



Rochester Hills

Minutes

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, October 14, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:05 p.m. Michigan Time.*

ROLL CALL

Present 6 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, Mark Tisdel, Michael
Webber and Ravi Yalamanchi

Absent 1 - James Rosen

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Jered Bauman, Light Equipment Operator
Jim Breuckman, Manager of Planning
Scott Cope, Director of Building/Ordinance Compliance
Lance DeVoe, Naturalist
Scott Difilippo, Rochester Hills Government Youth Council Representative
Mike Hartner, Director of Parks and Forestry
Vince Jesue, Light Equipment Operator
Ed Leafdale, General Foreman
Allan Schneck, Director of DPS/Engineering
Joe Snyder, Senior Financial Analyst*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

**A motion was made by Webber, seconded by Yalamanchi, that the Agenda be
Approved as Amended to move Legislative File 2013-0367 Presentation of the
American Public Works Association (APWA) Snow Plow Roadeo Award to
immediately follow Legislative File 2013-0361 Proclamation in recognition of the
Festival of Diwali. The motion carried by the following vote:**

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

Absent 1 - Rosen

PUBLIC COMMENT

***Lorraine McGoldrick**, 709 Essex Drive, stated that she did not believe that the Green Space Millage informational flyer was appropriate, and commented that she thought the City's educational campaign on the Millage borders on lobbying. She requested information on the possible costs for green space stewardship of city-owned property.*

***Lee Zendel**, 1575 Dutton Road, questioned Council's decision to approve an extended contract for Single Waste Hauler services. He commented on the trucks' actual hours of service appear to be outside of the contract requirements, and noted that it appears in the previous contract that the City is not obligated to pay any unamortized costs if the contract were not renewed. He questioned the ownership of the carts. He mentioned the recycling services provided, noting that unsorted glass is useless in recycling. He stated that as pricing for recycled materials has decreased, the City's revenue from that rebate may also decrease.*

LEGISLATIVE & ADMINISTRATIVE COMMENTS

***Mayor Barnett** reviewed the status of several of the City's construction projects:*

- Road and Pathway rehabilitation on Falcon and Firewood continues to proceed, with a projected completion date of November 15th.*
- Tienken Road, from Rochester to Sheldon Roads, is scheduled to open on Friday.*
- All construction projects are on time, on budget.*

He highlighted the following recent events:

- The Stone Wall Pumpkin Festival this past weekend at the Rochester Hills Museum at Van Hoosen Farm had record attendance.*
- Open Houses were held at the City's Fire Stations this past weekend.*

He mentioned the educational flyer being distributed regarding the proposed Green Space Millage question and noted that the piece contains the actual resolution wording, information and a link to the City's website. In response to Public Comment, he noted that the trash receptacle carts will go with each individual house after ten years. He mentioned that the City experienced two losses recently. Roy Rewold, Chief Executive Officer of Frank Rewold and Sons, and long-time Rochester-area resident, passed away last week. He commented that Mr. Rewold's company built the Royal Park Hotel, Great Oaks Country Club, did projects at Crittenton Hospital and the Palace, and built the Onyx Ice Arena.

He stated that Mr. Rewold was a fantastic philanthropist, and a contributor to the Festival of the Hills and the Mayor's Business Council.

He stated that Deputy Keith Hess, 42 years of age and a thirteen-year veteran of the Oakland County Sheriff's Department, was taken suddenly last week. Deputy Hess spent the last four years assigned to Rochester Hills.

Council observed a moment of silence.

Scott Difilippo, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC's meeting this evening focused on the planning stages of events and activities for their year. He noted the following activities:

- The Public Relations Committee applied for a grant from Ford Motor Company for a Safe Driving Campaign. Last year, the RHGYC's safe driving activities encouraged a raised awareness for no texting and driving.
- The Green Team will be once again selling reusable bags. This year's activities will target small businesses in Rochester.
- The Helping Hands Committee will once again partner with the Faith Works organization to help clean up yards for seniors and veterans.
- The Education Committee is in the planning stages of an anti-bullying campaign for the schools.
- The RHGYC is in the early stages of planning for its annual 5K for 2014.

ATTORNEY MATTERS

None.

PRESENTATIONS

2013-0361 Proclamation in recognition of the Festival of Diwali

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

Mr. Yalamanchi introduced **Ms. Padma Kuppa** and read the proclamation in recognition of the Festival of Diwali.

Ms. Kuppa stated that Rochester Hills is the first City in Michigan to recognize the Festival. She mentioned that the United States Congress passed a resolution in 2007 honoring the importance of Diwali. She commented that members of the community were in attendance to express their appreciation for Council's recognition and the pluralism in which the proclamation was issued. She noted that Diwali, known as the "Festival of Lights", proclaims the light of knowledge over the darkness of ignorance.

Presented.

Whereas, the Hindu American Foundation and more than one billion celebrants worldwide reverently observe the Holy day of Diwali on Sunday, November 3, 2013; and

Whereas, Diwali, the "Festival of Lights" which symbolizes the victory of dharma, and good over evil, is one of the most celebrated festivals of Hindus, Sikhs and Jains; and

Whereas, Diwali is a time for dana (charitable giving) and seva (selfless service) by bringing light in the form of wisdom, knowledge, nourishment, and shelter in order to alleviate the tangible forms of suffering, such as hunger, disease, and poverty; and

Whereas, the shared Indian holiday of Diwali signifies a special time of peace and serenity, with the hope of building bridges of understanding and tearing down barriers of intolerance; and

Whereas, the City of Rochester Hills is home to a Hindu American community who celebrate Diwali with friends and family, and add to the diversity in our City.

Now, Therefore, Be it Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Sunday, November 3, 2013, as Diwali Day in the City of Rochester Hills, Michigan, and offer their sincere wishes for a joyful and inspirational Diwali, Festival of Lights celebration.

RECOGNITIONS

2013-0367 Presentation of the American Public Works Association (APWA) Snow Plow Roadeo Award; Mr. Timothy Juidici, APWA, presenter

Attachments: [Agenda Summary.pdf](#)
[Snow Plow Roadeo Brochure.pdf](#)

Allan Schneck, Director of DPS/Engineering, introduced **Timothy Juidici**, President, Detroit Metropolitan Branch of the American Public Works Association (APWA).

Mr. Juidici stated that the APWA is a national organization dedicated to the advancement of improved practices for the design and maintenance of public works facilities. He noted that the organization promotes safe equipment operation and raises public awareness through friendly competition. This year 25 teams from the Metro Detroit branch maneuvered through an eight-station obstacle course, driving snowplows through a test run at the Palace. Rochester Hills sent two teams to the competition, and the team awarded first place consisted of Jered Bauman and Vince Jesue. He presented a travel trophy to Mr. Bauman and Mr. Jesue.

Council congratulated Mr. Bauman and Mr. Jesue.

Presented.

PRESENTATION

2013-0368 Presentation of the Deer Management Advisory Committee - 2013 Report

Attachments: [Agenda Summary.pdf](#)
[DMAC Presentation.pdf](#)
[Deer-Vehicle Crash Map 2010-12.pdf](#)
[061813 DMAC Minutes \(Draft\).pdf](#)

Jim Kubicina, Chairperson, Deer Management Advisory Committee (DMAC), listed the members comprising the DMAC and noted that **Mike Hartner**, Director of Parks and Forestry, and **Lance DeVoe**, Naturalist, provide much information to the committee.

Mr. Kubicina gave a presentation which highlighted the ten areas surveyed during the aerial flyover and noted the trend of the deer population numbers over time. He noted that four inches of snow is required prior to performing the flyover, and cautioned that the numbers seen are to be viewed as a trend rather than the actual number of deer throughout the City. He explained that 170 deer were counted during the flyover in 2013, down from 217 counted last year. A chart displayed showed the trend for the last five years, noting a dip in 2009 where the Department of Natural Resources estimates that Epizootic Hemorrhagic Disease (EHD), seen throughout Michigan, wiped out between 150 to 200 deer along the Clinton River Trail. He noted that a drop of 21.7 percent was noted in the deer count in 2013 from 2011. He added that no flyover was done in 2012 as there was not enough snowfall.

He displayed deer/vehicle crash data trends, beginning in 1999. He noted that the high point occurred in 2007, where 219 crashes took place in the city. The number of crashes dipped in 2010 to a low mark, attributed to educational programs introduced by the City making motorists aware of the dangers of deer. While crashes have increased this year to 155, this represents an increase of 11.5 percent over 2012. He explained that the DMAC arrived at two benchmarks to use before recommending any further action beyond educational signage which include an increase in the deer/vehicle crash numbers above 200 and an increase in the deer herd of 20 percent or more over the previous year. As the crashes only increased by 11.5 percent, and the herd actually decreased by 21.7 percent, no further action is recommended.

Additional charts presented tracked deer complaints, which have decreased from a high point in 2009. **Mr. Kubicina** noted that he has spoken with new residents of Rochester Hills, and added that Committee Member Monique Balaban has offered to contact residents to offer free samples and give advice on plants or fencing which could be used to mitigate deer damage.

He noted that the City uses high visibility signs during the crash season, targeting the high impact areas.

Mr. Hartner explained that data is obtained from the Southeast Michigan Council of Governments (SEMCOG) showing three-year trends of deer/vehicle crashes, which is used to determine the appropriate placement of the movable signs. He pointed out that last year, the southern portion of the city saw a spike in crashes; and he noted that signs will be placed in that area for 2013. He stated that four message boards, two City signs and one Sheriff's cart will be used, and moved once during the season, highlighting 14 different locations.

Mr. Kubicina added that the recent addition of radar speed signs in school zones has led to a collateral benefit. He noted that as people slow down in these areas, they are more prepared to avoid car/deer crashes. He highlighted the DMAC's recommendations for 2014, which are consistent with 2013 and include:

- Continuing the feeding ban.
- Continuing the educational component.
- Improved signage.

He noted that the DMAC adopted resolutions regarding the following:

- Request the continuation of the annual aerial deer count surveys.
- Request the continuation of the use of changeable message boards in high deer/vehicle crash areas during October and November.
- A move to look toward other low cost options to increase awareness, such as offering sponsorship of signs to businesses to defray City costs.
- Exploration of the possibility of requesting churches with electronic display signs to incorporate a message regarding deer awareness during October and November.

He noted that Council's budget for 2014 includes funding for the aerial survey and continued signage.

Council Discussion:

Mr. Webber thanked the Committee Members, including Chairperson Kubicina, and City staff members Mr. Hartner and Mr. DeVoe. He commented that the DMAC is a great committee comprised of individuals representing differing viewpoints throughout the years. He stated that for the low cost of deer awareness activities, he believes that the City is making a difference. He added that 26 radar speed signs were installed in 13 locations through a grant.

Mayor Barnett commended Mr. Kubicina for his leadership of the DMAC for the past five years. He noted that Mr. Hartner was asked to speak at a press conference hosted at Oakland County regarding the City's progress, and stated that the City is seen as a regional leader as to how it handles deer management issues. He added that many of the City's activities are undertaken with little or no expense, and mentioned that Oakland University cut brush on their property, SEMCOG provided flyers, and the DMAC members go out and meet with individuals. He commented that he is proud of what the City has accomplished and gave credit to Mr. Kubicina, Mr. Hartner, Mr. DeVoe and the committee.

Presented.

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.

- 2013-0366** Request for Acceptance of a Pedestrian Bicycle Pathway Easement granted by Brookedale West Homeowners Association, a Michigan non-profit corporation, for Brookedale West Homeowners Association, for Brookedale West, Park No. 1, and Brookedale West, Park No. 2, Falcon-Firewood Pedestrian Pathway Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0211-2013

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Brookedale West Homeowners Association, a Michigan non-profit corporation, 169 Stonetree Cir., Rochester Hills, Michigan, City File No. E13-003, Falcon-Firewood Pedestrian Bicycle Pathway Project, over, on, through and across land more particularly described as Brookedale West Park No. 1, Parcel No. 15-07-376-001, and Brookedale West Park No. 2, Parcel No. 15-07-326-001.

- 2013-0378** Request for Acceptance of a Pedestrian Bicycle Pathway Easement granted by Hunters Creek Homeowners Association, a Michigan non-profit corporation, for Hunters Creek Park No. 1, Hunters Creek Park No. 3, Hunters Creek Park No. 4, Hunters Creek Park No. 8, and Hunters Creek Park No. 10, Falcon-Firewood Pedestrian Bicycle Pathway Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0212-2013

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Hunters Creek Homeowners Association, a Michigan non-profit corporation, 626 Plum Ridge, Rochester Hills, Michigan, for City File No. 13-003, Falcon-Firewood Pedestrian Bicycle Pathway Project, over, on, through and across land more particularly described as Hunters Creek Park No. 1, Parcel #15-07-352-027, Hunters Creek Park No. 3, Parcel No.15-07-353-023, Hunters Creek Park No. 4, Parcel No.15-07-303-001, Hunters Creek Park No. 8, Parcel No.15-07-153-001 and Hunters Creek Park No. 10, Parcel No.15-07-151-001.

- 2013-0370** Request for Purchase Authorization - DPS/FLEET: Purchase of one (1) new four wheel drive forestry chip truck in the amount of \$55,865.00; Signature Ford Lincoln, Owosso, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0213-2013

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) new four wheel drive forestry chip truck from Signature Ford Lincoln, Owosso, Michigan in the amount of \$55,865.00.

2013-0373 Request for Purchase Authorization - BLDG/FACILITIES: Blanket Purchase Order for snow removal services for 2013-2014 winter season for City Hall, 52/3 District Court and Oakland County Sheriff Office Substation in the amount not-to-exceed \$75,000.00 through June 30, 2014; Progressive Irrigation, White Lake, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0214-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for snow removal services for 2013-2014 winter season for City Hall, 52/3 District Court and Oakland County Sheriff Office Substation to Progressive Irrigation, White Lake, Michigan in the amount not-to-exceed \$75,000.00 through June 30, 2014 and further authorizes the Mayor to execute a contract on behalf of the City.

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.

Passed the Consent Agenda

A motion was made by Webber, seconded by Yalamanchi, 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, Tisdell, Webber and Yalamanchi

Absent 1 - Rosen

The following Consent Agenda Item was Discussed and Adopted by Separate Motion:

2013-0376 Request for Purchase Authorization - DPS/ENG: Contract for the Hamlin Boulevards Irrigation System in the amount of \$33,720.00 with a 10% contingency of \$3,372.00 for a total not-to-exceed amount of \$37,092.00; Michigan Automatic Sprinkler, Inc., Commerce, MI

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

Mr. Yalamanchi questioned where there were other opportunities to use Act 51 funding, and requested information on the annual operating cost of sprinklers installed on the Livernois Road Boulevard.

Allan Schneck, Director of DPS/Engineering, stated that Metro Act funding may be utilized anywhere within the road right-of-way. He explained that the

annual cost of maintenance for a sprinkler system includes having it energized in the spring and blown out in the winter, and is approximately \$3,000. He noted that the cost of the water used falls under the Facilities budget; and he stated that he would obtain these figures from Scott Cope, Director of Building/Ordinance Compliance.

Mr. Yalamanchi questioned whether there were plans to include landscape improvements along the western portion of Hamlin Road.

Mr. Schneck responded that prior to doing any landscape improvements in that area, irrigation must be installed. He noted that scheduled improvements to Hamlin east of Livernois include three-lane segments and no boulevard would be installed.

Mr. Yalamanchi requested that the Administration look into the cost for improvements for Hamlin Road from Adams to Crooks.

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

Absent 1 - Rosen

Enactment No: RES0215-2013

Resolved, that the Rochester Hills City Council hereby authorizes the Contract for the Hamlin Boulevards Irrigation System to Michigan Automatic Sprinkler, Inc., Commerce, Michigan in the amount of \$33,720.00 with a 10% contingency of \$3,372.00 for a total not-to-exceed amount of \$37,092.00 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.

PUBLIC HEARINGS

2013-0349 FY 2013 3rd Quarter Budget Amendments

Attachments: [Agenda Summary.pdf](#)
[2013 3rd Qtr BA - Overview.pdf](#)
[2013 3rd Qtr BA - Budget Amendments.pdf](#)
[2013 3rd Qtr BA - Budget Adjustments.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Joe Snyder, Senior Financial Analyst, stated that the 3rd Quarter Budget Amendments, as presented, represent an increase in revenues for 2013 of \$1.1 million, an increase in expenses by \$1.4 million, and a corresponding use of Fund Balance of \$326,000.

He explained that a decrease in expenses of \$925,000 is the result of 2012 look-backs, which constitute a true-up calculation of the actual amounts of the

services provided in 2012 versus the original budgeted amounts. He stated that the inter-fund true-up amounts redistribute funds internally throughout the City, and overcollected amounts are reimbursed back to user departments. He pointed out that the increase in capital projects of \$593,000 is due to items that Council has already approved, and include the Falcon/Firewood Rehabilitation and Pathway Project, the 2013 Pathway Rehabilitation Program, the South Boulevard Water Main Project, and the work on Fire Station #1's roof.

He noted that transfers out increased by \$1.7 million, and include funds transferred over to the Water and Sewer Capital Fund representing collected monies for the use of the DPS Facility by those functions not related to Water and Sewer. He pointed out that Water and Sewer Funds were used to fund the facility's construction.

He mentioned that other income increased by \$347,000, and stated that the largest single increase represented is that of the Insurance Fund rebate of \$254,000.

President Hooper Opened the Public Hearing at 7:57 p.m.
Seeing No Public Comment, President Hooper Closed the Public Hearing at 7:58 p.m.

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

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

Absent 1 - Rosen

Enactment No: RES0216-2013

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, in accordance with Section 19 of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act the City Council may permit the Mayor to execute *adjustments* to the budget within limits;

Whereas, the Public Hearing for the proposed FY 2013 3rd Quarter Budget Amendments was noticed on September 27, 2013; and

Whereas, the proposed FY 2013 3rd Quarter Budget Amendments were available for public viewing beginning on October 4, 2013; and

Whereas, at its October 14, 2013 meeting City Council held a Public Hearing on the proposed FY 2013 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following FY 2013 fund totals as amended:

101 - General Fund	\$24,403,490
202 - Major Road Fund	6,892,930
203 - Local Street Fund	7,829,890

206 - Fire Fund	7,359,490
207 - Special Police Fund	9,263,490
214 - Pathway Maintenance Fund	547,300
244 - Water Resources Fund	615,240
402 - Fire Capital Fund *	50,000
403 - Pathway Construction Fund	697,720
592 - W&S Operating Fund	33,283,350
593 - W&S Capital Fund	7,621,490
631 - Facilities Fund	5,460,980
636 - MIS Fund	1,768,120
661 - Fleet Equipment Fund	3,990,270
677 - Insurance Fund *	366,000

* = No expenditure, revenue only

and, Therefore, Be It Further Resolved, the Mayor is authorized to administratively adjust the operating budget line-items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment.

NOMINATIONS/APPOINTMENTS

2013-0377 Acceptance of Resignation from Jim Duistermars from the Zoning/Sign Board of Appeals

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

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

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

Absent 1 - Rosen

Enactment No: RES0217-2013

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Jim Duistermars as a member of the Zoning/Sign Board of Appeals effective October 10, 2013.

NEW BUSINESS

2012-0208 Request for Approval of a Preliminary and Final Site Condominium Plan for Somerset Pines, a proposed 42-unit residential development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One-Family Residential, MJC Somerset Pines, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Condo Plans.pdf](#)
[Minutes PC 091713.pdf](#)
[PHN FP 091713.pdf](#)
[Staff Report 091313.pdf](#)
[Staff Reviews 091113.pdf](#)
[072913 Agenda Summary.pdf](#)
[MJC Ltr 070913.pdf](#)
[Minutes PC 071613.pdf](#)
[Memo Anzek 071213.pdf](#)
[Staff Report 062212.pdf](#)
[071612 Agenda Summary.pdf](#)
[Site Condo Plans.pdf](#)
[Landscape Plans.pdf](#)
[Minutes PC 062612 \(Excerpt\).pdf](#)
[EIS 062012.pdf](#)
[PHN 062612.pdf](#)
[071612 Resolution.pdf](#)
[072913 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Director of Planning and Economic Development, stated that tonight's request is for Preliminary and Final Site Condo Plan Approval for the Somerset Pines development adjacent to the Pine Trace Golf Course. He noted that 42 lots are proposed. He explained that this is one more lot than was previously approved; and he explained that this requires that the Preliminary plan be approved again by Council.

Present for the applicant were **Stephen Neeper**, representing MJC Somerset Pines, LLC, and **Jeffrey Rizzo**, Fenn & Associates, Engineer for the development.

Mr. Rizzo explained that Unit 14 was added at the north end of the property.

Mr. Breuckman noted at all appropriate departments and outside agencies have approved the submissions, and the Planning Commission recommends approval. He added that the conditions for approval specified can be handled by Staff.

President Hooper noted that public discussion at the Planning Commission was primarily from residents of Troy, across South Boulevard. He questioned what would be done about a passing lane on the south side of South Boulevard.

Mr. Rizzo responded that discussions have been held with the Road Commission for Oakland County (RCOC). He explained that because of the future plans for South Boulevard's expansion, the RCOC has requested that the roadway be expanded by six feet on both the south and the north side. He stated that it was originally proposed to widen the roadway by 14 feet and he commented that this revision will minimize the impact to the Troy residents. He commented that there are some large trees on the south side which they cannot guarantee will be saved. He added that it is hoped that a plan can be submitted to the RCOC within a week's time for their approval.

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

Absent 1 - Rosen

Enactment No: RES0218-2013

Resolved, that the Rochester Hills City Council hereby approves the Preliminary and Final One-Family Residential Detached Condominium Plan for Somerset Pines, a 42-unit residential development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One Family Residential, parcel Nos. 15-32-300-007, -008, -009 and -010 based on plans dated received by the Planning and Economic Development Department on August 6, 2013 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 and One-Family Residential Detached Condominium Ordinances.
1. Adequate utilities are available to properly serve the proposed development.
3. The preliminary and final plan represents a reasonable and acceptable plan for developing the property.
4. The preliminary and final plan are in conformance with the preliminary plan approved by City Council on July 16, 2012, with the difference being the addition of one lot. The street and development layout have not otherwise changed.

Conditions:

1. City approval of all easements and agreements and recording of such easements with the Register of Deeds prior to issuance of a Land Improvement Permit.
2. City Attorney approval of the condominium documents.
3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.
4. Provide cost estimate and irrigation plan for Staff review prior to Final Site Plan Approval.
5. Payment of \$8,400 into the City's Tree Fund for street trees, prior to issuance of a Land Improvement Permit.
6. Submit a landscape bond in an amount to be approved by Staff for landscaping, irrigation and replacement trees, as adjusted as necessary, with the inclusion of the irrigation plan, prior to issuance of a Land Improvement Permit.
7. Filing of conservation easements for all wetland, infiltration trench and natural features setback areas, prior to the issuance of a Land Improvement Permit.
8. Approval of required soil erosion permit and approval from outside agencies (RCOC).

9. Compliance with the Fire Department memo dated August 14, 2013 and the DPS/Engineering Department memo dated September 12, 2013.

2013-0371 Request to Schedule a Public Hearing for Consideration of an Amended Consent Judgment between the City of Rochester Hills and Avon & John R Retail (formerly Avon Country Market) and its General Partners, proposed for two parcels at the northwest corner of Avon and John R, zoned R-3, One Family Residential

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Amended Consent Judgment.pdf](#)
[Old Consent Judgment.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that Council is requested to approve the scheduling of a Public Hearing for its October 28, 2013 Regular Meeting, for the consideration of an Amended Consent Judgment for the former Avon Country Market, located on the northwest corner of Avon and John R Roads. He noted that the original Consent Judgment dates back to 1984, with various amendments over the years; and he explained that there is a pending development of a site plan.

Public Comment:

Scot Beaton, 655 Bolinger Street, stated that he wishes the family that formerly ran the old Avon Country Market the best for the future. He commented that he hopes the new applicant will bring a type of development that does not look like a cookie-cutter retail strip. He questioned why this item was not being considered at the Planning Commission level prior to coming to Council.

Mr. Webber responded that Council must review changes to any Consent Judgment.

Mr. Klomp questioned whether there will be an opportunity for the Planning Commission to review the development's look and feel, such as any landscaping plans.

Mr. Anzek commented that property owners within 300 feet will receive notification. He stated that plans will be available for review in the Planning Department's office. He explained that as the Consent Judgment was originally drafted in 1984, and as amended, once a site plan is developed that can work on that particular site, it is City Council's prerogative to approve it.

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, Tisdell, Webber and Yalamanchi

Absent 1 - Rosen

Enactment No: RES0219-2013

Resolved, that the Rochester Hills City Council hereby authorizes the scheduling of a Public Hearing for October 28, 2013 to consider approval of the Amended Consent Judgment between the City of Rochester Hills and Avon & John R Retail and its General Partners.

2013-0372 Request for Purchase Authorization - DPS/ENG: Contract for the Tienken Road Selective Resurfacing Project from Adams Road to Livernois Road in the amount of \$88,803.00 with a 10% contingency of \$8,880.30 for a total not-to-exceed amount of \$97,683.30; Pro-Line Asphalt Paving Corporation, Washington, MI

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

Allan Schneck, Director of DPS/Engineering, stated that the City pursued additional Tri-Party funds not being utilized by other communities, and were awarded \$316,000 in additional funding for work on Livernois Road, near Walton Boulevard. He explained that as this project was completed, it was determined that some funding remained. The Road Commission for Oakland County (RCOC) was asked whether these funds could be repurposed for the area of Tienken Road near Adams Road. It was determined that three locations of approximately 600 feet in length each could be done.

President Hooper noted that approximately 25 percent of the mile-and-a-half length of the roadway between Adams and Livernois will be resurfaced.

Mr. Schneck noted that while this funding was obligated for repairs to Livernois, crews accomplished what needed to be done in that section. He pointed out that there is no Federal funding in the foreseeable future for the stretch of Tienken in question; and the RCOC stated that the best they can do is patch in that area. He commented that this project will mitigate some of those concerns, particularly in the area around Brewster Road.

Mr. Yalamanchi questioned what it would take to do the entire stretch.

Mr. Schneck stated that the cost would be in the range of three to four times the cost of this project. He added that traffic control would also be an issue, as the area is in the vicinity of Rochester Adams High School. He mentioned that the proposed project can be accomplished over a weekend.

Mr. Yalamanchi questioned whether there will be funds available next year to complete the entire length.

Mr. Schneck responded that the full project was submitted to the Federal Aid Committee; however, it was determined that the project does not meet the point requirement for funding. He explained that 52 other agencies are competing for limited funding.

Mr. Yalamanchi commented that he believes the City should undertake a project encompassing the entire roadway.

Mr. Schneck stated that the entire corridor was reviewed to determine which

areas should be done, and he noted that the construction season is quickly coming to an end. He commented that he would recommend Council going with what is being presented. He added that the entire section can be reviewed again next year during Budget development.

Mr. Webber commented that he understands Mr. Yalamanchi's concerns; however, he would rather see the City undertake what it can do now. He stated that he puts his faith in Mr. Schneck and his team. He noted that this will be a stop-gap measure to correct select areas that are very bad.

Mr. Tisdell questioned whether a project of a large magnitude could be undertaken during this construction cycle.

Mr. Schneck responded that he did not believe it could, as asphalt plants typically close by November 15th. He added that traffic control would be very challenging.

Mr. Tisdell questioned whether a project for the entire length could be placed into consideration for next year's Budget discussions.

Mr. Schneck responded that this could be done. He added that the City continually looks to see if it can obtain Federal or Tri-Party funding.

Mr. Tisdell questioned whether there had been discussion at the County level to resurface the entire roadway in about three to four years.

Mr. Schneck responded that there was a discussion about funding the project for 2017 and advance-constructing it; however, the project was never funded.

President Hooper questioned whether there would be any chance to obtain Tri-Party funding.

Mr. Schneck responded that Tri-Party funding will be utilized on Avon from Adams to Livernois. He added that Tienken Road from Rochester Road to Livernois will be undertaken in 2014. He mentioned that he contacted the RCOC to question whether additional Tri-Party dollars would become available, and he was told there would be none left over for 2013.

President Hooper commented that the City does not own the road, and likened it to putting money into a neighbor's house. He stated that the City already contributes one-third of the cost in the Tri-Party program. He commented that if the City were to undertake projects with 100 percent City funding, he would rather City-owned roads be done. He pointed out that the City advanced \$250,000 to advance-construct the two bridges on Livernois and Avon Roads. He stated that he did not want to see action deferred on Avon or Tienken Roads, and he commented that the City should continue to explore additional Tri-Party funding for 2014.

Mr. Yalamanchi stated that he is not opposed to the project as presented. He commented that it is his opinion that Federal funding is just not coming and the City should take responsibility to ensure that the project will be done.

Mayor Barnett responded that the area is front-and-center for consideration as it is the worst stretch of roadway in the City. He stated that tonight's discussion helps the Administration as it approaches the RCOC to state that the road's condition is not acceptable. He pointed out that the City is dealing with a larger policy issue in spending City dollars for RCOC roadways. He mentioned that the RCOC collects taxes for the maintenance of these roads.

A motion was made by Webber, 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

Absent 1 - Rosen

Enactment No: RES0220-2013

Resolved, that the Rochester Hills City Council hereby authorizes a contract for the Tienken Road Selective Resurfacing Project from Adams Road to Livernois Road to Pro-Line Asphalt Paving Corporation, Washington, Michigan in the amount of \$88,803.00 with a 10% contingency of \$8,880.30 for a total not-to-exceed amount of \$97,683.30 and further authorizes the Mayor to execute a contract on behalf of the City.

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

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, October 28, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:26 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 November 11, 2013 Regular City Council Meeting.