



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, April 8, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Jim Breuckman, Manager of Planning
Ron Crowell, Fire Chief/Emergency Management Director
Pamela Gordon, Director of Human Resources
Mike Hartner, Director of Parks and Forestry
Jordan Akil-Hunter, Rochester Hills Government Youth Council Representative
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering*

PLEDGE OF ALLEGIANCE

*Mr. Tisdel introduced **Kathryn Dimond**, Director of Community Relations at the
Detroit Institute of Arts (DIA).*

*Ms. Dimond expressed her appreciation on behalf of the DIA for the City of
Rochester Hills' partnership in their DIA Inside/Out program. She noted that 13
metropolitan Detroit communities are participating in the program this year, which
brings reproductions of the finest works of art to local communities. She invited
Rochester Hills residents to visit the DIA during the weekend of May 4th and 5th for
community weekend activities. She led the Pledge of Allegiance.*

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Council Members congratulated Mr. Webber and his wife Julia on the birth of their son.

Everyone expressed their hopes that everyone had a great Easter holiday.

Mr. Webber announced that the 2013 Greater Rochester Inter-Service Club Dinner is set for Wednesday, April 17th at 6:00 p.m. at Great Oaks Country Club. He noted that the Rochester-Avon Historical Society is hosting this year's dinner. He mentioned that the Oakland County Economic Outlook Luncheon is scheduled for Thursday, April 25, 2013 at noon at the Troy Marriott.

Mr. Kochenderfer stated that there have been a number of arrests in response to investigations regarding recent break-ins which occurred in District 2. He commented that he was incredibly impressed with the actions of Captain Michael Johnson and his investigators at the Oakland County Sheriff's Department.

Mr. Tisdell reported that he attended the Oakland County Coordinating Zoning Committee meeting on March 26, 2013, where the topic of the proposed Blossom Ridge Development in Oakland Township was discussed. He noted that the Committee voted three-to-zero to approve the developer's request to continue with the rezoning question and consideration. He explained that the Committee reviewed Oakland Township's Master Plan, originally adopted in 2005 and readopted in 2011, which called for a density of three to five dwellings per acre. He noted that while the proposed development is 6.18 dwellings per acre, one of the allowable exceptions cited in the Master Plan for an increase in density is for senior housing.

Jordan Akil-Hunter, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC is hard at work planning their upcoming 5K Run/Walk set for June 15, 2013. He announced that the fund raising committee is holding a babysitting night on May 10th at Adams High School to raise monies for the race. The group will also begin work on a community garden plot and will

donate food raised to Neighborhood House. The RHGYC will participate in a Safe Driving Seminar on April 25th.

Mayor Barnett thanked Ms. Dimond for the Detroit Institute of Art's selection of Rochester Hills as a host community for their Inside/Out Program. He pointed out that a reproduction of one of the selected works of art is located in front of City Hall, with additional pieces at Yates Cider Mill, the Rochester Hills Museum at Van Hoosen Farm and the Village of Rochester Hills. He made the following announcements.

- The City is gearing up for the summer road work season, with projects affecting the following roads:

* Tienken Road from Sheldon to Rochester Roads

* Livernois Road repaving

* Finish detail gate work for the bridge crossing at Veterans Memorial Pointe

* Repaving of Avon Road in front of City Hall has been pushed back to 2014

- This is Severe Weather Awareness Week. A test of the Severe Weather Awareness Outdoor Warning System will be held on Wednesday, April 10th, at 1:00 p.m.

He distributed an article which recently appeared in the Rochester Post highlighting the Museum Barn Restoration Project. He commented that the private sector has stepped up tremendously and fully funded the enhancement project. He noted that the roof is almost done, and fund raising has begun for Phase 2.

He announced that the City was recognized by the National Arbor Day Foundation as a Tree City USA for the 23rd year in a row.

ATTORNEY MATTERS

None.

RECOGNITIONS

2013-0124 Proclamation in Recognition of Kuvam Nirad Shahane

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

Mr. Yalamanchi introduced middle school student **Kuvam Nirad Shahane** and read the proclamation recognizing his achievement in winning the Oakland Press Spelling Bee Contest. He noted that Mr. Shahane is off to compete in Washington, D.C.

Mr. Shahane thanked the City for the great true learning environment it provides. He stated that he honestly believes that if he were anywhere else, he would not be as successful in winning spelling bees. He commented that his middle school provides a prospering learning environment.

Michael Behrmann, Principal, Van Hoosen Middle School, stated that the city provides a great environment for students to be successful. He commented

that Kuvam is just one example of the best and brightest students that the community has.

Council congratulated Mr. Shahane.

Presented.

Whereas, Kuvam Nirad Shahane is an eighth grade student at Reuther Middle School who won the Oakland Press Spelling Bee Contest two years in a row; and

Whereas, Kuvam will be going to Washington D.C. to represent Michigan in the National Scripps Spelling Bee Contest against 280 students from around the country; and

Whereas, in addition to his exceptional spelling abilities, Kuvam also won a Mathcounts competition and will be going to Washington D.C. as one of four students to represent Michigan in that competition; and

Whereas, Kuvam's many talents include speaking the Marathi and Hindi languages as well as being proficient in American Sign Language; and

Whereas, when he is not in school, Kuvam enjoys reading, playing chess, tennis, and basketball.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Kuvam Nirad Shahane for his outstanding academic and extracurricular activities, and wish him continued success in all future endeavors.

2013-0125 Proclamation in Recognition of Shreya Minama-Reddy

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

Mr. Yalamanchi introduced middle school student **Shreya Minama-Reddy** and read the proclamation recognizing her achievement in being the First Runner-Up in the Oakland Press Spelling Bee Contest.

Ms. Minama-Reddy expressed her thanks for the opportunity to compete, and mentioned that growing up in Rochester Hills has been amazing. She commented that every child in America should have a chance to grow up in a city like Rochester Hills.

Council congratulated Ms. Minama-Reddy.

Presented.

Whereas, Shreya Minama-Reddy is an eighth grade student at Reuther Middle School who was first runner-up in the Oakland Press Spelling Bee Contest; and

Whereas, Shreya placed first in the Michigan Math League in 2012 and is a past Northwestern University Midwest Academic Talent Search scholar; and

Whereas, in addition to her exceptional academic abilities, Shreya also serves on the Reuther Middle School Council and the Science Olympiad Team; and

Whereas, Shreya also enjoys reading, figure skating, and singing; and

Whereas, Shreya loves to help out in her community and takes great pride in a job well done.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Shreya Minama-Reddy for her outstanding academic and extracurricular activities, and wish her continued success in all future endeavors.

(Mr. Yalamanchi exited at 7:22 p.m.)

Present 6 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdell and Michael Webber

Absent 1 - Ravi Yalamanchi

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.

2013-0112 Approval of Minutes - City Council Regular Meeting - March 4, 2013

Attachments: [CC Min 030413.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0070-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 4, 2013 be approved as presented.

2013-0106 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for 5G Slag in the amount not-to-exceed \$15,250.00; Edward C. Levy Company, Detroit, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0071-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for 5G Slag to Edward C. Levy Company, Detroit, Michigan in the amount not-to-exceed \$15,250.00 through December 31, 2013.

2013-0107 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for 21AA and 22A Road Gravel in the amount not-to-exceed \$27,750.00; Glenn Eisenhardt Excavating, Inc., Leonard, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0072-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for 21AA and 22A Road Gravel to Glenn Eisenhardt Excavating, Inc., Leonard, Michigan in the amount not-to-exceed \$27,750.00 through December 31, 2013.

2013-0109 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for 22X Road Gravel in the amount not-to-exceed \$5,000.00; Gary's Transport, Inc., Macomb, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0073-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for 22X Road Gravel to Gary's Transport, Inc., Macomb, Michigan in the amount not-to-exceed \$5,000.00 through December 31, 2013.

2013-0110 Request to Authorize the permit application from the Road Commission for Oakland County (RCOC) for the Memorial Day Parade to be held on Monday, May 27, 2013

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0074-2013

Whereas, the Cities of Rochester Hills and Rochester jointly host the 2013 Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veteran organizations; and

Whereas, the parade route begins at 10:00 a.m.; Mt. Avon Cemetery within the City of Rochester and runs along First Street, then southerly along Castell Street, then westerly along Harding Road to Livernois Road, and finally Livernois Road southerly to Veterans Memorial Pointe Park in the City of Rochester Hills; and

Whereas, staging this event requires closing certain County routes and using others for posted detour routes; and

Whereas, the two Cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Livernois Road and Avon Road.

Be It Resolved, that the Rochester Hills City Council authorizes the Mayor or his/her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures; and

Be It Further Resolved, that the parade route be scheduled for Monday, May 27, 2013, starting at 10:00 a.m. on Harding and Livernois Roads; and

Be It Further Resolved. that the City of Rochester Hills will faithfully fulfill all permit

requirements and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

Passed the Consent Agenda

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

Aye 6 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell and Webber

Absent 1 - Yalamanchi

(Mr. Yalamanchi re-entered at 7:25 p.m.)

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

NOMINATIONS/APPOINTMENTS

2013-0088 Nomination/Appointment of one (1) Citizen Representative to the Police and Road Funding Technical Review Committee to fill the unexpired term of Linda Raschke ending December 31, 2013

Attachments: [Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Blackstone CQ.pdf](#)
[Atkinson CQ.pdf](#)
[Butler CQ.pdf](#)
[Duda CQ.pdf](#)
[Ipina CQ.pdf](#)
[McCracken CQ.pdf](#)
[Marries CQ.pdf](#)
[Moore CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[030413 Agenda Summary.pdf](#)
[Raschke Resignation.pdf](#)
[030413 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Patrick Butler, 395 Wimpole Drive, stated that he is a long-time resident of Rochester Hills and has been a licensed attorney for over ten years. He requested consideration for appointment to the Police and Road Funding Technical Review Committee.

President Hooper Opened the Floor for Nominations.

*Mr. Webber nominated Thomas Blackstone.
Mr. Kochenderfer nominated Patrick Butler.*

Seeing No Further Nominations, President Hooper Closed the Floor for Nominations. *He stated that as there were two nominees, the item would be deferred to the next Council Meeting for a vote.*

Discussed; Nominated Thomas Blackstone and Patrick Butler.

2013-0092 Request for Re-Appointment of a Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire on March 31, 2014

Attachments: [Agenda Summary.pdf](#)
[Minutes PC 031913.pdf](#)
[Memo PC Rep to ZBA.pdf](#)
[Resolution.pdf](#)

President Hooper stated that the Planning Commission (PC) recommends the reappointment of Deborah Brnabic as PC Representative to the Zoning Board of Appeals and commented that she has done a fine job.

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

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

Enactment No: RES0066-2013

Resolved, that the Rochester Hills City Council hereby re-appoints Deborah Brnabic to serve as the Planning Commission representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2014.

NEW BUSINESS

(Mr. Kochenderfer exited at 7:36 p.m. and re-entered at 7:42 p.m.)

2010-0106 Request for Approval of the Amended and Restated Final Planned Unit Development (PUD) Agreement - Harvard Place PUD, a 168-unit apartment complex development on approximately 26 acres, located east of John R, north of School Rd., zoned PUD overlay, MJC Harvard Place, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Amended PUD Agreement.pdf](#)
[Map.pdf](#)
[Minutes PC 031913 \(excerpt\).pdf](#)
[Letter Suhy 031913.pdf](#)
[Report Staff 031513.pdf](#)
[Minutes PC 082112.pdf](#)
[091012 Agenda Summary.pdf](#)
[Staff Report Pre PUD 081012.pdf](#)
[Back Up Staff Report.pdf](#)
[Memo Anzek 120111.pdf](#)
[091012 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, introduced **Lou Chirco**, MJC Harvard Place, and **Shamik Tripathi**, MJC's Project Engineer, and noted that the concept plan for the Harvard Place Planned Unit Development (PUD) received Council approval in September of 2012. He explained that this request is to approve the amended PUD originally approved as Oakville Estates. He stated that the current developer is proposing changes based on a successful development model he has used in nearby communities. He noted that a Public Hearing was held at the Planning Commission level in August of last year, and the PUD agreement has been reviewed and approved by City Attorney John Staran. Final site plans are also recommended for approval by the Planning Commission, and will be considered under the next agenda item. He pointed out that there are no substantial changes from the concept plan.

Public Comment:

Stephen Aulph, 1247 John R, stated that his property is adjacent to the proposed development and questioned whether the right turn lane into the development will encroach upon his property. He commented that he is one of the few property owners that did not sell an easement for sewers and expressed concern that his horseshoe driveway will be affected as it is only 30 feet from the subject property line. He questioned whether any manmade barrier is proposed for the property line.

President Hooper questioned whether the turn lane would encroach on Mr. Aulph's property or if his driveway grade would change.

Mr. Tripathi responded that all improvements including the turn lane are within the 60-foot dedicated right-of-way. He commented that while there is a possibility that the approach would be blended in, it would not encroach or block anything. He stated that any grade change would be minimal if at all.

Mr. Breuckman stated that he would have to look further into the matter.

President Hooper questioned what the plan is for a pathway and whether it would be installed along the subject property and dead-end at Mr. Aulph's property.

Mr. Breuckman responded that it is his belief that the pathway will be installed on John R all the way to School Road. He pointed out that the developer is building the pathway.

President Hooper questioned whether the appropriate easements have been obtained.

Mr. Breuckman responded that this is the first time that he has heard that easements are in question. He noted that the proper easements would have to be obtained.

President Hooper noted that if approved, an additional condition should be added addressing easements. He questioned what type of barrier or fence would be installed at the property line.

Mr. Tripathi responded that a natural tree buffer would be installed and no fence would be built.

President Hooper questioned what type of trees would be installed and what the specific buffer requirement would be for the development.

Mr. Tripathi responded that the barrier would be a staggered mix of evergreen and deciduous trees. He noted that a landscape architect team designed the buffer.

Mr. Breuckman noted that the development calls for a Type B landscape buffer, which requires at least four deciduous and evergreen trees, one-and-a-half ornamental trees, and at least four shrubs for every one hundred lineal feet with a minimum buffer width of ten feet. He noted that the buffer is not intended to be completely opaque. He stated that the developer's plans meet and exceed the requirements and commented that the landscape architect has clustered the evergreen trees where there are adjacent homes.

Council Discussion:

Mr. Klomp commented that he shares the concerns raised by residents in the immediate area and questioned how notice of the proposed development was made. He mentioned that several residents related that they were not informed of the development's consideration.

Mr. Breuckman responded that a revision to a PUD requires the same approval process and noticing requirements as a new PUD. He stated that State Law dictates the Public Hearing noticing process, with property owners within 300 feet of the subject property receiving a direct-mailed notice. He explained that notice is also posted in the City's official newspaper, at City Hall, and online. He commented that noticing does not extend beyond the 300-foot requirement because increasing the notice process beyond the legal requirement is a slippery slope as it would raise questions as to where to stop notification.

Mr. Klomp noted that the adjacent properties are sparsely populated and the 300-foot area encompasses only five or six homes. He questioned the continuity of the project and pointed out that this is an area of all single-family homes. He expressed concern regarding building apartments versus condominiums in this location and questioned what type of renters were expected.

Mr. Chirco responded that this is the same building configuration as those the company previously sold as entry-level condominiums when the economy was booming. He stated that condominium financing has become impossible to get. He explained that the units range from 1,440 to 1,600 square feet on all one level, have their own two-car garages and are very attractive higher-end units. He explained that rental rates are expected to range from \$1,250 up to \$1,600 per month, depending on the economy. He commented that once the economy improves, the units will be able to sell as condominiums.

Mr. Klomp questioned how the number of units increased from 122 in the previous PUD to the 168 units proposed.

Mr. Chirco responded that the previous developer's layout utilized all the land on-site and called for two- and three-unit buildings. He explained that the previous PUD proposed to strip the entire site of topography and trees and provided for minimum lot-line backups between the buildings and decks. He pointed out that the proposed development locates the buildings in a fashion where well over 50 to 60 feet is maintained between the lot lines and adjacent houses. He added that the initial PUD proposed to save only just over 200 trees and the proposed PUD amendment will save over 656 trees. He noted that there are large stands of pine trees to the north adjacent to the industrial complex and trees along John R that were saved.

Mr. Klomp questioned whether any wetlands would be impacted.

Mr. Tripathi responded that the wetland would not be impacted with the exception of the installation of a crosswalk.

Mr. Yalamanchi questioned whether the previous approval was for a ranch design and if the possibility of paving School Road could be addressed.

Mr. Chirco responded that the previous PUD called for ranches.

Mr. Breuckman responded that the developer will contribute to his share of paving the frontage along School Road to his development's entrance. He noted that there are no immediate plans to pave School Road and a gate at the School Road entrance would prohibit anything other than emergency vehicle access. He stated that the development residents would not be allowed to use School Road until the roadway is paved.

President Hooper offered that a project could be added to the Capital Improvement Plan for the paving of School Road.

Mr. Rosen commented that the appeal of the original PUD was that it called for ranch condominiums. He expressed disappointment that the current proposed PUD will not have the same appeal to him. He noted that while he is somewhat encouraged by the lesser footprint of the buildings, he expressed doubt that a subsequent conversion to condominiums would not be difficult. He mentioned that the new condominiums behind the Kings Cove complex sold very quickly last fall and winter.

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

Aye 6 - Hooper, Klomp, Kochenderfer, Tisdel, Webber and Yalamanchi

Nay 1 - Rosen

Enactment No: RES0067-2013

Resolved, that the Rochester Hills City Council hereby approves the Amended and Restated Final Planned Unit Development (PUD) Agreement for Harvard Place PUD, a 168-unit apartment complex development on approximately 26 acres, located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038 and -040, zoned PUD overlay, MJC Harvard Place, LLC, Applicant, based on plans dated received by the Planning and Economic Development Department on February 26, 2013 with the following findings and subject to the following conditions:

Findings:

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD concept plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed Plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the Approved Final Plan set shall be attached to the PUD Agreement as exhibits, including the color elevation of the buildings previously provided by the applicant to the Planning Commission.
2. All other conditions specifically listed in the Agreement shall be met, prior to Final Approval by Staff.

2012-0166 Request for Approval of Final Site Plan - Harvard Place Planned Unit Development (PUD), a 168-unit residential development, located on 26 acres east of John R and north of School Road

Attachments: [Agenda Summary.pdf](#)
[Drawings C1-C11.pdf](#)
[Site Plans.pdf](#)
[Elevations.pdf](#)
[Exterior Elevations.pdf](#)
[Landscape Plans.pdf](#)
[Tree Plans.pdf](#)
[Resolution.pdf](#)

President Hooper noted that a sixth condition should be added to the proposed resolution to address easements required for any pathway construction along John R to School Road.

Mr. Kochenderfer commented that he is encouraged to hear that the development would most likely transition to condominiums in the future. He stated that based on his experience, he believes the market will be there for the transition.

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

Aye 6 - Hooper, Klomp, Kochenderfer, Tisdell, Webber and Yalamanchi

Nay 1 - Rosen

Enactment No: RES0068-2013

Resolved, that the Rochester Hills City Council hereby approves the Final Site Plans for Harvard Place PUD, a 168-unit apartment complex on approximately 26 acres located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038 and -040, zoned PUD overlay, based on plans dated received by the Planning and Economic Development Department on February 26, 2013, with the following findings and conditions:

Findings:

1. The Site Plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. Automobile parking areas have been designed to avoid common traffic problems and promote safety.
4. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
5. The proposed development does not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
6. The proposed Final Site Plans promote the goals and objectives of the Master Plan that the City provides a variety of housing.
7. The proposed Final Site Plans provide appropriate transition between the existing land uses surrounding the property.

Conditions:

1. All remaining engineering issues identified in the memo dated March 11, 2013 from DPS/Engineering shall be addressed prior to issuance of a Land Improvement Permit.

2. All comments from the Fire Department memo dated March 12, 2013 shall be addressed prior to Final Staff Approval of the plans.
3. Provision of a performance guarantee in the amount of \$232,113.00, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
4. Submittal of an irrigation plan prior to Final Staff Approval of the plans.
5. Obtain appropriate Permit from Engineering Services for any work in the John R right-of-way and dedicate and convey to the City a right-of-way along the John R and School Road frontages, both prior to obtaining a Land Improvement Permit.
6. Appropriate easements to be obtained prior to installation of a pathway along John R from the John R entrance to School Road.

(Mr. Yalamanchi exited at 7:58 p.m.)

Present 6 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdell and Michael Webber

Absent 1 - Ravi Yalamanchi

2012-0056 Request for Final Site Condominium Plan Approval - Avon Lakes Condominium, a two-unit development on Mackwood, west of Dequindre, zoned R-4, One Family Residential, Hamlin Associates, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Final Plan Exhibit Bs.pdf](#)
[Minutes PC 031913 \(excerpt\).pdf](#)
[Staff Report 031513.pdf](#)
[Minutes PC 030612 \(excerpt\).pdf](#)
[040212 Agenda Summary.pdf](#)
[Site Condo Plans.pdf](#)
[Minutes PC 030612 \(excerpt\).pdf](#)
[Staff Report 030612.pdf](#)
[Review #1 comments.pdf](#)
[PHN Post.pdf](#)
[040212 Resolution.pdf](#)
[Resolution.pdf](#)

Joel Garrett, Agent representing Hamlin Associates, was in attendance.

Jim Breuckman, Manager of Planning, stated that an existing platted lot is proposed for two site condominium units. He explained that the proposal meets zoning requirements and is consistent with recently-developed platted lots in nearby Avon Lakes and Avon Woods Subdivisions. He pointed out that preliminary plans were approved in April of 2012 and City Attorney John Staran has reviewed and approved the Master Deed and By-Laws.

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

Aye 6 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell and Webber

Absent 1 - Yalamanchi

Enactment No: RES0075-2013

Resolved, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Avon Lakes Condominium, a two-unit development on Mackwood, between John R and Dequindre, zoned R-4, One Family Residential, Parcel No. 15-25-202-040, based on plans dated received by the Planning and Economic Development Department on March 1, 2013, Hamlin Associates, Applicant with the following findings and conditions:

Findings:

1. Upon compliance with the following conditions, the Final Plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The Final Plan represents a reasonable lot layout and orientation that is harmonious with the surrounding developments.
4. The development should have no substantially harmful effects on the environment.
5. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. The Final Plan is in conformance with the Preliminary Plan approved by City Council on April 2, 2012.

Conditions:

1. Provision of \$200 per unit for street trees, payment to be made prior to obtaining a Land Improvement Permit.
2. That the applicant receives all Engineering-related permits, including a Soil Erosion and a Sedimentation Control Permit.

(Mr. Yalamanchi re-entered at 8:01 p.m.)

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

2013-0121 Request for Approval of the Agreement between the City of Rochester Hills and the International Association of Fire Fighter Local 3472, effective January 1, 2011 through December 31, 2013

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

Pam Gordon, Director of Human Resources, noted that Council is requested to approve the proposed settlement with IAFF 3472 that was ratified this evening. She stated that the term of the contract will be from January 1, 2011 through December 31, 2013.

Mr. Klomp thanked Ms. Gordon for her efforts and expressed his appreciation to the City's Firefighters and EMS workers.

President Hooper concurred, stating that it is a job well done.

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

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

Enactment No: RES0076-2013

Whereas, negotiations between the City of Rochester Hills and the International Association of Fire Fighters (IAFF) Local 3472 have resulted in a settlement agreement for a new contract effective January 1, 2011 through December 31, 2013.

Resolved, that the Rochester Hills City Council hereby approves the agreement between the City of Rochester Hills and the IAFF Local 3472 as presented on April 8, 2013.

(Recess 8:03 p.m. to 8:05 p.m.)

2013-0129 Request for Adoption of a Resolution in Support of the Preservation of Municipal Tax Exemption

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

Mayor Barnett stated that he was made aware of the various ways that sequestration will affect the City while he was recently attending the Council of Mayors in Washington, D.C. He explained that he requested an investigation of the financial impact that one proposed change, the removal of the Municipal Tax Exemption, would have on the City.

Keith Sawdon, Director of Finance, stated that in an effort to fill the national budget gap and locate new revenue sources, many avenues are being investigated, including the elimination of tax exempt status for municipal debt. Mr. Sawdon stated that municipal debt is used almost exclusively for infrastructure improvements by the issuance of municipal bonds, with interest costs passed on to the taxpayers. He explained that interest costs to the City and its taxpayers could increase by as much as 30 percent as municipal bonds become less attractive for investment. Considering the City's current debt, he estimated as much as \$1.8 million in additional interest costs should this exemption be removed. He pointed out that a dedicated millage such as the millage levied for the Older Persons Commission, could rise, as interest costs are passed on to the taxpayer. He stated that Council's support of the proposed resolution would show those in Washington, D.C. what impact this proposed change will have on the City's taxpayers and rate users.

Mr. Yalamanchi noted that municipal bonds are attractive to investors because they are tax exempt. He stated that should they lose their tax exempt status, the interest rates would have to be higher to attract investors.

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

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

Enactment No: RES0077-2013

Whereas, tax-exempt municipal bonds are the primary means by which state and local governments finance three quarters of the critical infrastructure of our nation, including roads, bridges, hospitals, schools, and utility systems; and

Whereas, through the tax exemption, the federal government continues to provide critical support for the federal, state and local partnership that develops and maintains essential infrastructure, which it cannot practically replicate by other means; and

Whereas, the municipal tax exemption has enabled state and local governments to finance more than \$1.65 trillion in infrastructure investment over the last decade; and

Whereas, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

Whereas, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

Whereas, tax exempt bonds benefit state and local governments who need the support of investors to finance critical infrastructure, taxpayers across the country who depend on this infrastructure for reliable transportation systems, schools, public health facilities, energy, clean water and affordable housing, the federal government, who gets quite a bargain on their partnership with state and local government to provide the nation's infrastructure through the exemption; and investors who buy bonds for many reasons, including the safe nature of these financial products; and

Whereas, municipal bonds are the second safest investment, aside from U.S. Treasuries, with state and local governments having nearly a zero default rate; and

Whereas, according to a 2010 Thomson Reuters report, 72% of the total outstanding municipal debt is held by individual investors, either directly or through mutual funds and money market; and

Whereas, Congress and the President have proposed legislation to reduce or repeal the tax exemption on municipal bonds; and

Whereas, these proposals to reduce or repeal the tax exemption would have severely detrimental impacts on national infrastructure development and the municipal market, raising costs for state and local borrowers and creating uncertainty for investors; and

Whereas, if the proposal to cap the exemption on municipal bonds at 28 percent had been in place over the last 10 years it would have cost state and local governments an additional \$173 billion in interest costs; and

Whereas, total repeal of the exemption over the last decade would have cost state and local governments over \$495 billion in additional interest costs; and

Whereas, the municipal tax exemption has a long history of success, having been maintained through two world wars and the Great Depression, as well as the recent Great Recession, and it continues to finance the majority of our nation's infrastructure needs for state and local governments of all sizes when no other source exists to do so;

Now, Therefore, Be It Resolved, that the City of Rochester Hills opposes any efforts by Congress and the White House to reduce or repeal the federal tax exemption on interest earned from municipal bonds; and

Be It Further Resolved, that we oppose any action that would reduce or repeal the exemption on tax-exempt bond interest, and affirm that there should be no legislative action to apply any changes retroactively to current outstanding bonds; and

Be It Further Resolved, that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration.

2013-0111 Request for Purchase Authorization - FAC/PARKS: Increase of Blanket Purchase Order for Engineering and Environmental Services for Riverbend Park Project Development in the amount of \$43,500.00 for a not-to-exceed amount of \$60,570.00 through December 31, 2013; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [Agenda Summary.pdf](#)
[HRC Proposal Ph I-B.pdf](#)
[Resolution.pdf](#)

Mike Hartner, Director of Parks and Forestry, stated that this request is the next step in the development of the planning phase for Riverbend Park. He explained that the donation pledged is for the development of the park; the City's commitment would be in funding the planning and permitting phase.

Mr. Yalamanchi questioned whether Hubbell, Roth & Clark (HRC) would coordinate discussions with the residents.

Mr. Hartner responded that while HRC is the lead on the project, Landscape Architects and Planners would most likely participate in the discussions along with completion of the Environmental Assessment.

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

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

Enactment No: RES0078-2013

Resolved, that the Rochester Hills City Council hereby authorizes an increase of the Blanket Purchase Order for Engineering and Environmental Services for Riverbend Park Project Development to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the amount of \$43,500.00 for a not-to-exceed amount of \$60,570.00 through December 31, 2013.

2013-0120 Request for Approval to proceed with the bid phase for the recommended technology and acoustics for the auditorium, as well as updates to City media technology

Attachments: [Agenda Summary.pdf](#)
[Evaluation Summary.pdf](#)
[Evaluation Letter.pdf](#)
[Request for Proposal.pdf](#)
[Wave Solutions Proposal.pdf](#)
[Contract.pdf](#)
[Resolution.pdf](#)

Mayor Barnett introduced Jason Dale, Media Production Technician, and explained that this request will allow the proposed technology upgrades to continue on to the bid process.

Mr. Dale introduced the City's consultant, Steve Robinson, and explained that the project began approximately one year ago. He stated that the broadcast facility has aging equipment and acoustical problems. He pointed out that the analog equipment is outdated and not keeping up with the conversion to digital that the United States went through in 2009. He mentioned that data has been gathered from the various users of the auditorium and the Administration is now ready to begin implementing solutions. He added that the project will address overflow from the auditorium, improve the ability for the audience to hear proceedings, make it easier for presenters and the recording secretaries, and afford the residents a better broadcast viewing experience. He pointed out that the funding source, PEG Fees, is limited by law to be used for technology in broadcast and capital equipment.

President Hooper stated that he has no problem in moving forward with the bid phase; however, he wants to see everything itemized in the contract.

Mr. Webber commented that the proposed project takes a comprehensive approach and stated that he hears complaints from individuals who say the broadcast is often hard to hear. He stated that a conversion to digital is imminent and it will be money well spent, as well as an appropriate use of the PEG fees.

Mayor Barnett noted that once bids are received, there will be various responses from the bidders on how they would solve the problems. He commented that the project is actually retroactive and will bring the City up to date. He stated that as the process moves forward, more information will become available for presentation to Council.

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

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

Enactment No: RES0079-2013

Resolved, that the Rochester Hills City Council hereby approves proceeding with the bid phase for the recommended technology and acoustics for the auditorium, as well as updates to City media technology.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, April 22, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:23 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, 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.