



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, January 11, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Susan M. Bowyer, Kevin S. Brown, Dale Hetrick, James Kubicina, Stephanie
Morita, Mark A. Tisdell and Thomas W. Wiggins

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council:

Jack Vaglia, Rochester Hills Government Youth Council (RHGYC) Representative,
reported that the RHGYC enjoyed a wonderful busy holiday season, providing
manpower for the Rochester Hometown Christmas Parade in the warming tent, and
fund raising by wrapping gifts at Barnes and Noble.

PLANNING AND ECONOMIC DEVELOPMENT

2015-0224 Request for Preliminary Site Condominium Plan Approval - Nottingham Woods,
a proposed 17-unit, single-family site condominium development on 8.7 acres,
located on the north side of Hamlin, east of Livernois, west of Crestline, zoned

R-3, One Family Residential; Vanguard Equity Management, LLC, Applicant

Attachments: [011116 Agenda Summary.pdf](#)
[Suppl Presentation 011116.pdf](#)
[Map aerial.pdf](#)
[Site Plans 122315.pdf](#)
[Giffels Webster Response Ltr 122115.pdf](#)
[Planning Comm Conditions 121715.pdf](#)
[Site Plan Review 3 - 121115.pdf](#)
[Prelim. Staff Report 081415.pdf](#)
[Review 2 Comments, EIS, and response.pdf](#)
[Letter to Homeowners Revised.pdf](#)
[Minutes PC 081815.pdf](#)
[PHN 081815.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, introduced **Andy Wakeland, P.E.**, and **Lydia Wakeland**, Giffels Webster, Engineers for the project.

Ms. Roediger explained that the proposed project encompasses 8.7 acres on the west side of Crestline, north of Hamlin Road. She noted that 17 single family homes are proposed. She commented that a number of neighbors have expressed concern regarding the screening of the property. She pointed out that the property is unplatted, and does not fall under the regulation of the Tree Preservation Ordinance. She stated that since concerns were expressed during the Planning Commission meeting, the Applicant has reported that they have spoken with neighbors to address screening and fencing concerns, and provided Staff with revised plans which enhance the landscaping along the north and east side of the property. She mentioned that Lot 17 on the plans was previously the site of a detention basin, and noted that it was determined that drainage patterns altered by recent paving would be better served by enlarging the north detention basin. She stated that Staff felt that the Applicant has addressed conditions for approval specified at the Planning Commission meeting. She mentioned that sample elevations were included.

She commented that residents have expressed that they are not satisfied that the Applicant has addressed their concerns. She noted that tonight's request for approval is a part of the preliminary site condominium process; and she explained that the next phase would be for the Applicant to prepare final plans, with required public hearings held prior to final approval.

Mr. Wakeland stated that additional screening has been provided to the north and east, as well as calling for the fence along west property line to remain. He mentioned that a letter was sent to the resident adjacent to that fence indicating that it would remain. He pointed out that enlarging the pond at the rear of the site provides 17 percent tree preservation as opposed to the nine percent originally proposed.

Public Comment:

K. Rao, 642 West Hamlin Road, expressed his concern that the nearby Legacy Development has only had two units constructed over the past two years. He noted that the site plan as submitted does not respect property lines and the

privacy of the neighboring property owners. He stated that while he received one letter from the developer showing the fence and a commitment to repair any damage, a second site plan does not reflect these changes. He commented that the developer is unresponsive to any attempts to contact them.

Alex Kiwior, 1860 Crestline Road, stated that he has owned his 2.3 acres since June of 1976, and he explained that his 670 foot west property line borders the proposed development. He pointed out that a letter he received on December 26, 2015, shows a site plan that is drastically different at the border to his property from that presented at the meeting in August. He noted that stormwater and drainage crosses the subject property onto his property and he expressed concern how the development will affect the drainage. He mentioned that as proposed, the entrance to the development will create a 283 foot by 212 foot section of his property that will have a street bordering on three sides. He commented that not enough trees are proposed to be saved.

Paul Schira, 227 Parkland Drive, stated that he is the President of the Sycamores Homeowners Association. He commented that from his understanding, the homeowners were told one thing and subsequently received letters stating something different. He expressed concern that the development to the west has been under construction for two years and only two houses have been built.

Kathryn Brown, 675 Parkland Drive, stated that she submitted concerns to the Planning Commission on August 18, 2015, including requests for an irrigated berm or privacy fence be erected to identify property lines between the adjacent subdivision and the proposed development. She explained that her home is adjacent to the northwest corner of the planned development; and expressed concern that the adjacent homes and backyards must be protected during the construction process, especially as the other nearby development has sat for years unsold and open. She commented that the developer has not met with property owners or returned phone calls. She noted that landscape plans submitted in October differ greatly from those submitted in December and questioned whether easement buffers exist. She requested any trees be planted before construction and asked that the fence remain to provide privacy. She noted that her property line is only 25 feet from her deck.

Shirley Gower, 663 Parkland Drive, stated that she wished to have any buffer trees planted in an easement where they will not grow over her property and affect her existing landscaping.

Sean Farrell, 651 Parkland Drive, noted that he has the same concerns expressed by the other neighbors. He pointed out that heavy rains result in a large pond forming in the northwest corner of the property, and expressed concern that his property sits lower than most of the proposed development. He suggested that rather than a ditch, an earthen berm be installed along the property line to contain any runoff to the development and provide additional privacy.

Ms. Roediger addressed public comment, noting that residents expressed concern regarding screening and privacy at the August meeting. She pointed out that the

Applicant has added trees. She mentioned that as this property is residential zoning which abuts existing residential zoning, a buffer is not required. She stated that the Applicant is voluntarily going above and beyond the requirement in the six feet along the property line. She stated that all properties are required to keep stormwater on their own property, and she noted that the City's engineers will ensure that site is graded to keep all stormwater on the property. She pointed out that a pond was originally planned for Site 17, and she explained that it was moved to create a larger detention basin in the rear. She mentioned that the Applicant has agreed to keep all existing fences. She stated that Staff felt that the Applicant met the intent of the Planning Commission discussion, and on numerous occasion requested updates. She noted that the Applicant provided letters sent to residents. She commented that to her knowledge, City Staff had not received any comments from residents.

Council Discussion:

Mr. Hetrick questioned where the planting would be along the property line, and if stormwater must remain on the property.

Mr. Wakeland responded that it will be within the six foot easement area. He pointed out that the site plan shows a catch basin to collect stormwater, along with yard basins within the property.

Mr. Wiggins stated that while it appears that questions were addressed, he would suggest that better communication be held between the residents and the developer.

Ms. Roediger suggested that if Council determines to move forward with an approval, a condition could be added to specify that the Applicant must meet with the residents and City Staff be there to facilitate and witness the discussions and dialogue and provide proof of cooperation.

Ms. Morita questioned what would happen to the homes on the two outlots.

Ms. Roediger responded that the house shown on the east side of the property will be demolished, and the house to the west of the property will remain. She pointed out that the west side of the property will remain a separate parcel with the current property owner retaining ownership.

Ms. Morita questioned why the street entrance was placed to one side of the property instead of at the center.

Ms. Roediger explained that the street was positioned to offset with existing driveways and streets for safety purposes.

Mr. Brown stated that he senses that the residents feel that they were shown one thing previously and are being shown something different tonight. He questioned what the next opportunity would be do to a deep dive into the project.

Ms. Roediger responded that Staff would recommend an informal meeting be scheduled before the project goes back to the Planning Commission and City

Council. She stated that Staff was under the impression that the Applicant had been working with the residents, and now hear differently.

***Mr. Brown** noted that page eight of the site plan depicts trees to be planted on the property line and not in an easement for Lot 9. He commented that this note should be clarified prior to final review.*

***Mr. Wakeland** responded that it would.*

***Mr. Brown** commented that the undeveloped property has been there for some time. He questioned whether landscape could be installed prior to construction to minimize dirt.*

***Ms. Roediger** responded that it could be specified that all buffer landscaping be installed at project commencement.*

***Dr. Bowyer** mentioned vegetation and the fence line and noted that it would be great if trees could be installed on the periphery. She stressed that the developer should follow up with the residents.*

***Mayor Barnett** questioned whether an earthen berm was evaluated versus a ditch.*

***Ms. Roediger** responded that it has been the City's policy not to have berms, especially with residential property backing residential property. She commented that it will take up land and infringe into backyards.*

***Mr. Wakeland** responded that a six foot landscape buffer would yield a berm only a foot tall; however, trees would be eight to ten feet tall. He noted that a shallow swale is proposed for the south side of the buffer area.*

***Mayor Barnett** stated that he would like to be included in any meetings as the project moves forward, and he stressed that the Applicant should be in attendance as well. He questioned the price point for the homes.*

***Mr. Wakeland** responded that the price would be in the \$450,000 to \$500,000 range.*

***Mayor Barnett** commented that the nearby Legacy development has prices in the high \$700,000s, and he stated that the lack of progress has been discouraging.*

***President Tisdell** questioned how this project differs from the Legacy development, and how long the project is expected to take for an entire buildout.*

***Mr. Wakeland** responded that this question was best answered by the Applicant. He commented that he was not aware what product the Legacy development has. He stated that he would expect that the developer has done his due diligence.*

***Vice President Morita** commented that she is hearing many questions directed toward the Applicant, and noted that he is not in attendance.*

President Tisdel questioned what the proposed density of the development will be and how it is zoned.

Ms. Roediger responded that the property is zoned R-3, with R-3 surrounding and R-4 to the north. She explained that R-3 allows 2.9 units per acre; and she stated that the proposed development has 1.9 units, with a lesser density than the zoning allows.

President Tisdel commented that he wished to be included in any future meetings as well to follow up with the residents regarding their concerns of water drainage, containment, and trees.

Mr. Hetrick stated that given the concerns expressed regarding the Applicant, he would propose a strong condition be added to the approval that meetings take place and the Applicant attend these meetings. He moved the motion in the meeting packet to approve the preliminary site plan, with the findings and conditions as stated, and the additional condition that the Applicant meet with the residents, and Staff, Mayor and any other members of City Council that wish to attend.

Mr. Kubicina seconded the motion.

Mr. Brown stated that his recommendation would be to defer consideration of this request until the residents have a chance to meet with the Applicant, and the applicant is available to answer Council's questions.

John Staran, City Attorney, stated that procedurally there is a motion on the table. He commented that it would be in order to make a motion to postpone further deliberation and action on the pending motion on the floor until the Applicant appears before Council.

Mr. Brown made the motion to postpone per Mr. Staran's suggestion, until the residents have the opportunity to meet with the Applicant, Engineer and Staff, and the Applicant is available for questions by Council prior to the vote, seconded by Vice President Morita.

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

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

Nay 1 - Hetrick

Resolved, that the Rochester Hills City Council hereby postpones further deliberation and action on a pending motion on the floor to approve the Preliminary Site Condominium Plan for Nottingham Woods until the Applicant and Engineer have met with the residents and Staff; and the Applicant is available to appear before Council prior to the vote.

2015-0526 Request for Preliminary Site Condominium Plan Approval - Woodland Park Site

Condominiums, a proposed 48-unit residential development on 23.6 acres, located south of Hamlin and west of Livernois, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay; Pulte Land Company, Inc., Applicant

Attachments: [011116 Agenda Summary.pdf](#)
[Suppl Presentation 011116.pdf](#)
[Map aerial.pdf](#)
[Site Plans.pdf](#)
[Landscape Plan.pdf](#)
[Colored Elevations.pdf](#)
[Prelim. Staff Report 121515.pdf](#)
[Letter Pulte Neighbor Mtg. 112315.pdf](#)
[Email Skore 120815.pdf](#)
[Review Comments.pdf](#)
[EIS.pdf](#)
[Minutes PC 121515.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, introduced Joe Skore, Director of Land Acquisition for Pulte Group, and Fazlullah Khan, Fazal Khan & Associates. She explained that the proposed development comprises 23.6 acres southwest of the roundabout at Hamlin and Livernois, and is zoned R-3 One Family Residential, with a Mixed Residential overlay. She noted that 48 detached condominiums are proposed, and pointed out that the site contains 1.12 acres of low quality wetland area which will have minimal impact. She stated that the Planning Commission held a public hearing in December, and approved the project with minor modifications. She noted that the developer has met all the requirements for trees and payment to the Tree Fund. She explained that an informal meeting was held with residents, and the residents have expressed support for the project. She mentioned that the Planning Commission requested an increase to the buffer at the curve to prevent headlight intrusion, and the site plan will have solid evergreen screening. She noted that a Wetland Use Permit is requested as well.

Mr. Skora noted that the price point for the development is in the range of \$475,000 to \$500,000.

Council Discussion:

Dr. Bowyer commented that it appears that everyone wants to develop in this area. She questioned whether the development will be flattened and in process for five or six years.

Mr. Skora responded that Pulte closed 600 homes in 2015, and stated that this is what separates his company from its competitors. He commented that this will be a two-year project.

Dr. Bowyer questioned whether there is a plan to install trees ahead of time.

Mr. Skora responded that common areas will be planted ahead of time, and street trees will follow later.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0001-2016

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Woodland Park, a 48-unit residential development on 23.6 acres located south of Hamlin and west of Livernois, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay, Parcel Nos. 15-28-226-001, -007, -008, -021, -022 and 15-28-204-004, Pulte Land Company, Inc., Applicant, based on plans dated received by the Planning and Economic Development Department on November 11, 2016 with the following findings and 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 \$175,325 for landscaping, replacement trees, and irrigation, prior to issuance of a Land Improvement Permit.
3. Payment of \$9,600 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 and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.
7. Replace Anthony Waterer Siprea at the northeast corner of Logan Dr. with ten foot evergreen trees to better screen headlights from the property to the north, as approved by staff.

- 2015-0525** Request for Approval of a Wetland Use Permit for impacts to approximately 14,133 square feet associated with the construction of Woodland Park Site Condominiums, a proposed 48-unit development on 23.6 acres located south of Hamlin, west of Livernois, zoned R-3, One Family Residential with an MR Mixed Residential Overlay; Pulte Land Company, Inc., Applicant

Attachments: [011116 Agenda Summary.pdf](#)
[Suppl Presentation 011116.pdf](#)
[Map aerial.pdf](#)
[ASTI Rev 111615.pdf](#)
[Site Plans.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, noted that the wetland area of the property consists of 1.12 acres, and explained that the Planning Commission recommended approval. She pointed out that much open space has been preserved around the existing drain on the property, and the plan will minimize any impact on the natural features.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0002-2016

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for impacts to approximately 14,133 square feet associated with the construction of Woodland Park Site Condominiums, a 48-unit development on 23.6 acres, located south of Hamlin, west of Livernois, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay, Parcel Nos. 15-28-226-001, -007, -008, -021, -022 and 15-28-204-004, Pulte Land Company, Inc., Applicant, based on plans dated received by the Planning and Economic Development Department on November 11, 2015 with the following findings and 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. According to ASTI Environmental, the City's wetland consultant, the wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.

Conditions:

1. City Council approval of the Wetland Use Permit.
2. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
3. 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.

4. 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.

2015-0548 Request to remove 820 E. Auburn Rd. from the Historic Districts Potential List; Sandeep and Swapna Chada, Applicants

Attachments: [011116 Agenda Summary.pdf](#)
[Suppl Kelly Winters Inspection Report Memo 010816.pdf](#)
[Suppl 820 E Auburn Photos.pdf](#)
[Map aerial.pdf](#)
[Baird and Chada-Ltr to Council 120815.pdf](#)
[Kidorf Memo 010616.pdf](#)
[Sykes letter 113015.pdf](#)
[Pillar to Post Inspection Report 120715.pdf](#)
[Truman S. Tibbals Portrait and Bio.pdf](#)
[Avon Twp Archival Maps.pdf](#)
[Historic Districts Ordinance.pdf](#)
[Photo to the East.pdf](#)
[Photo Underneath siding.pdf](#)
[View from Across Auburn.pdf](#)
[View from Graham Rd. to the West 1.pdf](#)
[View from Graham Rd. to the West 2.pdf](#)
[Photo Across Auburn.pdf](#)
[Photo From Graham.pdf](#)
[Front Elevation.pdf](#)

Ed Anzek, Director of Planning and Economic Development introduced Kristine Kidorf, the City's Historic Preservation Consultant, and Kevin Baird, the property owner. He gave an overview of the Historic District Ordinance, noting that the Ordinance was adopted in 1978 and established 31 properties and two districts. He explained that the Ordinance brought about a potential list of properties that may or may not be designated as historic. He stated that Historic Districts Commission members and City Staff scoured the city and identified approximately 50 properties for placement on the potential list in 1992. The list was redone in 1995 and the number of identified potential properties was pushed to 73. Discussions in 2000 with former Planning Staff member Derek Delacourt yielded the thought that this number was unmanageable, and Jane Busch was retained to review 478 total properties. Subsequently it was determined that of the 31 properties that were designated, three should not have been, and the potential list was weaned down to 17 properties, with a couple of groupings of properties including those associated with Ferry Farm and Frank Farm. He requested Ms. Kidorf to comment.

Ms. Kidorf explained that State Law dictates that when City Council directs the Historic Districts Study Committee (HDSC) to study a property, the HDSC will prepare a preliminary report and review the history of the property and the exterior of the structure. She noted that the Secretary of Interior Standards are applied to the four regulated criteria, including any events that made significant contribution to history, connection to lives that were significant in the past, a structure that embodies particular characteristics, or notable archaeological sites. The

preliminary report is then submitted to the Historic Districts Commission, the Planning Commission and the State of Michigan. Subsequent to a 60-day waiting period, a public hearing is held on designation. The Final Report can then be adopted which will include a recommendation to Council as to whether the district should be designated, and Ordinance language is given to Council. If Council does designate the property, then that property is regulated by the Historic Districts Commission for exterior work based on the Secretary of Interior Standards.

Mr. Baird explained that he purchased the site in October of 2014 as a land investment for potential development. He pointed out that the nearly one-acre site is zoned B-2, or Flex Use 2. He stated that he did his research regarding its historic status and noted that the property is not listed on Historic Districts maps. He stated that the home has been abandoned and left to deteriorate for many years. He mentioned that there was a \$28,000 outstanding water bill discovered when he purchased the property from the previous owner. He added that the property has been stripped of all materials and lacks historic integrity. He noted that no barn remains. He pointed out that the property is across from the Salvation Army store, near AutoZone. He displayed photographs of the interior, pointing out that the home has load bearing damage.

He stated that he reviewed minutes back to 2002 of the Historic Districts Commission and City Council, and commented that he noted that there was confusion expressed during those discussions over property rights. He mentioned that he reviewed information for a meeting in 2003 where 14 property owners all noted that they were opposed to having their homes on a potential list. He stated that he supports preservation in the right form; however, the process has not been followed on his property. He commented that he will incur significant financial burden if the property is placed into limbo for the next 12 to 14 months while it is studied, when it could have been researched over the last 12 to 14 years.

*He stated that the property in its current state does not fall into the category of Historical as per the Ordinance. He added that it makes no sense for this property to be considered to remain as a single family home. He introduced the potential purchaser, **Sandeep Chada**.*

Mr. Chada explained that it has been almost ten months since he entered into a contract to purchase the property; and no mention was made that the home was potentially historic. He stressed that he made his views clear that his intent was to redevelop the site. He stated that he was informed only one month ago regarding the property's status on the list. He noted that he has spent up to \$100,000 in developing this site and displayed a proposed rendering.

President Tisdell stated that the proposed development of the site has no bearing on the discussion regarding historic status. He questioned what the current owner knew regarding the property's status, and at what point in time could the current owner have known that the property was on a potential list.

Mr. Anzek commented that it could be considered that this property slipped through the cracks; and he stated that in previous discussions with Mr. Chada, the

possibility of potential historic designation did not cross his mind. He pointed out that the landscape is thick and the home cannot be seen in the summertime; and he commented that in hindsight he wished he had thought to look at the possibility. He stated that Staff were tipped off by a resident, and the property was discovered in Ms. Busch's book. He explained that Council can remove the property from the list or send it to the Historic Districts Study Committee, which could take nine months to a year to research.

He stated that Staff arranged for an on-site visit for Ms. Kidorf, Kelly Winters, Deputy Director of Building, and himself. He pointed out that Ms. Kidorf wrote a memo subsequent to the meeting documenting her thoughts. He noted that Mr. Winters provided a memo which was included as supplemental information tonight highlighting a minimum cost estimated at \$250,000 to bring the dwelling into habitable condition, and he stated that it could be expected that the actual cost is considerably higher. In determining whether Council should remove the home from the list or request further study, the context of where the house is located should be considered, along with the financial strain it would put on Mr. Baird for the renovation. He commented that previous Councils have wrestled with this discussion.

President Tisdell *questioned where the money would come from for any renovations. He stated that to present this as a surprise after the fact is in his personal opinion unfair.*

Mr. Brown *noted that Council considered a property one year ago that was sold, and subsequently was found on the list. He stated that these 17 homes had been on a list for 15 to 20 years and questioned whether any of them had been studied or designated.*

Mr. Anzek *responded that the Twist Drill frontage on Rochester Road was eventually designated, and the property behind it was deemed obsolete and was not designated. He mentioned the Frank Farm, noting that at first the owners fought its designation, and then once someone wanted to assemble the properties and knock the structures down for a subdivision, the owners requested designation.*

Mr. Brown *questioned how the 17 property owners and any potential buyers could be informed and made aware that they are on the list. He stated that there is an obligation to notify them.*

Mr. Anzek *responded that the owners were notified at the time the list was created, and most opposed being included. He stated that the City has done a very poor job providing notification, as nothing shows up during a title search.*

Mr. Brown *moved to remove the property from the historic potential list.*

Vice President Morita *questioned whether designation opens up the potential for grants and financing for improvements.*

Ms. Kidorf *responded that while there may be limited grants, there are not many opportunities for private property owners.*

Vice President Morita questioned whether there would be any financial benefit to an owner to designate their property.

Ms. Kidorf responded that there are none that she is aware of.

Mr. Anzek noted that the State had some incentives; however, they were eliminated four years ago.

Vice President Morita questioned whether Mr. Baird is willing to expend funds to preserve the home as historic. She asked Mr. Winters to comment on whether home is habitable and how long it would take to make it habitable.

Mr. Winters responded that it is not habitable at all, and efforts to make it so would take at least a year.

Vice President Morita pointed out that Council received a letter from Melinda Hill supporting designation. She stated that under the circumstances, however, she would support removing it from the list.

Dr. Bowyer commented that she has observed that there have been a number of houses on this list where the homeowners purchased the property without knowing anything about the potential status. She stressed that something should be done with these 17 properties; either they should be designated or removed.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0003-2016

Resolved, that the Rochester Hills City Council hereby removes 820 E. Auburn Road from the Historic Districts Potential List.

PUBLIC COMMENT for Items not on the Agenda

Mahir Osman, 1730 W. Auburn Road, Secretary of Public Affairs, Ahmadiyya Muslim Association and Vice President of the Youth Auxiliary, expressed his congratulations to Mr. Kubicina on his appointment to Council. He stated that the Youth Association is collecting bottles and jugs of water to be donated to the residents of Flint to help in their water crisis. He invited individuals to drop off donations of bottled water to their mosque at 1730 West Auburn Road anytime on Fridays between 1:30 p.m. to 3:00 p.m. He added that the group is in discussions with Neighborhood House and Gleaners to see how they could partner with those associations to help. He requested guidance from Council and the Administration to see how they as a community can do something more to help Flint. He stated that Flint is only 45 minutes away and is an extension of the community.

Scot Beaton, 655 Bolinger Street, requested that Council revisit a discussion of the order of Council business. He suggested that President Tisdell change the order of business. He stated that Council should hold a special election to fill the vacancy and that Mr. Kubicina should serve only until a special election could be held.

CONSENT AGENDA

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

2015-0543 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for joint sealant and melter applicators in the amount not-to-exceed \$44,750.00 through December 31, 2016; National Highway Maintenance Systems, LTD, LLC

Attachments: [011116 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0004-2016

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order to National Highway Maintenance Systems, LTD, LLC., in the amount not-to-exceed \$44,750.00 through December 31, 2016.

Passed the Consent Agenda

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Brown reported that the Brownfield Redevelopment Authority cancelled its January meeting. He mentioned that he had the pleasure of serving the Older Persons' Commission by delivering food in its Meals on Wheels program and encouraged individuals to sign up to help.

Mr. Hetrick stated that he wholeheartedly supports the Meals on Wheels program. He expressed his thanks to Mr. Osman for their efforts to help the community and questioned whether food banks could help their efforts to provide water to Flint residents. He highlighted Older Persons' Commission events, and announced that the Annual OPC Membership Meeting is scheduled for February 4, 2016 at 6:00 p.m., an indoor triathlon is set for January 16, 2016, a Terrific Tuesday with the Rochester Symphony Orchestra event is set for January 12, 2016 and a seminar on Being a Caregiver is set for January 28, 2016 at 2:00 p.m.

Mr. Kubicina stated that it has been a whirlwind month since he was appointed to Council. He expressed his thanks to Council for appointing him, noting that this Council and past Council have set the bar very high in terms of accomplishments. He commented that he has met many people behind the scenes at City Hall and is amazed at the cooperation between the departments.

Mr. Wiggins expressed his thanks to Mr. Osman for his group's efforts to help Flint residents.

Mayor Barnett recognized Mr. Osman as well, noting that his organization is doing well in representing the community, and reaching out to a neighbor. He displayed photographs showing the new Clinton River Trail signage. He noted the following:

- A Public Information Meeting for the Dequindre Road Project is set for January 13, 2016 at Reuther Middle School from 4:00 p.m. to 7:00 p.m.
- Kudos go to the Department of Public Works for the work they did this past weekend clearing snow.
- The Parks Master Plan is in process, and public input is sought. An initial review is tentatively set for the January 25, 2016 Council Meeting, and then Council will consider the plan on February 22, 2016. An online survey was launched this morning, which has over 60 responses so far.
- Property Tax bills are out, and are due Friday, February 16, 2016.
- City Hall is closed next Monday, January 18, in observance of Martin Luther King Day.
- The City of Rochester hosts the Fire and Ice Festival next weekend.
- Tree recycling is available at the Clinton River Watershed Council parking lot. Recycle old Christmas lights at City Hall.

President Tisdell expressed his appreciation to Mr. Osman, noting that his youth group came to Council and made a commitment to the city. In response to Mr. Beaton's request regarding the agenda order, he stated that it was his initiative to change the order in February of 2013 after spending a day-long seminar on parliamentary procedure through the Michigan Municipal League. He noted that the City is following one of their more liberal models for meeting agendas, with the intent of prioritizing residents with business scheduled before Council. He stated that all activities that precede Public Comment are related to the peoples' business. He invited Mr. Staran to comment on the appointment of Mr. Kubicina to Council, noting that Council followed the language of the Charter. He stated that Mr. Kubicina has proven leadership with the Deer Management Advisory Committee and has decades of work in the community.

John Staran, City Attorney, stated that although the idea of calling a special election on completing the term that went along with Adam Kochenderfer's re-election has a certain populist appeal, Council is bound by the City Charter and State Law, which is very clear. He quoted from the City Charter, noting that Section 7.8 calls for Council to make the appointment and the replacement shall serve until the next regular City election at which time there shall be elected an individual. He explained that the City Charter and State Law define what

constitutes a Regular City Election, and stated that it is the November General Election in the odd year, or in this instance November 2017. He noted that Council has never held a special election to fill a seat left vacant by a resignation or retirement. He noted that the Charter Section 7.8 is not a procedure that is an option; it is the mandatory and exclusive procedure with no alternative. He commented that a recall is covered by a different section of the City Charter and State Election Law, and he noted that in the case of a recall, it is expressly required that there be a Special Election. He stated a Charter Amendment would be required to mandate a special election in this instance.

Regarding Public Comment on the order of the agenda, he stated that Council's Rules of Procedure were amended in December 2014 to change the order of the meeting, sliding public comments to later in the meeting order. He commented that Council President Tisdell does not have the option to disregard the order prescribed in the Rules of Procedure. He noted that it is his observation that communities are all over the board, with many communities setting Public Comment dead last in their agenda order. He stated that the placement of Public Comment is a matter of local preference, and he stated that placement was thoughtfully done and determined to be in best interest of the city.

Vice President Morita *stated that the Older Persons' Commission (OPC) website has been redesigned, and members visiting the OPC now need a swipe card to get in. She commented that forms are available to apply for the card. She mentioned that the OPC is planning their annual gala and is looking for business owners in the community who would be willing to donate a gift of at least \$50.00 in value. She stated that anyone interested can contact her to make arrangements for a donation.*

She noted that the Avondale Youth Assistance is still in need of mentors to help youth, and volunteers for tutoring. She commented that Mahir Osman and his Youth Association have been completely supportive of the Avondale Youth Assistance and the Rochester/Auburn Hills Community Coalition (RAHCC), and have been consistently there for the community.

Vice President Morita *expressed her thanks to Purchasing Manager Lisa Cummins, who has been working hard to source professionals for the RAHCC.*

She thanked Oakland County Sheriff's Office Captain Michael Johnson and Sergeant Dalbec for providing assistance for another issue on Portage Trail.

Dr. Bowyer *expressed her appreciation for work on developing a Parks Survey. She thanked Mr. Osman for their efforts to help the residents of Flint in their water crisis. She thanked Mr. Beaton for his comments on the agenda order, noting that she understands that previously Council's comments were also at the beginning of the meeting. She stated that she understands that individuals who are invited have preference to have their business heard, and noted that she is one view on Council regarding the Agenda order. She commented that it would be helpful if the City's website would tell individuals what is going on at the facility. Regarding Public Comment relative to a Special Election, she pointed out that Mr. Kochenderfer ran unopposed in the last City election.*

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2016-0001 Confirmation of the Mayor's appointment of Greg Hooper to the Planning Commission to fill the unexpired term of Julie Granthen ending March 31, 2016

Attachments: [011116 Agenda Summary.pdf](#)
[Hooper CQ.pdf](#)
[Granthen Resignation.pdf](#)
[Resolution \(Draft\).pdf](#)

***Mayor Barnett** commented that everyone is aware of the value Greg Hooper has provided to the city over the years, first on the Planning Commission and then on City Council. He stated that Mr. Hooper has his full support.*

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0005-2016

Resolved, that the Rochester Hills City Council hereby confirms the appointment of Greg Hooper to the Planning Commission to fill the unexpired term of Julie Granthen ending March 31, 2016.

NEW BUSINESS

2015-0540 Request for Purchase Authorization - DPS/FLEET: Blanket Purchase Order for purchase of unleaded gasoline and diesel fuel in the amount not-to-exceed \$732,460.00 through January 31, 2018; RKA Petroleum Companies, Romulus, MI; Ports Petroleum Company, Inc., Wooster, OH

Attachments: [011116 Agenda Summary.pdf](#)
[City of Sterling Heights Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

***Allan Schneck**, Director of DPS/Engineering, noted that the fuel is utilized by the DPS Department and the Fire Department.*

***Vice President Morita** noted that a memorandum included in the Agenda Packet stated that prices will fluctuate, and she questioned whether the City would benefit if prices go down.*

***Mr. Schneck** responded that the pricing index is referenced based on the fluctuation of oil prices. He explained that the City would benefit if prices decrease, and would pay more if they increase.*

Mr. Wiggins questioned how the not-to-exceed amount was determined.

Mr. Schneck responded that the amount was determined based upon historical consumption. He stated that the Administration is confident that this is the appropriate figure for two years.

Mr. Wiggins questioned whether Council must approve any increase in the fuel price.

Mr. Schneck responded that Council would have to approve any amount exceeding the Blanket Purchase Order.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0006-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for unleaded gasoline and diesel fuel to RKA Petroleum Companies, Romulus, Michigan and Ports Petroleum Company, Inc., Wooster, Ohio, in the amount not-to-exceed \$732,460.00 through January 31, 2018.

2015-0544 Request for Purchase Authorization - DPS/GAR: Purchase of one (1) new John Deere 544K Wheel Loader in the amount of \$157,659.00; AIS Construction Equipment Corporation, New Hudson, MI

Attachments: [011116 Agenda Summary.pdf](#)
[MiDeal Discount.pdf](#)
[MiDeal Pricing - AIS.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the request for replacement of the current 2001 John Deere front end loader utilizes the MiDeal extended purchase program, providing economies of scale and realizing a significant discount by using that process. He noted that the price to the City is 34 percent off of the retail expense the City would incur if it went out by itself to solicit the equipment. He mentioned that fleet replacements are all identified in the Capital Improvement Plan, which looks out five years in advance to determine what pieces of equipment will be scheduled. He noted that equipment must be fully depreciated, and then reviewed by scorecard for condition to determine whether the City can get another year out of it prior to replacement. He commented that Fleet Manager Bruce Halliday is an expert in this particular field, with the City's Fleet Services recognized for the second year in a row as one of the top 100 Fleets in the nation.

Dr. Bowyer questioned what type of equipment a wheel loader is.

Mr. Schneck responded that it is no different than a front loader. He explained that the equipment is used to load salt in vehicles, and is also deployed into the street to push snow away from corners. He added that the wheel loader may also be used during more favorable times of the year to load materials into vehicles or backfill sand into watermain breaks.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0007-2016

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) new John Deere 544K Wheel Loader from AIS Construction Equipment Corporation, New Hudson, Michigan in the amount of \$157,659.00.

2015-0547 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for water meters and equipment in the amount not-to-exceed \$275,000.00 through December 31, 2016; ETNA Supply Company, Grand Rapids, MI

Attachments: [011116 Agenda Summary.pdf](#)
[Rochester Hills 2016 pricing.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the City has 33,000 water meters in its system, encompassing 22,000 accounts. He stated that accuracy and reliable operation brings a need to replace meters at the end of their useful life, plus add new meters for new developments. He noted that the meter is installed after the infrastructure is placed.

Mr. Brown noted only one responding bidder, and he questioned whether that particular bidder typically has a monopoly on this product in the area.

Mr. Schneck responded that agencies that operate water utilities typically use one brand of meter to allow for consistent communication and calibration. He explained that the City has utilized Sensus meters, and ETNA is the regional supplier. He mentioned that the City does check bids and has talked with other utility users and operators to ensure that their pricing is competitive. He commented that in most cases the pricing is better than neighboring communities that may use these particular products.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0008-2016

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order for water meters and equipment to ETNA Supply Company, Grand Rapids, Michigan in the amount not-to-exceed \$275,000.00 through December 31, 2016.

2015-0550 Request for Purchase Authorization - DPS/FLEET: Purchase of six (6) new vehicles, (one (1) new compact excavator tow vehicle and five replacements for 39-185, 39-275, 39-281, 39-283, 39-284) in the amount of \$159,827.00; Red Holman Buick GMC, Westland MI; one (1) new vehicle (replacement for 39-178) in the amount of \$19,095.00; Snethkamp Chrysler, Dodge, Jeep Ram, Lansing, MI

Attachments: [011116 Agenda Summary.pdf](#)
[Cars & Trucks for CC 2016.pdf](#)
[2500 4x4 Pickup 16.pdf](#)
[3500 4x2 Chassis Cab 16.pdf](#)
[Canyon 4x4 Pickup 16.pdf](#)
[Jeep Patriot 16.pdf](#)
[Savanna Facilities.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the requested vehicles are scheduled replacements identified in the Capital Improvement Plan. He explained that the first five vehicles listed are coming off of the Oakland County Cooperative Purchasing Program, allowing for economies of scale. He noted that the sixth vehicle utilizes the MiDeal program, as it yielded favorable pricing on that particular solicitation.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0009-2016

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of six (6) new vehicles (one (1) new compact excavator tow vehicle and five replacements for 39-185, 39-275, 39-281, 39-283, 39-284) from Red Holman Buick GMC, Westland Michigan in the amount of \$159,827.00 and one (1) new vehicle (replacement for 39-178) to Snethkamp Chrysler, Dodge, Jeep Ram, Lansing, Michigan in the amount of \$19,095.00 for a total purchase cost not-to-exceed \$178,922.00.

ANY OTHER BUSINESS

Mayor Barnett explained that Senate Bill 571 passed in Lansing last week affects public bodies educating voters less than 60 days prior to any election. He mentioned that in addition to affecting the City, it would affect the Rochester-Avon Recreation Authority, the Older Persons' Commission and the schools. He pointed out that over the past six years only three violations were found for communities. He stated that the legislation prohibits educational mailers, information on websites or media. He noted that trailing legislation is promised to clarify what the City can or cannot do. He stated that he will keep Council apprised of any new information on this legislation.

NEXT MEETING DATE

Regular Meeting - Monday, January 25, 2016 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 9:30 p.m.

*MARK A. TISDEL, President
Rochester Hills City Council*

*LEANNE L. SCOTT, Deputy Clerk
City of Rochester Hills*

*MARY JO PACHLA
Administrative Secretary
City Clerk's Office*

Approved as presented at the February 8, 2016 Regular City Council Meeting.