



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, March 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 5 - Susan M. Bowyer, James Kubicina, Stephanie Morita, Mark A. Tisdell and
Thomas W. Wiggins

Absent 2 - Kevin S. Brown and Dale Hetrick

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Jasneet Aulakh, Rochester Hills Government Youth Council Representative
Bryan Barnett, Mayor
Tina Barton, City Clerk
Alan Buckenmeyer, Parks Operations Manager
Ken Elwert, Director of Parks and Forestry
Ed Leafdale, General Foreman
Sara Roediger, Manager of Planning
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Bob White, Supervisor of Building Services*

PLEDGE OF ALLEGIANCE

Led by Eagle Scout Ryan Chatterjee

APPROVAL OF AGENDA

**A motion was made by Wiggins, seconded by Kubicina, that the Agenda be Approved
as Amended to move Unfinished Business ahead of Planning and Economic
Development. The motion carried by the following vote:**

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

Absent 2 - Brown and Hetrick

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Mr. Tisdell introduced **Jasneet Aulakh**, RHGYC Representative. He noted that she is a Junior at Rochester High School and is currently serving in her third term on the RHGYC. She is involved in cross country and track, as well as school clubs, National Honor Society and Class Congress. Her goal on the RHGYC is to get the RHGYC members and all youth in the community engaged, encouraged and active in being a greater part of city issues.

Ms. Aulakh announced that the RHGYC's Green Team Subcommittee will host a Green Day event on Saturday, April 23, 2016 from 10:00 a.m. to 2:00 p.m. at the Rochester Hills Public Library. Attendees will learn about the environment and better ways to be green. The event is free.

The RHGYC's annual 5K is set for June 11, 2016, with proceeds to go to the Rainbow Connection, a nonprofit that helps children diagnosed with severe illnesses. In particular, the event will raise funds to fund the wish of Sam Kell, a Stoney Creek High School student who has been diagnosed with brain cancer.

Ms. Aulakh noted that the RHGYC has much planned for this spring

RECOGNITIONS

2016-0116 Proclamation in Recognition of the Rochester Church of Christ

Attachments: [031416 Agenda Summary.pdf](#)
[Suppl Proclamation \(Revised\).pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell read a proclamation recognizing the members of the Rochester Church of Christ for their commitment to service and volunteerism. Reverend Brian Bowers, Duane Harrison and Greg Guymer were in attendance.

Reverend Bowers stated that the Rochester Church of Christ has been a part of the community for over five decades. He commented that they are thrilled with the Church's connection with the community and love being a part of Rochester Hills.

Presented.

Whereas, the Rochester Church of Christ has been a pillar in our community for over fifty years and has demonstrated exemplary commitment to service and volunteerism; and

Whereas, in conjunction with their mission to Connect with others, Grow in Christ and Serve the world, the congregation of Rochester Church of Christ created the Project ONE22 day of service to help the local community and those in need; and

Whereas, their work in Rochester Hills includes work at Borden Park and assisting several older residents with much needed work around their homes, including the funding and manpower to complete such tasks; and

Whereas, intentionally performing an act of kindness has the potential to lift spirits and encourage others to do the same; and the members and leadership of Rochester Church of Christ have demonstrated a true passion for bringing kindness and compassion to the Rochester Hills community.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills proudly recognize with gratitude the Rochester Church of Christ. The Rochester Church of Christ volunteers are an asset to our community, and one of the reasons Rochester Hills is the outstanding community it is.

2016-0109 Proclamation in Recognition of Eagle Scout Ryan Chatterjee

Attachments: [031416 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell read the proclamation honoring Eagle Scout **Ryan Chatterjee** for completing his Eagle Scout Project, the construction of a sundial at Veterans Memorial Pointe.

Mr. Chatterjee thanked Mayor Barnett and City Council for their recognition, and expressed his appreciation to Ed Leafdale, Allan Schneck, Jason Boughton and his Scoutmasters.

Presented.

Whereas, young men, who master scouting skills, dedicate their efforts to upholding the Boy Scout Pledge, and serve their community with honor, can attain the rank of Eagle Scout, the highest rank in Scouting; and

Whereas, Ryan Chatterjee is a member of Boy Scout Troop 360 and has been an active member for several years and completed his Eagle Scout Project in the Summer of 2015; and

Whereas, Ryan coordinated the construction of the sundial located at Veterans Memorial Pointe. The project included raising funds to purchase required materials, coordinating volunteers, and building the structure. This sundial adds to the visual aesthetics of Veterans Memorial Pointe and will be enjoyed by visitors for many years to come.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills proudly recognize Eagle Scout, Ryan Chatterjee, and express gratitude for all of his hard work and offer our best wishes for his future success.

PUBLIC HEARINGS

2016-0113 Request for Approval of Grant Application to the State of Michigan Department of Natural Resources (MDNR) Land and Water Conservation Fund and Matching Funds for Riverbend Park Development

Attachments: [031416 Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Director of Parks and Forestry, explained that the adoption of the Parks Master Plan yields opportunity to submit applications for various grant projects. He noted that tonight's request is for Council's approval of the submission of an application to the Michigan Department of Natural Resources (MDNR) Recreation Land and Water Conservation Fund Grant for the purpose of beginning development of Riverbend Park. He stated that funding for the grant originates from the royalties of oil and gas leases on the Outer Continental Shelf, and is coordinated at the Federal level by the National Park Service. He noted that it is a reimbursable grant, with no funding up front. He pointed out that the required project match is 50 percent, and he explained that a 2016 Maximum Grant of \$150,000 is sought, for a \$300,000 project.

He pointed out that the application process has a short timeline, with application materials due by April 1, 2016. The adoption of the Master Plan by March 1, 2016 was met as Council approved it at their February 22, 2016 meeting. He stated that this is a competitive grant utilizing the scoring of multiple criteria. He noted that the MDNR will notify applicants regarding their application status in the Fall of 2016, with construction most likely to occur in late 2017 into 2018 if successful.

Mr. Elwert highlighted the proposed project, which will include a 500 linear foot boardwalk in Riverbend Park, completing a loop. Another major component is a modular restroom, which will be tiled and will incorporate environmental features including solar power with rain collection possibilities. Also included will be a pedestrian entrance to the east side of the park. He added that the boardwalk will be 10 feet in width, over the six feet required, which will make it more user friendly for those with disabilities.

President Tisdell Opened the Public Hearing at 7:19 p.m.
Seeing No Public Comment, President Tisdell Closed the Public Hearing at 7:20 p.m.

Council Discussion:

Dr. Bowyer commented that it is good to know that items which are a part of the concept idea for Riverbend Park are already being undertaken. She questioned whether this encompasses the first phase of development for the park.

Mr. Elwert responded that it is, and noted that the proposed project addresses five of the 13 elements of the first phase.

Mr. Wiggins questioned what the lifespan is of a modular restroom and whether a permanent structure was considered.

Mr. Elwert responded that the lifespan of the structures were approximately the same. He pointed out that as the park moves into other phases of development, it would be possible to move the modular restroom farther into the woods. He

mentioned that a complete trail loop should have supporting restrooms or portable restrooms.

Mr. Kubicina stated that the presentation gives a good feeling going forward for the project. He commented that he likes the idea that it has matching funds. He commented that he hopes that the work Ms. Roediger put into the Parks Master Plan will allow more opportunities such as this to keep coming.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0053-2016

Whereas, the development of Riverbend Park shows the City's continued desire to deliver the finest recreational opportunities to our residents; and

Whereas, the Parks & Forestry Department, based on detail in the Riverbend Park Strategic Framework has calculated the City's cost for this project to be approximately \$150,000 as the required minimum 50% match to the grant; and

Whereas, one of the goals of the City of Rochester Hills Parks and Recreation Master Plan 2016-2020 includes development of high quality parks; and

Whereas, this project has been identified in the City's Capital Improvement Plan (CIP #PK-13); and

Whereas, if awarded the grant, the City would competitively bid and purchase the materials and installation with reimbursement by the Michigan Department of Natural Resources of the grant amount upon completion; and

Whereas, the grant application deadline is April 1, 2016;

Be It Resolved, that Rochester Hills City Council does hereby support the application for a grant to the Michigan Department of Natural Resources Recreation Land and Water Conservation Fund Grant Program for the purpose of beginning the development of Riverbend Park and commits to the minimum required 50% financial match of \$150,000 for this project.

Further Resolved, that the Mayor or his designee is authorized to execute the application on behalf of the City.

UNFINISHED BUSINESS

- 2015-0348** Resolution to Deny the Request for Conditional Use Approval - Auto Rite Sales, a proposed 714 square-foot office and 1,043 square-foot service bay building for a used car operation on .86 acre at 1923 E. Auburn Rd., located west of Dequindre, zoned C-I, Commercial Improvement; Syed Ahmed, Applicant

Attachments: [031416 Agenda Summary.pdf](#)
[Letter Ahmed 030216.pdf](#)
[Draft CC Minutes 022216.pdf](#)
[022216 Agenda Summary.pdf](#)
[Map aerial.pdf](#)
[021916 Stempien Assoc Letter.pdf](#)
[Autorite Planning PC Conditions 021016.pdf](#)
[Traffic Rev 020916.pdf](#)
[Letter Ahmed 020816.pdf](#)
[Site Plan C1.pdf](#)
[Storm Sewer Utility Plan.pdf](#)
[Landscape Plan S1.pdf](#)
[South Elevation.pdf](#)
[East Elevation.pdf](#)
[North Elevation.pdf](#)
[West Elevation.pdf](#)
[Staff Report 011516.pdf](#)
[Staff Report 111715.pdf](#)
[Site Plans 121515.pdf](#)
[Site Plans.pdf](#)
[Minutes PC 011916.pdf](#)
[Minutes PC 111715.pdf](#)
[Public Hearing Notice PC.pdf](#)
[022216 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell stated that the Planning Commission previously made a recommendation to approve the Conditional Land Use subject to multiple findings and conditions. Council considered the Conditional Land Use at the February 22, 2016 meeting, and several concerns were noted. He explained that there is an active motion from that meeting to deny the Conditional Land Use. He commented that he would like to proceed with the motion to deny, suggesting an amendment to include a corrections stipulation that the Applicant return with a site plan that is compliant with the Planning Commission recommendations showing 12 cars for display and two cars in the bays, for a total of 14 automobiles. He noted that the other conditions listed would still apply, including welding the fence to eliminate access to Hessel, and that two or more violations could result in the withdrawal of the Conditional Land Use entirely.

Sara Roediger, Manager of Planning, stated that this evening's meeting packet contained the same information as before along with the addition of findings for denial, and including a letter from the Applicant stating that he will comply with all of the conditions specified by the Planning Commission.

President Tisdell questioned whether the Applicant would confirm that he will comply with all conditions.

Syed Ahmed, Applicant, stated that he would.

Vice President Morita questioned whether President Tisdell was suggesting a motion that the Conditional Land Use be denied this evening, pending the Applicant's resubmission of a site plan in compliance with all of the conditions

discussed on February 22, 2016 and the Planning Commission's recommendations. She stated that she would make that motion.

Mr. Wiggins supported the motion.

President Tisdell noted that future consideration of the Conditional Land Use would include all of the findings and conditions previously discussed, with the original Planning Commission recommendation.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0054-2016

Resolved, that the Rochester Hills City Council hereby denies the Conditional Use Application of AutoRite Sales (City File #15-005.2) to operate a used car sales business at 1923 E. Auburn.

Findings and Reasons for Decision:

1. The City Planning Commission recommended approval of the conditional use application with conditions, but the applicant's presentation and answers to questions at the February 22, 2016 City Council meeting were confusing and inconsistent, leaving the Council uncertain and uneasy about the reliability of the applicant's information, the viability of the applicant's business, and the compatibility and appropriateness of the applicant's proposed, more intensive used car sales business at this location.
2. Moreover, since the Planning Commission meeting, the applicant submitted a letter, dated February 8, appealing 3 out of 5 conditions attached by the Planning Commission to the Commission's recommendation for approval of the conditional use application. Although it is the applicant's prerogative to appeal conditions, the applicant's appeal of 3 out of the 5 conditions the Planning Commission deemed necessary in order to support a recommendation for approval essentially belies, undercuts and renders null the Planning Commission's favorable recommendation.
3. The City originally granted conditional use approval to the applicant in 2013 for a used car lot with 5 cars. The applicant violated that approval limitation by having more than 5 vehicles for sale on the lot and also by storing additional vehicles on the adjoining parcel to the west, which has never been approved for used car lot purposes, precipitating ordinance enforcement activity by the City.
4. The Planning Commission's recommendation with conditions would allow the applicant to increase the number of cars on site for sale from 5 to 12 (plus 2 more in the building bays). Not content with this, the applicant urged City Council to disregard the Planning Commission's 12-car limitation and allow him to display 18 cars for sale on the lot. The applicant's plans presented to City Council depict 18 parking spaces for used cars despite the Planning Commission's 12-car limitation. Moreover, the applicant implied, through inconsistent and confusing testimony and answers, that his business may not succeed without more than 12 vehicles for sale on site.
5. The applicant also asked City Council to disregard the Planning Commission's

condition that 2 or more violations of conditions by the applicant will be cause to revoke the applicant's conditional use approval. The applicant has balked at this condition and his request to Council to eliminate this condition, especially when considered together with the applicant's request to be allowed to sell more than 3 times the number of cars he is currently allowed to sell on this small 0.86 acre lot, leaves City Council uncertain and wary about whether the applicant intends to, or will, comply with conditions and limitations established by the City or whether the applicant's use will instead become an ongoing enforcement problem for the City.

6. The applicant delayed filing a conditional use application and site plan until after the City rezoned the subject property and area with an FB-2 overlay, after appropriate notice and public hearing. The significance of this is that FB-2 zoning does not allow used car sales, and represents a land use policy decision on the City's part to improve, redevelop and foster vital, lively and sustainable development and establish neighborhood identity in this area, which is part of the City's Old Towne District.

7. Conditional uses are land uses that are not permitted by right, but rather, due to possible or probable negative impacts on the surrounding area, they are allowed subject to conditions and only after a rigorous approval process that allows the community to review the proposed land use on a case-specific basis through application of discretionary standards. After going through the process and applying the discretionary standards, as set forth in Zoning Ordinance Sec. 138-2.302, the City Council, based on the information presented and the reasons stated previously, is not convinced the proposed used car operation will:

- a. Promote the intent and purpose of the City Zoning Ordinance;
- b. Be designed, operated, maintained and managed to be compatible, harmonious and appropriate with the existing and planned character of the surrounding area; and
- c. Not be detrimental or disturbing to existing or future neighboring uses and residents or the public welfare.

Further Resolved, that should the Applicant return with the site plan in compliance with the Planning Commission's recommendations, with the five findings and six conditions as presented to Council at their February 22, 2016 meeting, Council will reconsider the Conditional Use.

2016-0051 Request for Purchase Authorization - HR: Blanket Purchase Order for labor and employment legal services in the amount not-to-exceed \$220,000.00 through January 31, 2019; Keller Thoma, P.C., Detroit, MI

Attachments: [031416 Agenda Summary.pdf](#)
[022216 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Pamela Gordon, Director of Human Resources, stated that at the February 22, 2016 Council Meeting, Vice President Morita requested that a survey be conducted to compare hourly rates for Labor and Employment Legal Services for various communities. She explained that she completed a survey of 14 communities in Oakland and Macomb Counties, which yielded that the average rate is \$169 per hour. She noted that this compares well with the \$170 rate requested. She stated that the \$5 increase per hour, or three percent, would probably add between \$2,000 to \$3,000 to the annual cost based on an average annual cost of \$67,000. She

pointed out that the amount requested of \$220,000 is a decrease from the previous Blanket Purchase Order which was approved in 2013.

Vice President Morita expressed her appreciation to Ms. Gordon for her efforts in securing this information.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0055-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for labor and employment legal services to Keller Thoma, P.C., Detroit, Michigan in the amount not-to-exceed \$220,000.00 through January 31, 2019.

PLANNING AND ECONOMIC DEVELOPMENT

2016-0032 Request for Preliminary Site Condominium Plan Approval - Bloomer Woods, a proposed 30-unit development on 12.8 acres, located on the east side of John R, north of Avon, zoned R-3, One Family Residential with an MR Mixed Residential Overlay; Lombardo Homes, Applicant

Attachments: [031416 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Prelim. Staff Report 021616.pdf](#)
[Map Aerial.pdf](#)
[Letter Westphal 020816.pdf](#)
[Review Comments.pdf](#)
[Site Plans.pdf](#)
[Landscape Plan.pdf](#)
[Elevations-Floor Plans.pdf](#)
[Minutes PC 021616.pdf](#)
[Public Hearing Notice-PC.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, explained that the Planning Commission considered the request for Preliminary Site Condominium Plan Approval and a Wetland Use Permit for the proposed Bloomer Woods, located at the northeast section of Avon and John R Roads and recommended approval at their February 16, 2016 meeting. She noted that the development proposed is a mixture of single and two-story dwellings, with one access point off of John R Road. She pointed out that there are 1.39 acres of wetland on the site which the City's Environmental Consultant ASTI Environmental determined were low-quality, and the development will disrupt up to one-third of an acre of this wetland. She mentioned that this is the first step of a two-stage process, and the project will still go back for Staff review, to the Planning Commission, and back to Council for final approval to include detailed engineering, the Master Deed and Bylaws. She introduced Greg Windingland, representing the Applicant, in attendance.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0056-2016

Resolved, that the Rochester Hills City Council hereby approves the Preliminary One-Family Residential Detached Condominium plan for Bloomer Woods Site Condominiums, a 30-unit residential development on 12.8 acres, located on the east side of John R, north of Avon, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay, Parcel No. 15-13-301-058, Lombardo Homes, Applicant, based on plans dated received by the Planning and Economic Development Department on January 15, 2016, with the following findings and subject to the following conditions.

Findings:

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Provide a landscape bond in the amount of \$51,323 for landscaping, replacement trees, plus an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
3. Payment of \$6,000 into the tree fund for street trees, prior to issuance of a Land Improvement Permit.
4. Approval of all required permits and approvals from outside agencies.
5. Compliance with the department memo comments, prior to Final Site Condo Plan Approval and Building Permit Approval.
6. Submittal of By-Laws, Master Deed and Exhibit B's for the condominium association along with submittal of Final Preliminary Site Condo Plans.

2016-0033 Request for a Wetland Use Permit - Bloomer Woods Site Condominiums, for wetland impacts of up to 14,370 square feet associated with the construction of a proposed 30-unit residential development on 12.8 acres, located on the east side of John R, north of Avon, zoned R-3, One Family Residential with an MR Mixed Residential Overlay; Lombardo Homes, Applicant

Attachments: [031416 Agenda Summary.pdf](#)
[Prelim. Staff Report 021616.pdf](#)
[Map aerial.pdf](#)
[ASTI rev 012616.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, noted that the Wetland Use Permit encompassed one-third of an acre, with 14,155 square feet of low-quality wetlands permanently impacted, and 215 square feet of low-quality wetlands temporarily impacted. She stated that public notice was given, and no opposition was noted.

See also Legislative File 2016-0032 for additional discussion.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0057-2016

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit to temporarily and permanently impact approximately 14,370 square feet for the construction of several units, a portion of the proposed road, two culverts and a portion of the storm sewer detention pond for Bloomer Woods Site Condominiums, a 30-unit residential development on 12.8 acres located on the east side of John R, north of Avon, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay, Parcel No. 15-13-301-058, Lombardo Homes, Applicant, based on plans dated received by the Planning Department on January 15, 2016, with the following findings and subject to the following conditions.

Findings:

1. Of the approximately 1.39 acres of City-regulated wetlands on site, the applicant is proposing to impact a little over one-quarter.
2. Per the City's Wetland Consultant, ASTI Environmental, the wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.

Conditions:

1. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.

3. As noted on the plans, that any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.

2016-0036 Request for a Wetland Use Permit - Stonecrest at Rochester Hills, for wetland impacts of up to 6,650 square feet for a proposed 81,073 square-foot senior living facility on 3.5 gross acres, located on the east side of Rochester Rd., north of Hamlin, zoned R-4, One Family Residential with an FB Flexible Business Overlay; NP Senior Living Development, LLC, Applicant

Attachments: [031416 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Staff Report 021616.pdf](#)
[Map aerial.pdf](#)
[ASTI Rev 012716.pdf](#)
[Site Plans 1.pdf](#)
[Site Plans 2.pdf](#)
[Minutes PC 021616.pdf](#)
[Suppl Public Hearing Notice \(as published\).pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, introduced **Jed Momot**, NP Senior Living Development, the Applicant, and **Dave Hunter**, PEA Inc., Engineer for the developer. She noted that the proposed project is for an assisted living facility under the FB-2 overlay zoning, which is permitted by right. She explained that the Planning Commission recommended approval of a wetland use permit. She pointed out that it was brought to her attention today that a Public Hearing Notice that was placed in tonight's packet was incorrect. She stated that she wished to reassure Council and the public that the correct notice was distributed for a Public Hearing held on February 16, 2016. She mentioned that the Public Hearing Notice was published in the Oakland Press on February 1, 2016, and mailed to all property owners within 300 feet of the proposed development. She explained that the notice that was included in the packet in error was a rough draft, and assured Council and the public that everything was followed procedurally.

She explained that there is 1.12 acres of wetland on the site considered by ASTI Environmental to be of low quality. She noted that the permit requested is to disrupt 0.15 acres of this low-quality wetland. She displayed a rendering showing that 1,700 square feet of wetland would be permanently disrupted and not quite 5,000 square feet would be temporarily disrupted.

Ms. Roediger noted that staff received some questions from residents and explained that the response to the questions was provided to Council.

President Tisdell questioned what portion of an acre would be disrupted.

Ms. Roediger responded that four-one-hundredths of an acre will be impacted.

Public Comment:

Scot Beaton, 655 Bolinger Street, stated that he went door-to-door over the weekend and spoke to a few residents. He commented that there needs to be a different approach to the way the quality of a wetland is considered. He stated that a drain runs through the property. He noted that a 200-foot long retaining wall at least 11 feet high was necessary. He questioned whether the residents had been informed that there would be no intrusion into the wetland.

Tanmay Kulkarni, 1710 Farnborough, questioned the consultant's criteria for defining a low-quality wetland. He noted that residents were assured at the Planning Commission meeting that the development would not cause any flooding or problems to neighboring properties. He stated that he would like a written assurance from the Planning Commission or City Engineers that there will be no increased water in his basement or on his land. He mentioned that the developer received approval at the meeting on February 16, 2016 to cut down five trees on the property; and he stated that as a result deer, coyotes and raccoons have been driven into his yard. He requested Council not approve the permit.

Dr. Lisa Winarski, 194 Bedlington, commented that there has been mention of the realignment of Eddington Boulevard, and stated that under no circumstances did the subdivision agree with any realignment. She commented that she has no problem with the wetland permit, other than receiving a reassurance that the portion to be restored be done so to its current state if not better. She questioned the definition of a low-quality wetland, stating that a corridor study for Rochester Road noted that these were high-quality wetlands.

Helen Mozer, 182 Bedlington, stated that she saw the removal of sod placed by a resident that the City stated was in violation of the wetlands, and questioned why it is determined that they are now considered low-quality.

Lorraine McGoldrick, 709 Essex, stated that she spoke with representatives at the Clinton River Watershed Council, the Water Resources Commission, and the Department of Environmental Quality, and questioned what low-impact quality drains are considered. She commented that she does not understand why the City pays for environmental studies and stated that she believes that the Applicant should be paying these fees. She questioned what would happen to the water when the wetlands were filled and requested the City consider an escrow account to cover any resulting problem.

President Tisdell questioned how the wetlands are qualified and quantified.

Ms. Roediger responded that ASTI Environmental is the City's wetland consultant, and their fees are passed on to the Applicant. She noted that they review the health of the wetland as it relates to the region, and do not just look at parcel lines. She pointed out that the Applicant will have to obtain a permit through the Department of Environmental Quality as well.

President Tisdell questioned how close the nearest home is to the impacted area.

Ms. Roediger responded that both homes are approximately 145 feet from the home to the edge of the permanently impacted wetland, or roughly where the retaining wall will be.

President Tisdell questioned whether there was a disparity between the plans shown to residents at any informational meeting and those shown to the Planning Commission.

Mr. Momot responded that a conceptual and preliminary plan was presented during a neighborhood meeting back in November. He stated that as the projects have evolved the company has kept communications current with the residents, with revised plans. He noted that three reviews were undertaken in a detailed process to get where the project is today.

President Tisdell questioned whether those who attended the informational meetings received revised plans and what obligations the Applicant has to continue communicating any revisions.

Ms. Roediger responded that the City is required to send out Public Hearing Notices. She stated that any reaching out to the residents by the Applicant is purely voluntary.

President Tisdell questioned how many notices were sent out and how many residents attended.

Mr. Momot responded that everyone within 300 feet were notified, encompassing approximately 50 to 100 notices. He noted that nine attended.

President Tisdell questioned whether the other parts of the wetland will be sold or impacted.

Ms. Roediger responded that the Applicant's interest is in this piece of property, and any development outside of this property is still under the ownership of G&V Investments. She explained that the development includes a site access road lining the north and east property line, which will be kept open to the future. She stated that the Applicant will be bound to all Ordinances and regulations with respect to wetlands, trees, and the FB-2 zoning.

President Tisdell questioned whether the Applicant had any interest in purchasing the remaining parcels.

Mr. Momot responded that he did not.

President Tisdell commented that this parcel has nothing to do with realignment of Eddington Boulevard.

Mr. Momot noted that his plan includes an alternate access point.

President Tisdell commented that FB-2 zoning includes connectivity.

Mr. Momot responded that they have no plans to connect to anything, however their ring road is flexible.

President Tisdell requested information on the Honeywell Drain.

Mr. Momot stated that the drain is further away from his property. He noted that his parcel feeds into the Honeywell Ditch. He requested that his Civil Engineer comment.

Mr. Hunter stated that the property's stormwater discharge will go into a proposed underground detention that will discharge at the very northeast corner of parcel into the Honeywell Ditch. He stated that this ditch is not under the jurisdiction of the Oakland County Water Resources Commission, however the drain further downstream is.

President Tisdell questioned whether water currently runs off the undeveloped land into the ditch.

Mr. Hunter responded that it does. He stated that they will work with the City engineers and water will discharge at the agricultural rate.

President Tisdell stated that any builder that develops any parcel is responsible for managing their runoff and they are held responsible by Code and City Ordinance. He commented that ideally, this will be an improvement on the natural runoff. He questioned how underground detention will be accomplished.

Mr. Hunter stated that underground detention will encompass a series of large diameter pipes approximately 42 to 48 inches in diameter. The system will have a restrictor on the downstream end of it whereby water will be held back and let out over time through an orifice system at the agricultural runoff rate.

President Tisdell questioned whether this type of system is unique within Rochester Hills.

Ms. Roediger responded that it is becoming more and more popular as the cost of land increases. She stated that the City encourages a mixture of uses and walkability, and she stated that there have been a number of instances throughout the City with successful underground detention basins. She stated that the City ensures system maintenance.

Mr. Hunter noted that similar systems are in place at the Village of Rochester Hills and Winchester Mall.

President Tisdell questioned what the escrow and bonding requirements will be to ensure this is properly done.

Ms. Roediger responded that all of the costs incurred by the City are borne by the Applicant. She explained that bonding comes through the Engineering Department, through Performance and Maintenance Bonds.

President Tisdell noted that the Applicant must comply with the Michigan Department of Environmental Quality.

Ms. Roediger noted that wetland assessment is ASTI Environmental's specialty.

Mayor Barnett requested an explanation of what assurances the City provides that neighboring properties would not experience more problems.

Ms. Roediger responded that in terms of development the City is fairly strict on stormwater management requirements, ensuring that the development will not impact upstream, downstream, or surrounding properties. She explained that the rate of runoff from a development cannot increase or change what is currently there.

Mr. Hunter noted that there will be a stormwater quality device included as part of the City's requirements regarding underground detention. He noted that pollutants that might leave the site will be addressed and particulates will be removed from the water.

Council Discussion:

Mr. Kubicina questioned how the retaining wall would be located along with its height.

Ms. Roediger responded that the retaining wall was recommended by ASTI Environmental to ensure that there will be no impacts to any offsite properties.

Mr. Momot stated that the developer is flexible on what the wall will look like.

President Tisdell questioned how the material for the wall will be selected.

Mr. Momot responded that they will work with the City Planner to tie the wall into the architecture of the building.

Mr. Wiggins expressed his appreciation for receiving responses to resident's questions ahead of the meeting. He commented that wetlands over time can change; and he noted that when the Department of Environmental Quality considers the request for final approval, they will review the history of the parcel.

Ms. Roediger concurred, noting that as the City develops, drainage changes. She commented that she is certain that the size of the wetland has changed over the last 20 years due to road development. She stated that the goal is to minimize change going forward.

Dr. Bowyer stated that she places value on the wetlands. She questioned if the retaining wall is being placed to hold ground up.

Mr. Momot responded that the original concept did not have a retaining wall, and the wall was incorporated in response to ASTI Environmental's report to hold the grade up.

Dr. Bowyer questioned where the 13 feet of height of the wall would end and if the wall would be taller than the grade.

Mr. Momot responded that it would be at grade.

Dr. Bowyer questioned whether the development area was narrower without the wall.

Mr. Momot responded that the area would incorporate a slope instead.

Dr. Bowyer questioned whether the wall would retain stormwater to allow it to drain to the east or if the drainage would go under the wall.

Mr. Hunter responded that a pipe system would hold the water back.

Dr. Bowyer questioned whether there are any future plans to connect the road to the landlocked area to the east.

Ms. Roediger responded that the property is open for cross-access to the existing road on the east side.

Dr. Bowyer questioned whether there are plans for landscaping or vines to cover the wall.

Mr. Hunter responded that the developer will have to work with the Department of Environmental Quality and must incorporate wetland plantings in that area. He suggested that it might include ornamental grasses.

Dr. Bowyer questioned whether ASTI Environmental has ever found a high-quality wetland.

Ms. Roediger responded that they have.

President Tisdell suggested that in the absence of a retaining wall, a tiered landscape would intrude further into the wetlands. He noted that it was ASTI Environmental's recommendation for a retaining wall.

Vice President Morita pointed out that Council is considering approval for only the wetland use permit. She questioned whether the developer will return to Council at some point for other approvals.

Ms. Roediger responded that the site plan was approved at the Planning Commission, and Council's final approval is for the wetland use permit.

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

Aye 4 - Kubicina, Morita, Tisdell and Wiggins

Nay 1 - Bowyer

Absent 2 - Brown and Hetrick

Enactment No: RES0058-2016

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for Stonecrest at Rochester Hills to temporarily and permanently impact approximately 6,650 square feet for the construction of the proposed drive and site grading for an 81,703 square-foot assisted living and memory care facility located on the east side of Rochester Rd., north of Hamlin, zoned R-4, One Family Residential with an FB-2, Flexible Business Overlay, part of Parcel No. 15-23-300-035, NP Senior Living Development, LLC, Applicant, based on plans dated received by the Planning Department on January 20, 2016, with the following findings and subject to the following conditions.

Findings:

1. Of the approximately 1.12 acres of City-regulated wetlands on site, the applicant is proposing to impact less than one-third.
2. The wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.

Conditions:

1. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
3. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.

2016-0110 Request for Purchase Authorization - PLANNING: Blanket Purchase Order/Contract for 1544-1600 W. Hamlin Road Tree Removal project in the amount of \$25,300.00 with a 10% project contingency in the amount of \$2,530.00 for a total not-to-exceed amount of \$27,830.00; Ken Jackson Clean-Up, Inc., Rochester Hills, MI

Attachments: [031416 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the tree removal is requested for the purpose of preparing the City-owned property on Hamlin Road for sale. He explained that site preparation can be undertaken with Local Development Finance Authority (LDFA) monies, and he stated that the LDFA approved up to \$600,000 in expenditures for site preparation. He noted that the tree removal permit was granted by the Planning Commission, and Council is requested to approve the expenditure. He mentioned that the recommended bidder was the second-lowest of six bidders, as the first bidder was deemed non-responsive. He pointed out that the property is soon to be sold, and the LDFA identified that this tree removal needed to be done to make the site more attractive to a purchaser.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0059-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for 1544-1600 W. Hamlin Road Tree Removal Project to Ken Jackson Clean-Up, Inc., Rochester Hills, Michigan in the amount of \$25,300.00 with a 10% project contingency in the amount of \$2,530.00 for a total not-to-exceed amount of \$27,830.00 and further authorizes the Mayor to execute a contract on behalf of the City.

PUBLIC COMMENT for Items not on the Agenda

***Kevin Hamera**, 1326 Kingsview, requested Council's support for Special Assessment Districts (SAD) that are in the hands of the Department of Public Services under the current SAD Policy. He requested that Council allow the Kingsview paving project to move forward, noting that the process began last year. He explained that in June of 2015 he went door-to-door, and a formal meeting was held on October 7, 2015, with petitions signed October 21, 2015. He pointed out that the petitions were submitted with a 68 percent approval rate, with residents wanting to fix their dirt road with the \$5,000 per household cap. He mentioned that the residents would hate to lose the momentum of the project because of undefined delays, or risk a change to the SAD policy which could be retroactive. He stated that there are chronic and ongoing problems with dirt roads, and he requested Council grandfather the projects currently underway to be executed consistent with the SAD Policy as written.*

***Scot Beaton**, 655 Bolinger, commented that he had sent a communication to Council requesting their action to promote bike lanes on commercial development, and to readdress the Ordinance for pole signs. He stated that tall signs impact home values. He requested Council consider encouraging public art in commercial developments.*

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.

2016-0098 Request for Approval of a five-year METRO Act Permit for McLeodUSA

Attachments: [031416 Agenda Summary.pdf](#)
[Staran email.pdf](#)
[McLeodUSA-Windstream Comm Ltr 021516.pdf](#)
[Current Utility Location Map.pdf](#)
[2016 Metro Act Application.pdf](#)
[2016 Unilateral Permit.pdf](#)
[Certificate of Liability Insurance.pdf](#)
[Contact Information.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0060-2016

Whereas, the original and subsequent renewal Right-of-Way Telecommunications Permits between McLeodUSA and the City of Rochester Hills have expired; and

Whereas, McLeodUSA has applied for a new permit utilizing the standard METRO Act Permit Unilateral form, with a 5-year term; and

Whereas, the application is for continuation of facilities already in place, and no new facilities are proposed.

Therefore, It Is Resolved, the Rochester Hills City Council approves McLeodUSA Telecommunication Services, LLC's application for a Right-of Way Telecommunications Permit (Unilateral form).

It Is Further Resolved, the City Council authorizes the Mayor to sign the permit agreement and to undertake any and all other necessary and appropriate action in furtherance thereof.

2016-0102 Request for Approval of the Private Street Lighting System Agreement between the City of Rochester Hills and the Somerset Pines Homeowners Association

Attachments: [031416 Agenda Summary.pdf](#)
[Staran email.pdf](#)
[Private Street Lighting System Agreement.pdf](#)
[Somerset Light location map.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0061-2016

Whereas, there is a request for Approval of the Street Lighting System Agreement between the City of Rochester Hills and the Somerset Pines Homeowners Association.

Resolved, that the Rochester Hills City Council approves Private Street Lighting System Agreement between the City of Rochester Hills and the Somerset Pines Homeowners Association for street lights to be installed in the entrance island and throughout the condominium subdivision within the right of way of Somerset Boulevard and Somerset Circle located in the Somerset Pines Condominium Subdivision, and further authorizes the Mayor to execute the Agreement on behalf of the City.

2016-0077 Request for Acceptance of a Watermain Easement granted by MJC Harvard Place, LLC, a Michigan limited liability company, for Harvard Place

Attachments: [031416 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0062-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by MJC Harvard Place, LLC, a Michigan limited liability company, whose address is 46600 Romeo Plank Rd, Suite 5, Macomb, MI 48044, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-24-100-051.

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

- 2016-0078** Request for Acceptance of an Easement for Ingress and Egress for public and emergency vehicles granted by MJC Harvard Place, LLC, a Michigan limited liability company, for Harvard Place

Attachments: [031416 Agenda Summary.pdf](#)
[Easement-Ingress and Egress.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0063-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts an easement for ingress and egress for public and emergency vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by MJC Harvard Place, LLC, a Michigan limited liability company, of 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044, over, on, under, through and across land more particularly described as Harvard Place, for Parcel No. 15-24-100-051.

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

- 2016-0079** Request for Acceptance of a Sanitary Sewer Easement granted by MJC Harvard Place, LLC, a Michigan limited liability company, for Harvard Place

Attachments: [031416 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0064-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a sanitary sewer easement granted by MJC Harvard Place, LLC, a Michigan limited liability company, whose address is 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044 for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel No. 15-24-100-051.

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

- 2016-0080** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills and MJC Harvard Place, LLC, a Michigan limited liability company, for Harvard Place

Attachments: [031416 Agenda Summary.pdf](#)
[Storm Water Maintenance Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0065-2016

Resolved, that the Rochester Hills City Council, hereby approves the storm water maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from MJC Harvard Place, LLC, a Michigan limited liability company, got Harvard Place, for City File #04-037.2, Parcel No. 15-24-100-051.

- 2016-0081** Request for Acceptance of the Warranty Deed for public road right-of-way work for Harvard Place, granted by MJC Harvard Place, LLC, a Michigan limited liability company

Attachments: [031416 Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0066-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a warranty deed granted by MJC Harvard Place, LLC, a Michigan limited liability company, 46600 Romeo Plank Rd., Ste 5, Macomb, MI 48044, for Parcel No. 15-24-100-051, for Harvard Place.

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

- 2016-0084** Request for Acceptance of a Sanitary Sewer Easement granted by American House Rochester Hills Property Owner LLC, a Delaware limited liability company, and American House Rochester MC LLC, a Michigan limited liability company, for American House New Building

Attachments: [031416 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0067-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester hills, hereby accepts a sanitary sewer easement granted by American House Rochester Hills Property Owner LLC, a Delaware limited liability company, and American House

Rochester MC LLC, a Michigan limited liability company whose address is One Towne Square, Suite 1600, Southfield, MI 48076, for the construction, operating, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel Nos. 15-31-301-036 and 15-31-301-037.

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

- 2016-0085** Request for Acceptance of a Watermain Easement granted by American House Rochester Hills Property Owner LLC, a Delaware limited liability company, and American House Rochester MC LLC, a Michigan limited liability company, for American House New Building

Attachments: [031416 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0068-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by American House Rochester Hills Property Owner LLC, a Delaware limited liability company, and American House Rochester MC LLC, a Michigan limited liability company whose address is One Towne Square, Suite 1600, Southfield, MI 48076, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel Nos. 15-31-301-036 and 15-31-301-037.

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

- 2016-0086** Request for Approval of the Storm Water Maintenance Detention Agreement between the City of Rochester Hills, American House Rochester Hills Property Owner LLC, a Delaware limited liability company, American House Rochester MC LLC, a Michigan limited liability company, and American House Bloomfield LLC, a Michigan limited liability company, for American House New Building

Attachments: [031416 Agenda Summary.pdf](#)
[Storm Water Detention Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0069-2016

Resolved, that the Rochester Hills City Council, hereby approves the storm water maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from American House Rochester Hills Property Owner LLC, a Delaware limited liability company, American House Rochester MC LLC, a Michigan limited liability company, One Towne Square, Suite 1600, Southfield, MI 48076 and American House Bloomfield LLC, a Michigan limited liability company, of 6755 Telegraph Rd., Ste. 330, Bloomfield Hills, MI 48301 for American House New Building, for City File #99-007.4, Parcel Nos. 15-31-301-036, 15-31-301-037, and 15-31-301-038.

- 2016-0090** Request for Acceptance of an Amended Pedestrian/Bicycle Pathway Easement granted by Lutheran Social Services of Michigan, d.b.a., Danish Village, for Brewster Rd. Right Turn Lane

Attachments: [031416 Agenda Summary.pdf](#)
[Amended Pathway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0070-2016

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an amendment to a pedestrian/bicycle pathway easement granted by Lutheran Social Services of Michigan, d.b.a., Danish village, whose address is 2566 Walton Blvd., Rochester Hills, MI 48309.

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

2016-0112 Request for Permission to Demolish the Precinct 5 building, remove the parking surface, and establish a vegetated vacant lot

Attachments: [031416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0071-2016

Resolved, that the Rochester Hills City Council hereby grants permission to demolish the Precinct 5 building, remove the parking surface, and establish a vegetated vacant lot.

Passed the Consent Agenda

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

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

Absent 2 - Brown and Hetrick

The Following Consent Agenda Item was Discussed and Adopted by Separate Motion.

2016-0089 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs in the amount not-to-exceed \$80,000.00 through January 31,

Attachments: [031416 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Scot Beaton, 655 Bolinger, questioned how much Oakland County contributes to the maintenance of their own traffic signals, and whether Council Members knew what the SCATS acronym represented.

Allan Schneck, Director of DPS/Engineering, explained that the acronym represents the Sydney Coordinated Adaptive Traffic System, which is a technology

to maximize the green timing and phasing of traffic signals. He noted that cameras are installed at the top of poles near intersections, which create ghost loops in pavement and recognize a vehicle in the queue. He stated that the system was launched a number of years ago, and pointed out that Rochester Hills is not the only community to incorporate the system. He commented that he will research and provide what contribution Oakland County makes to the system maintenance to Council.

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

Aye 5 - Bowyer, Kubicina, Morita, Tisdel and Wiggins

Absent 2 - Brown and Hetrick

Enactment No: RES0072-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs to the Road Commission for Oakland County, Waterford, Michigan in the amount not-to-exceed \$80,000.00 through January 31, 2017.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett stated that the Green Schools initiative deadline is March 15. He thanked the residents for their incredibly generous contributions of their RecycleBank points, noting that 12 schools are participating in the Green Schools program. He explained that schools can receive up to \$2,500 in cash back for their green problems, and he noted that over five-and-one-half million points have been donated in the last three weeks. He encouraged residents to donate, noting that 600,000 more points are needed before midnight tomorrow to make a total cash back contribution of \$25,000.

He announced the following:

- The Department of Public Services received two awards, one for the Tienken Road project and one for the Christian Hills Watermain and Clinton River Trail Resurfacing project.
- Shade shelters are being constructed on the Clinton River Trail as a part of a grant received.
- Rochester College's Social Entrepreneurship Class toured the city.
- The Older Persons' Commission will host the Chamber's Legislative Update on Monday, April 18, 2016 from 8:00 a.m. to 9:30 a.m.
- The Rochester Hills Museum at Van Hoosen Farm will host its Friday Night Lecture Series on March 18, 2016 at 7:00 p.m. Friday's lecture topic is the Polio Vaccine Story.
- City Hall will host Skywarn Spotter Training on March 16, 2016 in the Auditorium.

In response to Public Comment, **President Tisdel** noted that Council voted to accept the petitions relative to the Kingsview Special Assessment District (SAD). He stated that it was his decision to put together a study group, as Council has

an obligation to oversee the fiscal health of the City. He mentioned that the City went 15 years without an SAD. He pointed out that construction costs are elevated with area projects such as the new Red Wings Arena affecting competition. He explained that because of concerns, Council is revisiting that policy to ensure that it is doing its fiduciary responsibility.

Relative to Public Comment regarding cycling to Target, he stated that it is on his to-do list as connectivity with the new development to the east makes sense.

*Regarding Public Comment on sign posts, **Mayor Barnett** stated that this was a topic for discussion when he was on Council in 2002 and 2003. At that time, the City had a desire to eliminate a number of pole signs and have a maximum height of signs at seven feet. Businesses throughout the community stressed that it could be a tremendous expense to replace signs. Council determined that all new signs had to adhere to the seven-foot limit, and any change of ownership would require signs to be reduced to the height limit. He noted that Council tried to find a balance and not put undue burden on local businesses. He commented that approximately 30 pole signs in existence at that time have been reduced to approximately 20. He noted that this applies to only free-standing signs and not signs on buildings.*

***Vice President Morita** announced that both Avondale Youth Assistance and Rochester Area Youth Assistance recognition events are slated for March 22, 2016. She requested members of Council consider going as she has a conflict and will not be able to attend.*

***Dr. Bowyer** announced that Oakland County has released its NoHaz dates for 2016. She stated that the June 11 date will be at Oakland University, running from 8:00 a.m. to 2:00 p.m. Rochester Hills residents will pay \$10 per car. She announced that the Green Space Advisory Board's Fifth Annual Discovery Hike is slated for April 30, 2016 from 10:00 a.m. to 2:00 p.m., with guided nature tours at 10:00 a.m. and noon. She expressed support for the Green Schools program, noting that she donated all her RecycleBank points.*

***Mr. Kubicina** noted that he is planning on attending the Rochester Area Youth Assistance banquet at RiverCrest on March 22. He commented that great kids will be honored who have overcome obstacles and still found a way to serve the community. He commented that the event is co-sponsored by the Area Optimists Club, and 29 awards will be presented. He noted that the program has a mentoring program, and is searching for volunteers.*

***Clerk Barton** expressed her appreciation to all of the election workers, noting that 16,000 people voted at precincts on March 8, 2016, and the Absentee Board tallied 6,600 absentee ballots. She noted that the 44 percent voter turnout is amazing for a Presidential Primary, 20 points higher than the last Presidential Primary four years ago. She congratulated her staff for doing a fabulous job and working long hours, and noted that on Election Day staff fielded two phone calls per minute. She noted that Council Member Brown chaired a precinct, and showed up at City Hall at 5:30 a.m. with bagels and cream cheese for staff on election morning.*

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2016-0066 Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Study Committee, to fill the unexpired term of Maria Willett ending December 31, 2016

Attachments: [031416 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Neveau CQ.pdf](#)
[Siegfried CQ.pdf](#)
[Sykes CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[022216 Agenda Summary.pdf](#)
[Willet Resignation Letter.pdf](#)
[022216 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Devin Sykes, 2470 Melvin, expressed his appreciation for the additional opportunity and requested Council's consideration for the appointment, noting that it is a passion of his to identify local history.

President Tisdell Opened the Floor for Nominations.

*President Tisdell nominated Devin Sykes.
Vice President Morita nominated Steve Siegfried.*

Seeing No Further Nominations, President Tisdell Closed the Floor For Nominations.

He noted that as there were two nominees, this item would return to the next Council Meeting for a vote.

Discussed.

2016-0114 Confirmation of the Mayor's reappointment of Deborah Brnabic, Greg Hooper, and Nicholas Kaltsounis to the Rochester Hills Planning Commission, each for a three-year term to expire March 31, 2019

Attachments: [031416 Agenda Summary.pdf](#)
[Brnabic CQ.pdf](#)
[Hooper CQ.pdf](#)
[Kaltsounis CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

John Przybysz, 3120 Primrose Drive, requested Council not support the appointment of Mr. Hooper to the Planning Commission.

Mayor Barnett stated that Mr. Hooper, Mr. Kaltsounis and Ms. Brnabic have his full faith and confidence. He commented that the Planning Commission is a part of the greater team that the City celebrates.

Vice President Morita stated that she is the junior member of the Planning Commission, having been newly-appointed to serve as Council Representative to the Commission. She stated that she greatly appreciates having all three of those individuals on the Commission with her, and noted that they see things differently sometimes and catch things she would not know to look for. She commented that they are a part of the process and no one person is able to make the decision. She noted that Mr. Hooper's experience in his years on Council and in his profession makes him a valuable asset to the Planning Commission.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0073-2016

Resolved, that the Rochester Hills City Council hereby confirms the reappointment of Deborah Brnabic, Greg Hooper, and Nicholas Kaltsounis to the Rochester Hills Planning Commission, each for a three-year term to expire March 31, 2019.

NEW BUSINESS

2014-0389 Request for Purchase Authorization - PARKS: Increase to Blanket Purchase Order for Natural Features Stewardship Program consulting services in the amount of \$375,000.00 for a new not-to-exceed contract amount of \$475,000.00 through December 31, 2017; Niswander Environmental, LLC.,

Attachments: [031416 Agenda Summary.pdf](#)
[092214 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[092214 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Director of Parks and Forestry, noted that funds are already included in the adopted Budget in 2016 and Projected Budget for 2017. He explained that 14 different projects with 36 different elements will be implemented in 2016, mostly encompassing the White and Harding properties. In 2017, 19 projects and 61 different elements are proposed. He noted that this is not a request for additional funding, and is simply to allow Niswander to continue their work in stewardship.

Public Comment:

Scot Beaton, 655 Bolinger, commented that the fees are approaching a half-million dollars for consulting work; and he stated that the fees will buy swingsets or playground equipment. He suggested that these funds could pay for three Oakland County Sheriffs.

Mr. Elwert responded that the funding encompasses 1,870 man hours including 73 days in the field, and includes removal of invasive species and phragmites, Buckthorn, and woody species control. He added that this will be the start of prairie maintenance and development. He stressed that activities must be started so they become a multi-year process. He pointed out that the funding source is a Trust established through the Open Space Millage.

Mayor Barnett noted that \$325,000 of the request is for contractual services and \$50,000 for professional services. He pointed out that funds can only be used for Green Space properties, and noted that the City went back to the residents and asked if funding could be used in this manner. He stated that it is fully appropriate based on the project being proposed, and is not a General Fund expense.

Dr. Bowyer noted that she is on the Green Space Advisory Board, and thinks it is great that Niswander is undertaking the removal of invasive species.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0074-2016

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for Natural Features Stewardship Program consulting services to Niswander Environmental, LLC., in the amount of \$375,000.00 for a new not-to-exceed amount of \$475,000.00 through December 31, 2017.

2016-0082

Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for Norton Lawn/Hickory Lawn Special Assessment District Paving Project in the amount of \$828,123.88 with a 10% project contingency of \$82,812.39 for total-not-to-exceed amount of \$910,936.27; Florence Cement Company, Shelby Township, MI

Attachments: [031416 Agenda Summary.pdf](#)
[Bid Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the award for construction of the paving for Norton and Hickory Lawn through the City's Special Assessment District (SAD) Policy is recommended to Florence Cement of Shelby Township. He stated that there has been much dialogue and deliberation on funding, and commented that \$200,000 is budgeted for SADs, with \$710,000 from the Local Street Fund. He mentioned that other Local Street projects have contingencies at approximately \$371,000. He added that trends have been favorable for other operational savings. He noted that it has been a mild winter thus far, and while

he did not wish to predict the end of the season, there might be additional savings. He stated that the City ended 2015 with a \$7.5 million fund balance in Local Streets, and it is projected to end 2016 with \$6 million in the fund.

Vice President Morita expressed her appreciation for Mr. Schneck's hard work and explanation of funding sources for these particular SADs. She pointed out that Council has other SAD projects coming before it, and Council is very concerned where the funding will come from. She expressed her hope that the overall impact on the budget will not be as significant.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0075-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for Norton Lawn and Hickory Lawn Special Assessment District Paving Project to Florence Cement Company, Shelby Township, Michigan in the amount of \$828,123.88 with a 10% project contingency in the amount of \$82,812.39 for a total not-to-exceed amount of \$910,936.27 and further authorizes the Mayor to execute a contract on behalf of the City.

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

2016-0083 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for proposed special assessment district paving of Norton Lawn and Hickory Lawn in the not-to-exceed amount of \$110,000.00; Orchard, Hiltz, McCliment, Inc., Livonia, MI

Attachments: [031416 Agenda Summary.pdf](#)
[Norton Lawn-Hickory Lawn CE Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that Orchard Hiltz McCliment, Inc., is a consultant that the City has retained for many years, and has been selected to perform this work.

Mr. Wiggins questioned whether it is standard process to use an outside agency.

Mr. Schneck responded that it depends year to year on capacity. He explained that the City has a fairly robust construction season with the Concrete, Asphalt and Pathway programs, along with the North Hill Subdivision watermain pipe bursting. He stated that the City only has three inspectors and is pretty much at capacity.

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

Aye 5 - Bowyer, Kubicina, Morita, Tisdel and Wiggins

Absent 2 - Brown and Hetrick

Enactment No: RES0076-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for construction engineering services for proposed special assessment district paving of Norton Lawn and Hickory Lawn to Orchard, Hiltz, & McCliment, Inc., Livonia, Michigan in the amount not-to-exceed \$110,000.00 and further authorizes the Mayor to execute the contract on behalf of the City.

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

2016-0087 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for Brewster and Butler Right Turn Lanes in the amount of \$321,443.10 with a 10% contingency in the amount of \$32,144.31 for a total not-to-exceed amount of \$353,587.41; JSS-Macomb, LLC, Shelby Township,

Attachments: [031416 Agenda Summary.pdf](#)
[Bid Tabs.pdf](#)
[Plan Overview.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdel noted that previous Capital Improvement Plans (CIP) included a possible light at the Butler Road intersection.

Allan Schneck, Director of DPS/Engineering, noted that this is a project in the CIP and budgeted for 2016. He pointed out that the project came in under budget by approximately \$185,000. He expressed his congratulations to the Engineering Division for getting plans and specs out early, and noted that the City is the benefactor on good unit prices.

Vice President Morita expressed support, noting that a right turn lane at Butler Road will improve safety in that area.

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

Aye 5 - Bowyer, Kubicina, Morita, Tisdel and Wiggins

Absent 2 - Brown and Hetrick

Enactment No: RES0077-2016

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract to JSS-Macomb, LLC, Shelby Township, Michigan in the amount of \$321,443.10 with a 10% contingency in the amount of \$32,144.31 for a total not-to-exceed amount of \$353,587.41 and further authorizes the Mayor to execute a contract on behalf of the City.

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

- 2016-0088** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for Brewster Road and Butler Road Right Turn Lanes in the amount not-to-exceed \$48,276.00; Nowak & Fraus Engineers, Pontiac, MI

Attachments: [031416 Agenda Summary.pdf](#)
[CE Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that Nowak & Fraus Engineers is one of the City's retained consultants, and is recommended for construction engineering services for the project.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0078-2016

Resolved, that the Rochester Hills City Council hereby authorizes the Contract/Blanket Purchase Order for construction engineering services for Brewster Road and Butler Road Right Turn Lanes in the amount not-to-exceed \$48,276.00 to Nowak and Fraus Engineers, Pontiac, Michigan and further authorizes the Mayor to execute the contract on behalf of the City.

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

- 2016-0094** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement approval between the City of Rochester Hills and Board of Road Commissioners for the County of Oakland for resurfacing and intersection improvements on South Boulevard from east of Livernois Road to east of Rochester Road in the amount not-to-exceed \$375,864.00; Road Commission for Oakland County, Beverly Hills, MI

Attachments: [031416 Agenda Summary.pdf](#)
[Cost Participation Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the State of Michigan added approximately \$400 million from their General Fund into Act 51, allowing for an influx of funding for Major Roads. He explained that the Road Commission for Oakland County offered two additional services for the project, noting that they would pay for design and construction engineering. He added that the City also has Tri-Party dollars it can use to offset the City's participatory share. He noted that it is recommended to use these Tri-Party dollars, dividing the project into three contributors, including the City, the Rochester Commission for Oakland County (RCOC), and the Board of Road Commissioners for the County of Oakland. He

added that the RCOC also found approximately \$500,000 in funding to undertake concrete repairs on Rochester Road north of South Boulevard while this project is going on. He stressed that the City is always trying to leverage the monies available. He pointed out that the City had \$700,000 earmarked for this project and the City's participatory share is \$375,864.

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0079-2016

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the Board of Road Commissioners for the County of Oakland for the resurfacing and intersection improvements on South Boulevard from east of Livernois Road to east of Rochester Road in the amount not-to-exceed \$375,864.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

2016-0108 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for City Hall Parking Lot Rehabilitation Construction Engineering Services in the amount not-to-exceed \$29,500.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [031416 Agenda Summary.pdf](#)
[Parking Lot CE Services.pdf](#)
[Resolution \(Draft\).pdf](#)

***Bob White**, Supervisor of Building Services, stated that this expense was included in the presentation from the last meeting regarding the Parking Lot rehabilitation project. He pointed out that a typographical error in Spalding DeDecker's document did not affect the total not-to-exceed of \$29,500.00.*

***Vice President Morita** expressed her appreciation for the explanation.*

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

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

Absent 2 - Brown and Hetrick

Enactment No: RES0080-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for Construction Engineering Services for the City Hall Parking Lot Rehabilitation Project to Spalding DeDecker, Rochester Hills, Michigan in the amount not-to-exceed \$29,500.00 and further authorizes the Mayor to execute a contract on behalf of the City.

ANY OTHER BUSINESS

Mayor Barnett expressed his good wishes to resident Lee Zendel, who is recovering from health issues. He noted that Mr. Zendel has been attending Council Meetings since 1992.

NEXT MEETING DATE

Regular Meeting - Monday, April 11, 2016 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 9:35 p.m.

*MARK A. TISDELL, 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.