the only location between Hamlin and Avon Roads that a light would be allowed. He mentioned that a few individuals commented regarding setbacks, and he stated that if the agreement is approved, the setback would be 100 feet. He pointed out that a 30 foot open space buffer was a key matter and the City wanted to ensure that the berm that is currently there would remain. He commented that there is nothing that currently requires the berm to stay there, and noted that the developer could remove it tomorrow. He stated that this is an opportunity on the City's part to enhance and supplement the open space buffer. He pointed out that this is the creation of what he would refer to as a linear park, that will be City-owned and available for the City to maintain. He suggested that the City could use some of its tree funds to enhance the buffer.

Mr. Wiggins stated that if the City does nothing and the development goes in, there would be development on either side of Eddington Boulevard and Farnborough residents could have a wall 10 feet from their property lines. He commented that there must be a way to compromise. He noted that while he might have been able to agree with the residents a few years ago, now there is development taking place.

President Tisdell expressed his appreciation to Mr. Wiggins for his work on this issue.

Vice President Morita questioned a statement during public comment that the existing Eddington would be used as a private parking lot, and whether that was in compliance with the City's Ordinances.

Ms. Roediger responded that part of the existing Eddington Boulevard will be closed, with the western portion converted to a grass area. She explained that as part of the FB Overlay District, street parking is required. She stated that it is not intended to be a parking lot; however, street parking would be allowed. She noted that this is in compliance with the City's Ordinances.

Vice President Morita questioned whether the other portion of Eddington would still be public right-of-way and not given to the developer.

Ms. Roediger confirmed that was correct.

Vice President Morita stated that while she understands the mistrust of this particular developer, the City would be taking the deed to the roadway and the City will own it. She commented that the City can undertake the realignment on its own timeline without regard to the developer's plans. She stated that the public right-of-way of the existing Eddington will remain and will not be given to the developer. She commented that while she was opposed to prior plans, she finds this one acceptable. She noted that while the realignment will cost the City, that light is worth more to the residents and their families. She stated that new drivers will be able to go to a light to turn left, and from a mother's perspective, this is priceless. She commented that it is hoped that this particular agreement will bring the frustration to an end.

President Tisdell noted that Vice President Morita's expertise is in public right-of-ways.

Dr. Bowyer stated that development is coming in this area. She commented that her mother has a home at Drexelgate and Meadowfield. She cited accident statistics along Rochester Road in that area, noting that in the last five years, there were 47 accidents, with 15 having severity of injuries. Fourteen of those 47 accidents were head-on or angled head-on. She stated that the Eddington homeowners will have a 100 foot buffer. She commented that everything she has learned about the possibility of a boulevard on Rochester Road is that it might be 20 years away; and she stated that in the meantime there will be more traffic. She noted that she did not believe that there would be a better plan available, and she commented that it is difficult for her not to support the agreement.

Mr. Kubicina stated that he has personally had difficulty exiting Yorktowne. He stated that he appreciates Mr. Hetrick's commentary as he speaks from experience knowing how dangerous Rochester Road can be.

Mr. Hetrick expressed his appreciation to the residents who attended and commented today. He stated that even though they might believe that this is not going their way, their thoughts and input were taken into consideration in the

process that led to this agreement. He noted that Council must act in the best interests of the safety of all of the residents of Rochester Hills.

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

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

Absent 1 - Brown

Enactment No: RES0268-2016

Resolved, that the Rochester Hills City Council hereby approves the proposed Road Right-of-Way Conveyance, Realignment and Construction Agreement for Eddington Road, and further authorizes the Mayor and City Clerk to execute, deliver, and record the Agreement.

Be It Further Resolved, that the Rochester Hills City Council hereby further authorizes the City Administration to undertake all reasonable, necessary and appropriate steps to implement and carry out the Agreement, with the understanding that Council must approve any construction contract(s).

2016-0448 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for approval of a project budget for the Design Engineering Services for Eddington Blvd-Drexelgate Road Realignment Project in the amount not-to-exceed \$125,000.00; Vendor TBD

Attachments: [111416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)
[Resolution \(Draft-Revised\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that based on the previous item's approval this evening, Council is requested to approve a project budget for design services as well as preparation of plans and specifications for a traffic signal at a realigned Eddington and Drexelgate. He commented that the Administration did not think it would be prudent to have one of the City's five retained firms provide a scope of work without knowing that the agreement was in place.

Public Comment:

Teresa Storinsky, 153 Grosvenor, stated that she cannot turn left out of the entrance to Yorktowne, and with all the new development it has become impossible. She commented that her 17-year-old son almost got hit head on, and noted that the area is gridlock. She mentioned that the majority of their residents leave their subdivision via Avon Road. She stated that there is no excuse to put Drexelgate before Yorktowne and asked Council to help make their subdivision of 128 homes safe.

Tom Major, 1545 Colony, stated that Drexelgate will receive more traffic. He commented that since he bought his home in 1990 traffic on that roadway has doubled if not tripled. He pointed out that there are no sidewalks on Drexelgate, and the area is a walkway for children to get to school. He asked Council to help increase safety on Drexelgate.

Nancy Major, 1545 Colony, expressed concern for the safety of those on Drexelgate. She commented that there are no traffic calming devices or speed signs, and she had heard that speed humps were not permissible. She questioned whether a traffic study could be undertaken as to how traffic would be after the signal is installed.

Lorraine McGoldrick, 709 Essex, stated that she has done more work on this issue than anyone. She commented that the Michigan Department of Transportation (MDOT) will work with the City, and questioned what will happen to the agreement if the property sells. She stated that Mr. Staran was at the dais at a 1980 meeting representing the developer.

Mr. Staran interjected that this was not possible, as he was still in school in 1980.

Scot Beaton, 655 Bolinger, stated that this has been an emotional issue for the past 25 years. He questioned whether Drexelgate will still be a boulevard after the realignment. He commented that the residents will have trucks traveling a road in their backyards.

Dr. Lisa Winarski, 194 Bedlington, noted that there was no language in the agreement Council accepted to ensure maintaining Eddington's sign or identity. She questioned why no one from their subdivision was asked to participate in any negotiations or meetings; and why after 20 years, there was an urgency to act now.

President Tisdell commented that the City made an attempt to request a light at Yorktowne and Meadowfield back in 2003 and 2004. Since that time, MDOT has refused that request. He questioned whether a signal placed one-quarter mile south of Yorktowne and Meadowfield will create natural gaps in traffic that will improve their situation.

Mr. Schneck responded that the number and spacing of traffic signals will have an impact on traffic. He commented that installing a signal at Yorktowne will add to the congestion. He explained that the goal is to efficiently, effectively and safely move vehicles through the corridor, and a light at Drexelgate/Eddington will provide gaps either upstream or downstream allowing for safer ingress into Rochester Road.

President Tisdell questioned whether traffic calming devices could be explored on Drexelgate.

Mayor Barnett stated that Drexelgate is a collector street, and he suggested that it would be best to look at the traffic pattern once the light is in. He commented that he has not heard that speed humps are not permissible on Drexelgate. He noted that care should be exercised before undertaking a speed study, as it might find that speeds are not 25 miles per hour on that road. He stated that the Administration understands that this road will need attention. He pointed out that the square mile encompassing the area is the most dense in the city. He noted that the survey of residents yielded 97 responses of what was important to the residents, with a berm ranked third in priority. He stated that the traffic signal is going nowhere else on Rochester Road.

President Tisdel questioned whether Drexelgate and Eddington will remain boulevards.

Sara Roediger, Manager of Planning, stated that the road was laid out in accordance to the requirements of the City's Traffic Engineer.

Mr. Schneck commented that initially no boulevard is proposed, as the intent in placing a signal is to line left turns up at the intersection. He stated that some work will be required on the Drexelgate portion of the intersection to ensure that the new Eddington will line up.

President Tisdel requested Mr. Staran address questions regarding Eddington's identity within the agreement.

Mr. Staran stated that the agreement approved is with the developer who has nothing to do with maintaining or not maintaining whatever amenities or infrastructure are in the existing Eddington right-of-way. He commented that this is entirely the City's concern and control and there is no reason to address the matter in that agreement with the developer.

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

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

Absent 1 - Brown

Enactment No: RES0269-2016

Resolved, that the Rochester Hills City Council hereby approves a project budget for a design engineering services contract for the proposed Eddington-Drexelgate Road Realignment project in a not-to-exceed amount of \$125,000.000 and further authorizes the Mayor to execute an agreement on behalf of the City with the City's selected professional engineering firm.

Be It Further Resolved, that this purchase authorization is contingent and conditioned on the City reaching and entering into a written agreement with the land owner, G&V Investments, concerning right-of-way conveyance, realignment and construction of Eddington Boulevard and associated work, and installation of a traffic control signal at realigned Eddington Blvd at Drexelgate.

2015-0417 Request for Adoption of the Subdivision Street Lighting Policy

Attachments: [111416 Agenda Summary.pdf](#)
[Staran Letter 101016.pdf](#)
[Final \(Draft\) Subdivision Street Lighting Policy.pdf](#)
[102615 Agenda Summary.pdf](#)
[Draft Subdivision Street Lighting Policy 102615.pdf](#)
[102615 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, stated that approval of the proposed Subdivision Street Lighting Policy was recommended for adoption by the Public Safety and Infrastructure Technical Review Committee (PSITRC). He noted that the policy addresses the process of how payment for street lighting is handled between the City, DTE Energy, and various homeowners associations. He explained that DTE will not contract with individual associations. The contract is with the City, who then bills and collects from the associations. He noted that presently, 48 out of 50 associations receive direct invoices on a quarterly basis, including an administrative charge applied by the City. The associations send in payment, and are responsible for collecting the amounts from their individual homeowners. Two associations have a lighting assessment for each subdivision property owner, with the City adding an assessment on each owner's winter tax bill.

He stated that the proposed policy will direct that all future agreements will fall under a street lighting assessment, and existing agreements will have the option to opt-in to an assessment method. He commented that should Council approve the policy, he would prepare a one-page summary to send to all homeowners associations, and he would attend the homeowners association forum hosted by the City to explain the new policy. He stated that the assessment process has many benefits over invoicing, as there would be no need for associations to collect payment from their individual owners and no administrative fee would be assessed. He pointed out that there would be a slightly lower cost for all residents who live within the association.

He mentioned that the City would benefit by reduced staff time, as there would be no need to generate a quarterly invoice or account for invoices and payment. He added that the risk of nonpayment is reduced as the fee would be seen as an assessment on a resident's taxes; and, if unpaid, would become a lien on their property. He explained that it is a very defensible assessment and a more secure way for payment to the City. He commented that an average annual amount for the billing would be reviewed, a typical annual increase added, and the amount divided by the number of parcels in the subdivision. He stated that this policy was presented by Keith Sawdon one year ago, and City Attorney John Staran reviewed it and included a memo in this evening's packet.

Public Comment:

Lorraine McGoldrick, 709 Essex, stated that she has been asking for this change for a number of years. She commented that Eddington has 12 lights and has had concerns regarding DTE invoices and unexplained spikes.

Mr. Snyder responded that while there are various surcharges applied, the City typically knows the standard billing amounts within a \$2 to \$3 range. He pointed

out that there is an initial cost for installing the lights, which is borne by the homeowners associations; and he noted that there are charges for removing lights also borne by the associations.

Council Discussion:

Dr. Bowyer commented that she is not certain that she agrees with the policy. She noted that there are 516 homes in her subdivision and four lights; and she stated that two-thirds of the homeowners in her subdivision do not feel that they benefit from the lights. She commented that she does not believe that it is fair to place the charge on their tax bills.

Mr. Snyder stated that everyone in the association would pay the same amount.

John Staran, City Attorney, stated that a Special Assessment District (SAD) would be established, with Council determining whether the SAD would be approved. He noted that there would not be a voluntary opt-out, and should a homeowner disagree, they would have to object when the SAD is being approved. Once established, a homeowner would have to go to the Michigan Tax Tribunal to establish that they are being over assessed.

Dr. Bowyer questioned how an association could opt-out in the future.

Mr. Snyder responded that they could have the lights removed.

Dr. Bowyer questioned whether the City could use the assessment for something else should an association leave the lighting program.

Mr. Staran responded that if there was no lighting, there would be no assessment.

Vice President Morita stated that she had many concerns, and commented that the policy takes a situation that is currently a private matter between residents and their homeowners associations and places more government into the mix. She commented that while she understands that there may be some savings for the associations, she has not heard the savings to the City quantified. She noted that there is a tremendous cost to handling one special assessment appeal. She stated that the decision should remain with the local homeowners associations. She commented that she did not want to see any more recommendations for special assessments come from the PSITRC.

Mr. Hetrick commented that a homeowners association with a current agreement would not be required to agree to an SAD.

Dr. Bowyer stated that she believes that the policy is too much governmental involvement.

President Tisdell questioned whether the City has had a problem collecting from the homeowners associations.

Mr. Snyder responded that there are a handful that the City must reach out to once or twice. He pointed out that it takes an employee two to three days to prepare a set of quarterly invoices, which constitutes a week of an employee's staff time. He noted that Denison Acres' assessment is \$5 per year, and he stated that the likelihood of a lawsuit on \$5 is minimal. He mentioned that Denison Acres and Christian Hills' associations went defunct; therefore, their lighting costs were placed into an SAD.

President Tisdell questioned whether an SAD is an option in the event of a chronic problem.

Mr. Snyder responded that the agreements signed by the associations have an SAD included if payments are not made.

President Tisdell questioned whether there have been any significant objections to the administrative fee that is applied to the billing.

Mr. Snyder responded that he has not heard any complaints. He explained that there are a variety of different administrative fees depending on when the subdivision was constructed.

President Tisdell stated that when the policy came before Council in 2015 for discussion, he had thought the idea was quite laudable. He commented that after the additional information presented and discussion, he does not want to create a solution for a problem that does not exist.

Discussed.

2016-0438 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for wireless cellular services in the amount not-to-exceed \$131,000.00 through June 30, 2019; Verizon Wireless, Basking Ridge, NJ

Attachments: [111416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Vince Foisy, Supervisor of Communication Services, explained that the extension requested for Verizon Wireless is for a three-year period.

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

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

Absent 1 - Brown

Enactment No: RES0270-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Verizon Wireless, Basking Ridge, New Jersey for wireless cellular services in the amount not-to-exceed \$131,000.00 through June 30, 2019.

2013-0078 Request for Purchase Authorization - MIS: Increase to Blanket Purchase Order for the maintenance agreement portion of its multi-function devices and printer management to Applied Imaging, Novi, Michigan in the amount of \$27,500.00 for a new amount of \$117,242.20 for a total not-to-exceed amount of \$227,500.00; PNC Equipment Finance, LLC, Cincinnati, OH; Applied Imaging, Novi, MI

Attachments: [111416 Agenda Summary.pdf](#)
[030413 Agenda Summary.pdf](#)
[Lease Documents.pdf](#)
[031413 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Bob Grace, Director of MIS, stated that Council approved a blanket project budget in 2013 for multi-function devices and printer management. He noted that historical data was used in 2013, and he commented that printing has changed from black and white to much more color. He pointed out that printing in-house is much cheaper than sending the printing out.

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

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

Absent 1 - Brown

Enactment No: RES0271-2016

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for the maintenance agreement portion of its multi-function devices and printer management to Applied Imaging, Novi, Michigan in the amount of \$27,500.00 for a new amount of \$117,242.20 for a total not-to-exceed amount of \$227,500.00.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, December 5, 2016, 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 10:35 p.m.

MARK A. TISDELL, President
Rochester Hills City Council

TINA BARTON, MMC, Clerk
City of Rochester Hills

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

Approved as presented at the December 5, 2016 Regular City Council Meeting.