



Rochester Hills

Minutes

City Council Regular Meeting

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

*Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell,
Michael Webber 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, February 10, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark
A. Tisdell, Michael Webber and Thomas W. Wiggins

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Acting Fire Chief
Tara Presta, Chief Assistant
Chris Russell, Rochester Hills Government Youth Council Representative
Charnele Sanders, Adult Advisor to the Rochester Hills Government Youth Council
Keith Sawdon, Director of Finance
Scott Schlagel, Rochester Hills Government Youth Council Representative
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 Brown, that the Agenda be Approved as
Presented. The motion carried by the following vote:**

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

PUBLIC COMMENT

Jeff Matis, Oakland County Commissioner, reported that Oakland County is currently accepting applications for part-time seasonal workers. He invited anyone interested to submit an application prior to the deadline of Monday, February 24, 2014.

The following individuals spoke on the topic of Oil and Gas Leases in Rochester Hills:

Izzy Khapoya, 729 McGill, stated that the City spent taxpayer money on an environmental consultant to prepare a report on oil and gas leases. She requested that a full copy of the consultant's report be made available to the public along with an accounting of the consultant's fees for its preparation.

Susan Masiak, 677 Augusta Drive, expressed her appreciation to Mr. Tisdell for responding in detail to her recent email. She expressed concern that a homeowner's insurance policy would not cover the cost of a contamination spill and questioned whether the City planned to have a fund to cover damages in the event of a problem.

Julie Pardi, 3577 Charwood Drive, commented that oil and gas exploration would affect residential property values and present real risks. She noted that 93 percent of the residents in Thornridge Subdivision said no to the leases and noted that the published rules for Nowicki Park do not allow any activities of this kind. She urged Council to rescind the lease.

Jeanine Morris, 1398 Burhaven Drive, stated that at the public meeting held in January regarding oil and gas leases, residents in attendance requested a public hearing be scheduled, a meeting be arranged with neighboring communities, and a letter be sent to Rochester Hills residents stating that they are not obligated to sign any lease. She requested the lease be rescinded.

Scott Heyniger, 476 Wimpole Drive, noted that information on oil and gas leases is difficult to find on the City's website. He cited a pipeline spill in Mayflower, Arkansas, and expressed concern that drilling in the neighborhoods could lead to a similar occurrence.

Kristen Hinison, 1457 Burhaven Drive, pointed out that the City Charter Amendment of 2011 does not allow an activity such as oil and gas exploration on City property without a vote of the residents.

Chris Morris, 1398 Burhaven Drive, stated that the City has ignored and minimized the potential risks, impact on property values, mortgages and insurance. He noted that while the Mayor and the City Attorney have stated that the lease is valid, it violates the intent of the Parklands Amendment as it was signed without a vote of the public. He questioned when a public hearing would be scheduled.

Michael Yasso, 1212 Olympia Drive, commented that he works for a company that makes analytical instruments for water and wastewater and sees what occurs when municipalities deal with water contamination. He stated that once an accident occurs, there is a point of no return.

Robert Kendig, 2484 Wortham Drive, distributed an excerpt from Act 451 of 1994, and noted that page 990, section 324.61506b includes a clause prohibiting the issuance of gas wells within 450 feet of any building without notification of all properties within that range. He read excerpts from the Act.

Philip Barker, 1434 Burhaven Drive, expressed concern over Jordan Management's plan to seek oil and gas in a two-mile swath north and south of Tienken Road. He stated that the lease signed by the City converted park acreage without a vote of the people, in conflict with the Parks Charter Amendment. He read an article he found in the Herald-Standard regarding leases signed with Chesapeake Oil, whereby homeowners who had signed leases had difficulties refinancing their mortgages due to liens placed on their homes.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett made the following announcements:

- In addition to Oakland County, the City is also seeking individuals looking for summer jobs. Interested individuals should apply as soon as possible.
- Winter Tax Bills are due on Friday, February 14th.
- City Offices will be closed next Monday, February 17th, in observance of Presidents Day.
- January was the snowiest month in the state's history. February has started off in the same manner. He expressed his appreciation to City staff for their efforts in keeping the streets clear of snow and ice. He noted the following for comparison:
 - * City expense on snow plowing: January 2012 - \$78,000; January 2013 - \$150,000; January 2014 - \$326,000
 - * City expense on salt: January 2012 - \$28,000; January 2013 - \$30,000; January 2014 - \$100,000
 - * In tallying phone calls, there are almost as many compliments as complaints.
- The renewal of the waste hauler contract begins March 31, 2014. Homeowners will see that the rate beginning in April will be lower than it was in 2008. Changes include the following:
 - * Customers will receive a five percent discount for prepaying a year's fee, seniors will receive a five percent discount, those choosing the autopayment alternative will yield a three percent discount. The prepayment discount is only available until March 31st.
 - * The new contract includes an increased period for leaf collection.
 - * The snowbird credit was increased.
 - * The new rate will be \$45 per quarter.
 - * The City of Rochester recently signed their contract and will save \$500,000.
 - * The City's new contract will save almost \$4 million over five years. All of the savings will go back to the residents.
- RecycleBank's Green Schools Program has selected University Hills and Meadow Brook Elementary. Customers can once again donate their recycling points to earn money for local schools.

In response to Public Comment regarding gas and oil exploration in Rochester Hills, the Mayor noted the following:

- *The City hired an environmentalist to provide a report rather than simply taking the word of the Michigan Department of Environmental Quality (MDEQ). Anyone interested in receiving information on the report should contact the Clerk's office.*
- *Sketches on the website regarding possible plans for Nowicki Park were done some time ago. Council did not authorize, nor does the lease allow any activities in that, or any other park. All exploration activities would be subterranean, occurring 3,000 to 6,000 feet below the surface.*
- *The City is surrounded by communities where drilling is occurring.*
- *The City has met with the MDEQ and has spoken to Auburn Hills and Rochester officials. Orion Township and Oakland Township have no standing to take action. There appears to be no interest in scheduling a community-wide meeting. A letter to residents has been drafted; however, the meeting has not been scheduled because information has not yet been gathered. It is deemed prudent to wait until all the information has been gathered before scheduling the meeting and sending out any correspondence.*
- *Jordan will be drilling their first wells in Auburn Hills. They will only come back to Rochester Hills if those wells are successful. Jordan would most likely not consider returning to Rochester Hills before 2015. Until that point, all of Jordan's personnel have been pulled out of Rochester Hills.*
- *Relative to the Charter Amendment, the City Attorney has provided his opinion that there is a division between subterranean and surface rights.*
- *Even if nothing changes moving forward, there will be no rigs or derricks on City property.*
- *A rescission of the lease would not prohibit oil and gas exploration in Rochester Hills. The City of Rochester opted not to sign; however, there is a tremendous amount of property under lease already in Rochester. Over 600 acres of private parcels have been leased, including the majority of three subdivisions.*
- *The Supervisor of Gas and Oil Wells at the State level has the ultimate decision regarding oil and gas exploration.*
- *City Attorney John Staran provided an email today regarding mortgage and refinancing concerns. The City Attorney indicated that he is still reviewing those concerns.*

Mayor Barnett read the Mission Statement of the MDEQ.

Scott Schlagel, Rochester Hills Government Youth Council Representative, reported that the RHGYC will be presenting its mid-year review this evening.

Mr. Wiggins commented that Council is looking at all possible solutions to concerns regarding gas and oil exploration. He expressed his appreciation to DPS staff for its hard work to keep up with snow plowing needs.

Mr. Tisdell noted that Act 451 states that a wellhead or drill rig cannot be located within one-and-one-half football fields of any structure without a waiver. All of the leases signed by City and the over-400 leases signed by residents are all

non-developmental leases and permit no surface activities. He commented that there simply is no place in the targeted area in Rochester Hills to locate surface wells. He read an excerpt from his own Safeco Insurance Policy, and commented that those types of catastrophic losses are not covered because insurance industry operates on a law of large numbers and cannot arrive at a premium for covering those incidents. He pointed out that when an accident of that nature occurs, the number one recourse is to go after the company, and the second action is to go after the regulatory agency. Regarding public comment relative to mortgage issues, he stated that he contacted Curtis Talley, Jr., of Michigan State University's Extension Office. He noted that Mr. Talley's response was that there is no documented evidence that someone was denied a mortgage or refinance due to oil and gas reasons. He stated that lease companies include language in the lease protecting the homeowner because they do not want to go through the changes required whenever a property is sold or refinanced. He commented that he is an advocate of domestic oil and gas exploration and noted that everyone relies on their energy needs for their furnaces. He stated that his desire is to maximize benefits and minimize risks.

Ms. Morita commented that she is still hearing misinformation from individuals. She noted that no wellhead will be placed on City parkland. She asked for those still in attendance to raise their hands if they came to tonight's meeting thinking that a wellhead would be placed on City parkland. She stated that she would like to see a link to the lease documents on the City's website for ease of public access to the documents.

Mr. Kochenderfer expressed his thanks to the residents for their comments. He noted that the State statute drives the placement of wellheads. He commented that if the City rescinded the lease tomorrow or passed an Ordinance, it would not stop drilling in Rochester Hills.

Mr. Brown stated that the lease agreement included an elimination of all City parcels from any calculation of a majority of properties needed to perform drilling. He pointed out that whether to sign a lease or not is a personal decision of the property owner. He invited interested individuals to sign up for notifications on the City's website and stressed that the implication that any decisions were made in secret is unfounded.

Mr. Webber announced that the Rochester Regional Chamber of Commerce will host the Community Outlook Luncheon at Oakland University on Wednesday, February 26th from 11:30 a.m. to 1:30 p.m. Tickets are available on the Chamber's website. Updates will be presented from officials of Rochester, Rochester Hills, Oakland Township and the Superintendent of the Rochester Community Schools.

President Hooper announced that residents are encouraged to submit any Capital Projects over \$25,000 to be considered as a part of the City's Capital Improvement Plan. He noted that a quick link to the Capital Improvement Plan process is available on the main page of the City's website. He commented that anyone speaking tonight regarding oil and gas exploration and completing a Public

Comment Card will be notified by mail if the item is placed on a Council agenda. He pointed out that every item attached to any Council agenda viewed by Council is available for public view on the Internet. He requested that the Administration place a link on the City's web page for ease of public access to oil and gas exploration and leasing information.

ATTORNEY MATTERS

None.

PRESENTATIONS

2014-0059 Rochester Hills Government Youth Council's Bi-Annual Report to City Council

Attachments: [Agenda Summary.pdf](#)

Scott Schlagel, Chairperson, and **Chris Russell**, Vice Chairperson, Rochester Hills Government Youth Council (RHGYC), were in attendance to present the bi-annual report.

Mr. Schlagel noted that he has been an RHGYC member for the past four years and the experience has allowed him exponential growth. He described the interview and selection process and stated that this year the Council has seven new members.

Mr. Russell and **Mr. Schlagel** listed the following projects and accomplishments:

- New members teamed up with veteran members on the RHGYC's various subcommittees.
- The Public Relations Committee is once again participating in the Strive 4 A Safer Drive campaign, through AAA, Ford Driving Skills for Life and the Michigan Office of Highway Safety Planning. Fifty schools each receive a \$2,000.00 grant to develop programs for safer driving for teens. The RHGYC is the only government youth council participating. RHGYC's theme this year is "Don't Become a Statistic" and activities will include various promotional banners, contests and games. An event at Noodles & Company in the Village of Rochester Hills is set for February 24th. Those signing pledges will receive a buy-one-get-one-free coupon. A game show event will occur at Rochester High School on February 28th.
- The Helping Hands Committee has been volunteering at the Older Persons' Commission helping pack foods for delivery to homebound seniors.
- RHGYC members helped out at the City's Holiday Family Fun Night, running games and serving food.
- Members manned a drink table along the route for the Brooksie Way Half-Marathon.
- The RHGYC participated in the Rochester Hometown Christmas Parade, attired in Caribbean Christmas themed costumes. They painted a City snowplow to promote RHGYC activities.

Upcoming events include:

- *The Senior Services Committee is planning a Senior Prom to be held in June at the American House senior residence.*
- *Fund raising activities have been held for their annual 5K Run/Walk. Members will participate by manning a table at Carson's Community Days on February 15th, 16th, 22nd and 23rd, and are soliciting donors and sponsors. This year's 5K will benefit the Blessings in a Backpack charity organization, which provides students in need in the Rochester and Rochester Hills area with nutritious meals for those long weekends away from school. The group is scheduled to visit Blessings in a Backpack later this month.*

Mr. Russell thanked the Mayor and City Council for giving the RHGYC the opportunity to participate in City activities and projects throughout the community.

President Hooper expressed his appreciation to RHGYC members and to Charnele Sanders, Adult Advisor to the Youth Council, for her efforts with the group.

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.

2014-0024 Approval of Minutes - City Council Special Meeting - January 13, 2014

Attachments: [CC Special Mtg Min 011314.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0026-2014

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on January 13, 2014 be approved as presented.

2014-0025 Approval of Minutes - City Council Regular Meeting - January 13, 2014

Attachments: [CC Min 011314.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0027-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 13, 2014 be approved as presented.

2014-0029 Request for Purchase Authorization - BLDG: Contract/Blanket Purchase Order for fire suppression and fire alarm plan review and inspection services in the

amount not-to-exceed \$95,000.00 through December 31, 2015; Fire Safety Consultants, Inc., Elgin, IL; Fire Savvy Consultants and Services, L.L.C., Commerce, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0028-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for fire suppression and fire alarm plan review and inspection services to Fire Safety Consultants, Inc., Elgin, Illinois, as primary vendor, and Fire Savvy Consultants and Services, L.L.C., Commerce, Michigan, as secondary vendor, in the amount not-to-exceed \$95,000.00 through December 31, 2015.

2014-0030 Request for Purchase Authorization - BLDG: Contract/Blanket Purchase Order for commercial and industrial plan review services for 2014-2015 in the amount not-to-exceed \$60,000.00 through December 31, 2015; Code Source PC, Grandville, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0029-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for commercial and industrial plan review services for 2014-2015 to Code Source PC, Grandville, Michigan in the amount not-to-exceed \$60,000.00 through December 31, 2015.

2014-0031 Request for Purchase Authorization - DPS/FLEET: Blanket Purchase Order for new fleet and fire truck tires in the amount not-to-exceed \$35,000.00 through January 15, 2015; The Goodyear Tire & Rubber Company, Akron, OH

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0030-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for new fleet and fire truck tires to The Goodyear Tire & Rubber Company, Akron, Ohio in the amount not-to-exceed \$35,000.00 through January 15, 2015.

2014-0034 Request for Purchase Authorization - DPS/FLEET: Purchase of four (4) new vehicles (replacements for 39-130, 39-175, 39-273, 39-274): two (2) vehicles in the amount of \$45,680.00; Red Holman Buick GMC, Westland MI; one (1) vehicle in the amount of \$19,547.00; LaFontaine Jeep, Saline MI; one (1) vehicle in the amount of \$19,162.50; Berger Chevrolet, Grand Rapids, MI

Attachments: [Agenda Summary.pdf](#)
[2014 Vehicle Purchases.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0031-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of four (4) new vehicles (replacements for 39-130, 39-175, 39-273, 39-274): two (2) vehicles from Red Holman Buick GMC, Westland, Michigan in the amount of \$45,680.00; one (1) vehicle from LaFontaine Jeep, Saline, MI in the amount of \$19,547.00; and one (1) vehicle from Berger Chevrolet, Grand Rapids, Michigan in the amount of \$19,162.50.

2014-0048 Request for Approval of an Amendment to the City's Pension Plan Document to incorporate changes requested by the Internal Revenue Service

Attachments: [Agenda Summary.pdf](#)
[Proposed DC Plan Document 021014.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0032-2014

Resolved, that the Rochester Hills City Council hereby adopts the February 10, 2014 amendment to the City of Rochester Hills Group Pension Plan as presented, attached hereto and incorporated by reference.

Passed the Consent Agenda

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

PUBLIC HEARINGS

2014-0015 FY 2014 1st Quarter Budget Amendments

Attachments: [Agenda Summary.pdf](#)
[2014 - 1st Qtr BA - Overview.pdf](#)
[2014 - 1st Qtr BA - Line Item Details.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Joe Snyder, Senior Financial Analyst, presented the figures for the 1st Quarter Budget Amendments for 2014. He noted that the primary focus of the first quarter is to carry over capital projects not completed in the 2013 Fiscal Year. He stated that revenues are set to increase by \$13,000, and expenses by \$5.1 million. He pointed out that the increase is almost exclusively due to capital project carryovers. He noted the following increases to the various fund expenditures:

- Major Road Fund increase by \$1.3 million

- Local Street Fund increases by \$1.3 million
- Water and Sewer Capital increases by \$1 million
- Fleet Fund increases by \$1 million
- Pathway Construction increases by \$260,000

He mentioned that the vast majority of the projects are under contract, and those included which have not yet been awarded are expected to come to Council shortly.

President Hooper Opened the Public Hearing at 8:25 p.m.

Seeing no Public Comment, President Hooper Closed the Public Hearing at 8:26 p.m.

Council Discussion:

Mr. Wiggins questioned whether the increased expenditures carried over are one-hundred percent budgeted or whether additional funds will be needed for 2014.

Mr. Snyder responded that all projects were budgeted with the exception of the Sheldon Road construction from gravel to asphalt. He noted that the project was originally slated for the 2015 Budget; however, DPS would like to move that project forward into 2014.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0033-2014

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, the Public Hearing for the proposed FY 2014 1st Quarter Budget Amendments was noticed on January 23, 2014; and

Whereas, the proposed FY 2014 1st Quarter Budget Amendments were available for public viewing beginning on January 31, 2014; and

Whereas, at its February 10, 2014 meeting City Council held a Public Hearing on the proposed FY 2014 1st Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following FY 2014 fund totals as amended:

101 - General Fund	\$ 26,792,510
202 - Major Road Fund	6,593,570
203 - Local Street Fund	11,625,150
206 - Fire Fund	7,468,820
244 - Water Resources Fund	540,240
402 - Fire Capital Fund *	848,270
403 - Pathway Construction Fund	651,900

420 - Capital Improvement Fund	296,520
592 - W&S Operating Fund	32,762,120
593 - W&S Capital Fund	8,688,230
631 - Facilities Fund	6,156,580
661 - Fleet Equipment Fund	3,804,380
736 - Retiree Healthcare Trust Fund	172,840
870 - Rochester Hills Museum Foundation Fund	10,000
* = No expenditure, revenue only	

NEW BUSINESS

2014-0033 Request for Purchase Authorization - FIRE: Purchase of two (2) Jeep Patriot Sport Utility Vehicles in the amount of \$42,178.00; LaFontaine Jeep, Saline, MI

Attachments: [Agenda Summary.pdf](#)
[Jeep Patriot FD 14.pdf](#)
[Resolution.pdf](#)

Ron Crowell, Acting Fire Chief, noted that the request to approve the purchase of two new Jeep Patriots is \$4,188.00 over the budgeted amount for this year as one of the vehicles was slated for replacement in 2015. He explained that one of the vehicles being replaced is ten years old and the other is 12 years old, and both are starting to show extensive wear with rust coming through the body. He added that the current vehicles, which are Chevrolet Tahoes, are being replaced with more economical vehicles.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0034-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of two (2) Jeep Patriot Sport Utility Vehicles from LaFontaine Jeep, Saline, Michigan in the amount of \$42,178.00.

2013-0498 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Ready Mix Concrete Materials to Superior Materials, Farmington Hills, Michigan in the amount not-to-exceed \$229,000.00 through December 31, 2015

Attachments: [Agenda Summary.pdf](#)
[Bid Tabulation Ready Mix Concrete.pdf](#)
[Resolution.pdf](#)

President Hooper stated that he works in the construction industry and has had dealings with the firm involved; however, he has no financial interest in the firm or involvement in the contract. As such, he sees no reason to recuse himself from discussion or vote on this item.

Allan Schneck, Director of DPS/Engineering, stated that the City utilizes ready-mix concrete on an as-needed basis.

Mr. Wiggins questioned whether the harsh winter will affect the amount of concrete needed.

Mr. Schneck responded that street repairs due to weather damage are undertaken under the Major Road and Local Street Funds. He explained that this concrete is typically used when a panel must be taken out and replaced as a part of another underground repair.

Mr. Wiggins questioned why it appears that this vendor was the only bidder.

Mr. Schneck responded that the solicitation was distributed through the Michigan Intergovernmental Trade Network (MITN). He noted that it went out to 27 vendors and only one responded. He commented that he cannot speak to why the other vendors did not bid.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0035-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Ready Mix Concrete Materials to Superior Materials, Farmington Hills, Michigan in the amount not-to-exceed \$229,000.00 through December 31, 2015.

2014-0032 Request for Purchase Authorization - DPS: Blanket Purchase Order for water service repair parts in the amount not-to-exceed \$44,000.00 through December 31, 2014; S.L.C. Meter Service, Inc., Davisburg, MI

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

Allan Schneck, Director of DPS/Engineering, stated that these water service parts are used for repairs on the water distribution system when leaks occur and when new service leads are installed.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0036-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for water service repair parts to S.L.C. Meter Service, Inc., Davisburg, Michigan in the amount not-to-exceed \$44,000.00 through December 31, 2014.

2014-0035 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs, as well as the upgrade of the traffic signal at Brewster Road and North Fairview Lane in the amount not-to-exceed \$185,000.00 through December 31, 2014; Road Commission for Oakland County, Waterford, MI

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

Allan Schneck, Director of DPS/Engineering, explained that this request consists of \$80,000 toward general maintenance of traffic signals and \$105,000

for a signal replacement at Brewster Road and North Fairview. He explained that this particular signal was first placed in January of 1996 and is in need of an upgrade. The project will also address Americans With Disabilities Act (ADA) requirements in upgrading crosswalks and moving the pedestrian pushbuttons closer to the intersection.

Public Comment:

Lee Zendel, 1575 Dutton Road, stated that he does not believe the signal at Brewster Road and North Fairview is in need of an upgrade as the current signal can easily be seen for over a quarter of a mile. He noted that a similar signal exists at Brewster and Tienken. He mentioned that a similar crossing is located on Old Perch near West Middle School and there is no signal there. He commented that a signal should be installed on Old Perch before the Brewster Road signal is upgraded.

Mr. Schneck stated that the signal installed will be a box span, which he explained is the current standard design for any placement. He added that the signal will have LED signals instead of incandescent bulbs, saving energy. Responding to Mr. Zendel's comment, he stated that the need for additional signals or upgrades could be explored with the Road Commission for Oakland County (RCOC). He pointed out that a Federal Aid meeting would be occurring tomorrow, and a determination could be made whether Tienken Road improvements from Livernois to Adams might be funded. He explained that if that project is approved for funding, the light at Tienken and Brewster would be addressed.

Council Discussion:

President Hooper questioned how many signals in the City still needed to be upgraded to box span signals.

Mr. Schneck responded that an upgrade to the signal at John R and Hamlin Roads is slated for 2015 under a Federally-funded project. He pointed out that the John R and Hamlin signal is under the jurisdiction of Rochester Hills.

President Hooper questioned what made the Brewster Road and North Fairview signal rise to the need for an upgrade at this time.

Mr. Schneck responded that the ADA requirements are not met as the pedestrian pushbuttons are set at a distance where the crossing guard must run and push the button and then run back into the street. To meet requirements, the buttons must be thirty inches off the back of the curb. Upgrades to meet the ADA landing requirements will be made. In addition, the span wire should be changed every 15 years.

President Hooper noted that of all of the City's school routes and crossings, only Tienken and Brewster and Hamlin and John R are slated for upgrades.

Mr. Schneck responded that this project is also being completed in conjunction with the RCOC. He explained that the RCOC is performing multiple upgrades;

and with the City's in-house design services, the projects being undertaken would have economies of scale.

Mr. Wiggins questioned whether the project is being undertaken primarily due to ADA concerns.

Mr. Schneck responded that the age of the signal is the first consideration; ADA issues are secondary.

Mr. Wiggins questioned whether State Law requires the upgrades.

Mr. Schneck responded that the upgrade is warranted based on the condition of the equipment. He noted that it is an aerial piece of equipment and no one wants for it to fall. He added that any time a signal replacement is undertaken, any ADA issues must be addressed at that time.

President Hooper stated that while he understands the need to start addressing maintenance issues, he would like to see a compelling reason to undertake the project at this time.

Mr. Schneck responded that DPS tries to be proactive and predictive rather than reactive. He offered that he could approach the RCOC and City staff regarding the sense of urgency; however, he stated that he trusts their judgment.

Mr. Tisdell noted that the roadway in front of West Middle School should meet the warrants for a traffic signal. He questioned whether it is a County requirement that all signal replacements be a box span.

Mr. Schneck responded that was correct.

Mr. Tisdell commented that should an incident occur and the City was deemed to have delayed a project recommended by the County, there would be liability.

Mr. Brown questioned what potential savings would be realized by allowing the project to proceed now along with the other RCOC upgrades.

Mr. Schneck responded that a sole solicitation would incur additional mobilization and traffic control costs common to all projects. He added that it costs approximately \$4,000 each year to maintain the current signal. An upgraded signal will only require approximately \$600 per year in expense. He mentioned that energy consumption will also be 60 to 70 percent less than current costs.

Mr. Brown requested confirmation that the John R and Hamlin and Brewster and Tienken Road signals would be addressed.

Mr. Schneck responded that this stretch of Hamlin Road will be reconstructed in 2015 with an overlay.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0037-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the maintenance and repairs or upgrades of the existing traffic signals and SCATS costs, as well as the upgrade of the traffic signal at Brewster Road and North Fairview Lane to the Road Commission for Oakland County, Waterford, Michigan in the amount not-to-exceed \$185,000.00 through December 31, 2014.

2012-0116 Request for Purchase Authorization - DPS/ENG: Amendment for engineering services for the DPS Salt Storage Facility Project in the amount of \$12,000.00 for a new not-to-exceed amount of \$116,000.00; Orchard, Hiltz & McCliment, Inc., Livonia, MI

Attachments: [Agenda Summary.pdf](#)
[OHM Letter Ver 4 013114.pdf](#)
[042213 Agenda Summary.pdf](#)
[102212 Agenda Summary.pdf](#)
[042312 Agenda Summary.pdf](#)
[OHM Proposal.pdf](#)
[Presentation.pdf](#)
[Salt Storage Facility Study.pdf](#)
[042312 Resolution.pdf](#)
[102212 Resolution.pdf](#)
[042213 Resolution.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the City undertook a project last year to construct a new salt storage facility at the DPS facility at 511 Auburn Road. He explained that part of the project included demolition of the front half of the old vacant DPS building. Due to additional effort needed in the scope of work performed on the City's behalf, Council is requested to approve an increase to the Blanket Purchase Order with Orchard Hiltz and McCliment for engineering services. He pointed out that the overall total cost of the project including construction and demolition is approximately \$785,000. He reviewed the engineering costs and commented that the figures are in line with what is expected.

President Hooper questioned whether the additional engineering needs will be offset by liquidated damages against contractor.

Mr. Schneck confirmed that they will be.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0038-2014

Resolved, that the Rochester Hills City Council hereby authorizes the amendment for engineering services for the DPS Salt Storage Facility Project to Orchard, Hiltz & McCliment, Inc., Livonia, Michigan in the amount of \$12,000.00 for a new not-to-exceed amount of \$116,000.00.

2014-0028 Request for Purchase Authorization - FISCAL: Blanket Purchase Order for 2014 city attorney services in the amount not-to-exceed \$275,000.00; Hafeli Staran & Christ, P.C., Sylvan Lake, MI

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

Keith Sawdon, Director of Finance, noted that the hourly rates for City Attorney services have not changed in a number of years.

Ms. Morita questioned whether the City Attorney provides quarterly updates on any litigation in process.

Mr. Sawdon responded that he may provide updates to the individuals he is working with on each item. He commented that he deals with the risk management side and does not often hear updates on litigation.

Mayor Barnett confirmed that the City Attorney provides a monthly update and breakdown by quarter-hours. He noted that a quarterly written update to Council has not been requested. He pointed out that the City Attorney is in the Mayor's Office every Monday for consultation as needed.

Ms. Morita questioned whether an update could be put into a form that could be shared with Council.

Mayor Barnett responded that this could be done.

Ms. Morita suggested that the update be completed quarterly or twice a year.

Mayor Barnett pointed out that every Regular Council Meeting agenda includes Attorney Matters to allow for comment on any items that Council should be updated on.

Ms. Morita noted that there are often questions on pending litigation which should be responded to in a privileged communication that should not be asked in an open forum. She commented that Mr. Staran is one of the most respected municipal attorneys in the State of Michigan and it is a blessing that he serves Rochester Hills. She noted that the hourly rate charged the City is below market rate.

Mr. Wiggins questioned whether the City Attorney contract is bid out.

Mr. Sawdon noted that the City Attorney is City Council's contract.

Mayor Barnett questioned when the contract was last bid out.

Mr. Sawdon responded that Council may have done that before he returned to the City. He noted that the labor attorney and retirement attorney contracts were most recently bid, along with any special attorney requests.

Mr. Wiggins suggested that this contract should be treated like any other contract in the City and it might be worthwhile to bid it out at some point.

President Hooper noted that Mr. Staran's firm has provided services to the City for many years and has institutional knowledge of City matters.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0039-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for city attorney services to Hafeli Staran & Christ, P.C., Sylvan Lake, Michigan in the amount not-to-exceed \$275,000.00 through December 31, 2014.

2014-0065 Request for Purchase Authorization - CLERK: Blanket Purchase Order for Records Management Services in the amount not-to-exceed \$150,000.00 through December 31, 2016; DocuStore, Inc., Dearborn, MI

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

Tina Barton, City Clerk, noted that the City has utilized DocuStore for the last three years and has been satisfied with their services. She noted that \$150,000 is being requested for a three-year period, or \$50,000 for each year.

President Hooper questioned the use of microfiche.

Clerk Barton responded that there has been much discussion with the State on storage requirements. She explained that there is currently a large project to undertake in the Building Department and noted that imaging those documents would be in line with State Law. The goal is the most efficient and easiest way for staff to search records. She noted that there are currently four different types of record storage media and commented that this makes searching records in response to Freedom of Information Act requests time consuming. It would be advantageous to transfer all these documents to images.

President Hooper questioned whether there would be a move to store less at DocuStore.

Clerk Barton responded that records accessed more frequently are stored at the DPS Facility. Records that are not accessed regularly or are stored for long-term are stored off-site. She noted that almost half of the previous Blanket Purchase Order amount was not used and commented that this money could have been utilized on projects.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0040-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Records Management Services to DocuStore, Inc., Dearborn, Michigan in the amount not-to-exceed \$150,000.00 through December 31, 2016 and further authorizes the Mayor to execute a contract on behalf of the City.

2014-0049 Request to reestablish the Liquor License Technical Review Committee

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

Tina Barton, City Clerk, reported that the City granted its last on-premise liquor license in 2012 and noted that application for that license has been pending at the Michigan Liquor Control Commission since that time. She stated that the applicant had not followed through with the process and reported that their business plan had changed and they were no longer moving forward with their application. She explained that the applicant rescinded their request and the license was placed back in the City's quota. She questioned how Council wished to proceed.

She pointed out that since coming to the City, she has seen no fewer than 20 to 25 licenses transferred in and out of the City with no process to track them. She added that while State Law has changed, the City still has options; and she suggested the implementation of an application process that would include transfers. She requested Council consider reestablishing the Liquor License Technical Review Committee to include two to three Council Members, two citizen members, one member of the Administration and one Youth Council member.

Mr. Webber expressed his support, and noted that this committee was active when he first arrived on Council in 2007 and 2008. He noted that a three-person committee was established in 2012 consisting of Mr. Rosen, Mr. Klomp and himself to review the four applicants for the additional quota license granted after the 2010 Census, resulting in the award to Gold Star. He commented that now that the City is getting the license back, it is time to reconstitute the full committee with citizen representation. He pointed out that there are some things other communities do that the City could also implement to control the process. He requested he be considered as a Council representative to the committee.

President Hooper stated that Council could reestablish the committee tonight and subsequently advertise for citizen representation and consideration of which Council Members wish to be included.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0041-2014

In accordance with Article VII, Section .02 of the City Council Rules of Procedure, the City Council resolves to reestablish the Liquor License Technical Review Committee, as follows:

Purpose and Charge:

a. Charge/responsibility of the Committee

To review and make recommendations on annual inspections of each Class C License operating within the City of Rochester Hills pursuant to Article I, Section I In General of Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills and shall make a report to City Council of its findings.

Review applications for a New License and applications for Dance and/or Entertainment Permits pursuant to Article II, License and Permits, of Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills and shall make a report and recommendation to City Council.

Establish future application procedures for transfers of liquor licenses in and out of the City of Rochester Hills.

b. Expected results including, but not limited to, time line

The Committee is expected to review and, if applicable, amend the current application and other pertinent documents

Review any applications received for the City's one (1) Class C License currently in quota

Make recommendations for any potential changes to the City's current Ordinance.

Membership and selection, including number of members, solicitation of members and qualification of members

Committee shall include two (2) to three (3) Council Members

Three (3) Council Members

Committees shall include citizen members which shall be appointed by Council

Two (2) Citizen Members

Committees may include Administrative Staff members which shall be appointed by the Mayor

One (1) Administrative Member, as appropriate (i.e., City Clerk)

Committees may include one (1) Rochester Hills Government Youth Council (RHGYC) representative selected by the Youth Council

One (1) RHGYC Member

Term of appointment, where appropriate

The term shall be for one year, with the first to expire December 2014

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber reported that the OPC Governing Board met last week and discussed the search for a new Executive Director. He noted that the application deadline is March 7th and stated that the applications will be reviewed at the April 3rd Board meeting. He mentioned that interviews will be open to the public and are scheduled for Saturday, April 26th at 9:00 a.m.

Rochester Area Youth Assistance (RAYA):

Mr. Brown reported that the RAYA Youth Recognition Awards ceremony will be held on March 25th. RAYA is soliciting for youth award nominations for those in kindergarten to twelfth grade who quietly help another and create a culture of harmony and positive good. He added that a \$500.00 scholarship is available for a high school senior. He noted that there has been much activity from the private schools; however, not much interest expressed to date from the public schools.

Green Space Advisory Board (GSAB):

Mr. Kochenderfer reported that the GSAB is reviewing opportunities to create a trust to encompass the monies generated from the GSAB millage, with interest earned to be utilized for the maintenance of Green Space properties.

Paint Creek Trailways Commission:

Ms. Morita reported that the Paint Creek Trailways Commission approved their Master Plan at their last meeting. She noted that the Plan is available in PDF form for review on the Commission's website.

Avondale Youth Assistance (AYA):

Ms. Morita reported that the AYA Volunteer Dinner was held recently, attended by Mayor Barnett and the Mayors of Troy and Auburn Hills.

Police and Road Funding Technical Review Committee (PRFTRC):

President Hooper reported that the PRFTRC has scheduled a meeting for February 26th.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, March 3, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:12 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 March 17, 2014 Regular City Council Meeting.