



Rochester Hills

Minutes

City Council Regular Meeting

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

*J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi*

Vision Statement: The Community of Choice for Families and Business

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

Monday, September 19, 2011

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 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen,
Michael Webber and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tara Beatty, Chief Assistant
Jim Bradford, Deputy Fire Chief
Scott Cope, Director of Building/Ordinance Compliance
Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, City Engineer
Kurt Dawson, Director of Assessing/Treasury
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Captain Michael Johnson, Oakland County Sheriff's Office
Kevin Krajewski, Network Administrator/Deputy Director of MIS
Jane Leslie, City Clerk
Pat McKay, Supervisor of Interpretive Services
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Pixley, that the Agenda be Approved as Amended to remove Legislative File 2011-0375 Request for Site Plan Approval, pursuant to the May 26 2005 Amended Consent Judgment, for a Tim Horton's restaurant with drive-thru, a proposed 1,953 square-foot building on 3.75 acres, located south and east of Adams Rd., zoned I, Industrial, Parcel No. 15-30-302-031, Tim Horton's, Applicant. The motion carried by the following vote:

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

PUBLIC COMMENT

Ann Edwards, 296 Meadowbridge, announced that the League of Women Voters will host a Candidate Forum on September 29, 2011 at 7:00 p.m. in the City Hall Auditorium. A panel of journalists and a League member will question candidates for City Council At-Large, District 2 and Mayor. She requested that any questions be emailed to the League in advance at rochesterhillsforum@gmail.com; no questions will be taken from the audience that evening.

Gary Uhl, 3508 Wedgewood Drive, expressed his thanks to Council for voting to place the Parks and Open Space Charter Question on the November ballot and encouraged everyone to vote in November.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Rosen lamented the passing of Summer.

Mr. Webber announced that the Rochester Regional Chamber of Commerce will host a County Legislative Update on Wednesday, September 21, 2011 in the City Hall Auditorium. The program will begin at 8:00 a.m., with registration starting at 7:30 a.m.

Mayor Barnett highlighted the progress of the following road projects:

- Work on Raintree Drive has begun, and is scheduled to go through mid-November. Pathway work is included in the project.
- The M-59/Crooks Rd Interchange project is progressing. The intersection of Star-Batt Drive, currently closed to traffic, will re-open on Monday, September 26. Drivers are asked to observe the posted detour as enforcement will target those who illegally cut through adjacent lots.
- Adams Road will remain closed between South Boulevard and Auburn Road for eleven more days than previously anticipated. The new date for reopening the road is September 30th.

He announced the following:

- Paddlepalooza, originally scheduled for last spring on the Clinton River, is set for Saturday, September 24th. Beginning in Auburn Hills, the event ends at RiverCrest.
- The Brooksie Way Half-Marathon is set for October 2nd. Over 10,000 mailers have been sent to area residents along the race route indicating road closure times and suggested alternate routes.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2011-0416 Presentation by the Road Commission for Oakland County on the Faster And Safer Travel Through Routing and Advanced Controls (FAST-TRAC) program and Sydney Coordinated Adaptive Traffic System (SCATS); Gary Piotrowicz, P.E., Director of Traffic Study and Danielle Deneau, P.E., Signal Systems Engineer, presenters

Attachments: [Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)

Gary Piotrowicz, P.E., Director of Traffic Study and Danielle Deneau, P.E., Signal Systems Engineer, were in attendance from the Road Commission for Oakland County (RCOC) to give a presentation regarding the Faster And Safer Travel Through Routing and Advanced Controls (FAST-TRAC) program and the Sydney Coordinated Adaptive Traffic System (SCATS):

Ms. Deneau began the presentation:

Compelling Need:

- To Accommodate Population and Economic Growth
- To Offset \$1.7 Billion in Unmet Road Improvement Requirements
- To Mitigate Incidents
- Availability of Special Federal Funds

She noted that 675 out of 1,300 County-controlled intersections currently have the SCATS system in place for every lane, adjusting the green time based on traffic flow and allowing progression along corridors.

Advantages of SCATS Traffic Signals:

- Adaptive
 - * Adjusts Splits and Cycle Lengths
 - * Ends Phases Early
 - * Skips Phases with No Demand
- Continuous Signal Timing Updates
- Central Monitoring
- Event Manager Programs

Ms. Deneau noted that the system can be monitored remotely from the traffic engineers' homes if necessary. She pointed out that the Cities of Auburn Hills and Novi use the SCATS system during large events to regulate excessive traffic flow.

FAST-TRAC Hardware Structure:

- *Management Computer*
- *Regional Computer*
- *FAST-TRAC Controller*
- *Autoscope*

She explained that the Autoscope system along with loops embedded in the pavement transmit vehicle information to a regional computer, which feeds this information to a management computer.

BENEFITS - Accident Severity Analysis:

A pie chart showed the reduction in the severity of accidents at intersections controlled by the system. Incapacitating injuries were reduced from nine percent to four percent after the installation of the system.

BENEFITS - Travel Time Improvements; Northbound Orchard Lake Road:

- *AM Peak reduced 20 percent*
- *Off-Peak reduced 32 percent*
- *PM Peak reduced 7 percent*

BENEFITS - Stopped Delay Improvements; South Lyon:

- Twenty percent reduction in delays in South Lyon since SCATS was implemented.

Mr. Piotrowicz continued:

Growth of FAST-TRAC:

- *Started in June 1992 with 28 intersections under SCATS and Autoscope control.*
- *Currently over 675 intersections are using SCATS Technology.*
- *40 communities have committed to SCATS, and the list is growing.*

He noted that the system was first installed in Rochester Hills in 1994.

FAST-TRAC Projects:

- *\$55 Million Earmark Funds in the early 1990s*
- *SCATS is Expanded/Upgraded through:*
 - * *RCOC Road Construction Projects*
 - * *Local Projects*

- * CMAQ (Congestion Mitigation and Air Quality Program)
- * STP (Safety Projects)
- * Tri-Party
- * Private
- SCATS is Operated and Maintained with funds from:
 - * CMAQ
 - * State/Local/Private/RCOC

Mr. Piotrowicz commented that the RCOC recognized the need for additional funding to keep the systems operating. He explained that when the initial Federal Earmark funding started to run out, the Federal Government was pushed to allow CMAQ funding to be utilized for the operating and maintenance costs of the systems. Over \$2 million in funding is now available for this purpose. He pointed out that starting October 1, 2011, the system will be operated with 100 percent Federal Funding. He mentioned that initially the requirement was that the Federal Funding allocations had a three-year limit for their use; however, a recent insertion into the Federal Highway Legislation now provides for use over an unlimited number of years. He noted that Michigan is one of only two states in the nation to use CMAQ funding for as long as it is available.

Updates to FAST-TRAC:

- Upgrade Communications
- Upgrade Detection
- Software Upgrades
- Hardware Upgrades
 - * Controllers
 - * Computers

He mentioned that when the system was first installed, all land lines were used, rendering communication speeds very slow. Now, several corridors are run using completely wireless technologies, along with upgrades made over the years to the most advanced computer hardware and software systems.

Public Comment:

***Lee Zendel**, 1575 Dutton Road, stated that he has encountered long delays of two minutes or more at the corner of Tienken and Brewster Roads when traveling late in the evenings. He questioned why the traffic light will not change even if there is no opposing traffic on Tienken for the entire length of the cycle.*

***Ms. Deneau** responded that Brewster Road is considered a minor road, while Tienken Road is a main thoroughfare. She commented that the light is dwelling on Tienken and stated that she will check on the system's function at this intersection.*

Council Discussion:

***Mr. Rosen** stated that similar delays do occur at various intersections in the city. He mentioned that before the implementation of these systems, travel*

within the city was absolutely horrible, with lengthy delays; and stated that traffic moves much better now. He questioned how drivers can report a signal that is obviously malfunctioning.

***Ms. Deneau** responded that motorists can call the RCOC's public line at 248-858-4804, or report malfunctions on the website at www.rcoc.org. She stated that crews will respond to malfunctioning signals right away. She commented that for general concerns regarding intersections, someone from the RCOC will respond to the report within three days.*

***Mr. Rosen** questioned how the cameras sense the presence of a vehicle relative to where the stop line is, and if vehicle counts are registered as well.*

***Ms. Deneau** responded that the system does count vehicles and knows when to allocate more time for the next signal if all cars do not get through the intersection on one cycle. She mentioned that vehicles should be just behind the stop line, noting that if a car is too far out front of the line, it may not be detected. She stated that most left turn lanes have two detection locations.*

***Mr. Yalamanchi** requested that the signal for I-75 exiting to Adams Road be reviewed as it seems to have a great delay for cars exiting the freeway to move north. He questioned what the City's budget for the system is used for.*

***Mr. Piotrowicz** responded that the City covers 20 percent of charges allocated for communications and maintenance for each intersection in the City.*

***Mr. Webber** questioned how long it takes to bring the system back up after power outages.*

***Mr. Piotrowicz** responded that a single intersection would most likely be brought back online within two hours. He explained that it is difficult to predict restoration times after a large storm, as it is highly dependent on Detroit Edison's power outages. He stated that the RCOC has 20 generators that can be deployed to run signals at intersections.*

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.

2011-0362 Approval of Minutes - City Council Special Meeting - August 15, 2011

Attachments: [CC Special Mtg Min 081511.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0180-2011

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 15, 2011 be approved as presented.

2011-0384 Approval of Minutes - City Council Special Meeting - August 29, 2011

Attachments: [CC Special Mtg Min 082911.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0181-2011

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 29, 2011 be approved as presented.

2011-0403 Request for Approval of FY 2012 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$69,806.00

Attachments: [Agenda Summary.pdf](#)
[Letter and application from SMART.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0182-2011

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal Year 2012 Municipal Credits to the Older Persons' Commission as presented.

Further Resolved, that the Mayor is authorized to execute and deliver the transfer agreement on behalf of the City.

2011-0404 Request for Approval to Add Delinquent Charges to the 2011 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0183-2011

Resolved, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made part of the 2011 Winter Tax Roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2011 Winter Tax Roll.

Roll/Fund	Total	Ordinance
Delinquent W/S Charges	\$ 1,169,091.34	Ch. 102-92.(b)
Water/Sewer Fund		
Delinquent Weed Control	\$ 15,738.94	Ch. 106-125.(e)
General Fund		

Delinquent SAD Local Road Fund	\$ 11,187.58	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$ 2,254.74	Ch. 90-30.(d)
Delinquent False Alarms Special Police Fund	\$ 22,687.50	Ch. 42-65.(f)(2)
Delinquent Solid Waste Collection Allied Waste Services	\$ 190,327.21	Ch. 86-103.(4) and .(5)
Delinquent Costs Incurred Pathway Maintenance General Fund	\$ 523.25	Ch. 90-30.(d)
Delinquent Costs Incurred Sidewalk Replacement Local Road Fund	\$ 569.87	Ch. 94-143.(b)(2)

Further Resolved, the 2011 Winter Tax Bills shall be adjusted to take into account any payments of delinquent charges received after the date of the delinquent charge listing.

2011-0394 Request for Approval to serve alcohol for a wedding and reception scheduled for October 22, 2011 at the Rochester Hills Museum at Van Hoosen Farm

Attachments: [Agenda Summary.pdf](#)
[Chpt 4, Div 3, Sec. 74-101 - Alcoholic Liquors.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0184-2011

Whereas, the Rochester Hills Parks & Forestry Department has received a one-time request from Emerald City Designs to allow the serving of alcohol for a private wedding and reception to be held at the Rochester Hills Museum at Van Hoosen Farm on Saturday, October 22, 2011 from 7:30 p.m. to midnight.

Whereas, the City of Rochester Hills Parks Ordinance, **Sec. 74-101 - Alcoholic liquors** prohibits alcohol in any city park except with the permission of City Council.

Whereas, the Rochester Hills Museum at Van Hoosen Farm will be paid \$5,000 in fees and will meet the City's risk management insurance requirements, as well as coordinate sound, parking and traffic impacts with surrounding home owners, and cooperate with the City of Rochester Manager, Police Chief and Oakland County Sheriff's Department.

Resolved, that the Rochester Hills City Council hereby approves a one-time request from Emerald City Designs to allow the serving of alcohol for a private wedding and reception to be held at the Rochester Hills Museum at Van Hoosen Farm on Saturday, October 22, 2011 from 7:30 p.m. to midnight.

2011-0358 Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by

Matthew Thomas and Stephanie Thomas, Husband and Wife, for the Pathway Rehabilitation Program-2011

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0185-2011

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Matthew Thomas and Stephanie Thomas, Husband and Wife, 2925 W. Auburn Road, Rochester Hills, MI 48309 for the Pathway Rehabilitation Program-2011, City File #E11-008, over, on, through and across land more particularly described as Parcel No. #15-32-101-031.

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

The following three (3) Legislative Files are related to the Rain Tree Drive Pathway Project

2011-0359 Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Brookedale West Homeowners Association, a Michigan non-profit corporation, for the Rain Tree Drive Pathway Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0186-2011

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Brookedale West Homeowners Association, 169 Stonetree Cir., Rochester Hills, MI 48309, for the Rain Tree Drive Pathway Project, City File #E10-041, over, on, through and across land more particularly described as Parcel Numbers 15-07-327-001, 15-07-178-001, 15-07-177-010 and 15-07-176-020.

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

2011-0360 Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Brookedale Woods Homeowners Association, a Michigan non-profit corporation, for the Rain Tree Drive Pathway Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0187-2011

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills,

hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Brookedale Woods Homeowners Association, 3417 Innsbrook Dr., Rochester Hills, MI 48309, for the Rain Tree Drive Pathway Project, City File #E10-041, over, on, through and across land more particularly described as Parcel Numbers 15-07-276-001, 15-07-251-001, 15-07-252-001, 15-07-281-014, 15-07-431-005 and 15-07-280-001.

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

- 2011-0361** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Hunters Creek Homeowners Association, a Michigan non-profit corporation, for the Rain Tree Drive Pathway Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0188-2011

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Hunters Creek Homeowners Association, 626 Plum Ridge, Rochester Hills, MI 48309, for the Rain Tree Drive Pathway Project, City File #E10-041, over, on, through and across land more particularly described as Parcel Numbers 15-07-303-001 and 15-07-302-001.

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

- 2011-0372** Request for Approval of the Storm Water System Maintenance Agreement between the City of Rochester Hills and McDonald's Real Estate Company, a Delaware Corporation

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0189-2011

Resolved, that the City of Rochester Hills City Council hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system, for McDonald's Rebuild, for City File #73-175.2, between the City of Rochester Hills and McDonald's Real Estate Company, a Delaware Corporation, One McDonald's Plaza, Oak Brook, Illinois 60523.

Further Resolved, that the City Clerk is authorized to execute and deliver the agreement on behalf of the City.

The following three (3) Legislative Files are related to the Hamlin Road Widening Project

- 2011-0407** Request for Authorization of payment in the amount of \$31,415.00 to George C. McIntosh, Jr. for a Public Utility and Highway Easement at 1930 W. Hamlin,

Sidwell No. 15-21-351-002, for the Hamlin Road Widening Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0190-2011

Whereas, an Offer to Purchase for the acquisition of the necessary public utility and highway easement in conjunction with the Hamlin Road, Crooks to Livernois Construction Project has been offered and accepted for Parcel 15-21-351-002, also known as 1930 W. Hamlin.

Resolved, that the Rochester Hills City Council hereby approves the Offer to Purchase by and between the City of Rochester Hills and Mr. George C. McIntosh, Jr., for Parcel 15-21-351-002.

Further Resolved, that the Mayor is authorized to release a check for payment to Mr. George C. McIntosh, Jr., in the amount of \$31,415.00 in accordance with the Statement of Compensation for right-of-way acquisition.

2011-0408 Request for Authorization of payment in the amount of \$5,000.00 to Oakland University Medical School on behalf of Mr. Alan T. Ackerman, attorney that represented Collex Collision during the Hamlin Road Widening Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0191-2011

Whereas, an agreed upon compensation of \$5,000.00 is recommended by City Attorney, John Staran, to pay Mr. Alan T. Ackerman for his services towards the acquisition of right-of-way representing his client Gagliano Enterprises, LLC (Collex Collision, 1998 Rochester Industrial Drive) in conjunction with the Hamlin Road, Crooks to Livernois Construction Project. Mr. Ackerman suggested to have his compensation submitted in his name as a donation to Oakland University Medical School in lieu of paying him directly.

Resolved, that the Rochester Hills City Council hereby approves to pay \$5,000.00 to the Oakland University Medical School as part of the final settlement offer for the highway easement acquisition costs for Gagliano Enterprises LLC.

Further Resolved, that the Mayor is authorized to release a check for payment to the Oakland University Medical School in the amount of \$5,000.00 on behalf of Mr. Ackerman.

2011-0409 Request for Authorization of payment in the amount of \$1,918.00 to Ackerman, Ackerman & Dynkowski for reimbursement for the review of the appraisal work related to the settlement of Parcel H-11, 1998 Rochester Industrial Drive for the Hamlin Road Widening Project

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0192-2011

Whereas, Ackerman, Ackerman and Dynkowski paid for the review and appraisal work related to the settlement of related highway, temporary and public utility easement acquisitions for Parcel H-11, 1998 Rochester Industrial Drive to Mr. Mark W. Shepell, a certified general appraiser, in conjunction with the Hamlin Road, Crooks to Livernois Construction Project.

Resolved, that the Rochester Hills City Council hereby approves to submit reimbursement for payment to Ackerman, Ackerman and Dynkowski for these services.

Further Resolved, that the Mayor is authorized to release a check for payment to Ackerman, Ackerman and Dynkowski in the amount of \$1,918.00 for reimbursement for payment to Mr. Shepell.

Passed the Consent Agenda

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

The following Consent Agenda Items were Discussed and Adopted by Separate Motion.

2011-0351 Request for Contract Authorization - FISCAL: Contract authorization for the City's Purchasing Card Program and its administration by resolution to Fifth Third Bank, Southfield, MI

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

Mr. Yalamanchi questioned how the Administration will ensure that each Purchasing Card (P-Card) is only used for authorized purchases.

Keith Sawdon, Director of Finance, responded that the City currently has a P-Card Program with Bank of America. He explained that the request for proposals for banking services included the P-Card as an optional program, noting that the City did not have to accept the same bank for both banking and P-Card services. He stated that the program offered by Fifth Third Bank will allow more administrative control for the cards' use and provide ways to control dollar amounts charged and limit institutions where the P-Cards can be used. He mentioned that the Administration feels that the City will receive improved customer service from a local regional institution.

Mr. Yalamanchi questioned how employees are notified of the limitations for P-Card use. He pointed out that over \$500,000 per year is expended through P-Cards.

Mr. Sawdon responded that employees must sign a declaration of policy on how the cards may be used and all transactions must be documented. He mentioned that the P-Card Program actually provides a savings to the City by eliminating the need for individual checks to various vendors, noting that each check transaction can result in \$70 of accounting costs. He pointed out that the Fifth Third Bank P-Card Program will not only reduce these accounting costs, it will provide a percentage rebate to the City for the amounts charged, resulting in additional savings.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0167-2011

Resolved, that the Rochester Hills City Council is authorized to obtain from Fifth Third Bank the right to use credit or purchasing cards and accounts on the credit of the City of Rochester Hills and thereby incur indebtedness and pay fees and finance charges on behalf of the City of Rochester Hills, and to enter into such agreement or agreements for the services as are required by Fifth Third Bank from time to time, including a Commercial Card Services Agreement or similar agreement, and related agreements each of which, when accepted or signed by an authorized person described below is authorized, approved and adopted by the City of Rochester Hills.

Resolved, that (a) each of the individuals identified below, (b) each person serving as an executive or senior finance officer or official of the City (such as the Chief Executive Officer, President, Chief Financial Officer, Controller and Vice President-Finance or person with similar title or authority (each, an "Executive Person")) from time to time, and (c) any other person designated by any such individual whose identity and signature are provided to Fifth Third Bank (each, an "Authorized Person") is authorized on behalf of the City and in its name to do any of the following:

- execute and deliver any and all of the Card Agreements and any amendments to the Card Agreements;
- designate those employees, agents and other representatives, groups or divisions and other persons who will be authorized to receive and use cards and other rights to incur indebtedness in connection with the Service;
- designate and advise Fifth Third Bank of the identity of a person or persons who will serve as administrator with respect to the Service and have authority to, among other powers specified in the Card Agreements: manage the service on behalf of the Company; select and administer security and operating procedures; designate persons as authorized users of a service; and, enable and administer user identification codes, passwords and other identification data.

Resolved, that Fifth Third Bank is authorized to rely on the full and unrestricted authority as provided in these resolutions of any one Authorized Person unless otherwise certified to Fifth Third Bank by the Certifying Person.

Resolved, that the certifying persons is authorized to deliver a certified copy of these Resolutions to Fifth Third Bank and certify to Fifth Third Bank the name, title and specimen signature of each authorized person.

Resolved, that these resolutions do not conflict with or contravene the certificate or articles of incorporation or organization, the bylaws, operating agreement, empowering law or similar governing documents or law of, or any agreement, law or regulation applicable to the City; and

Resolved, that each of the following persons has been designated by the Governing Body or an Executive person as an authorized person with the authority specified in the foregoing resolutions:

Bryan K. Barnett, Mayor
Jean Farris, Supervisor of Procurement
Pamela Lee, City Accountant
Lisa Cummins, Senior Purchasing Analyst
Marilyn Paulsen-Tomaszewski, Purchasing Analyst
Deborah Hoyle, Fiscal Analyst

Resolved, the Mayor is authorized to execute the agreement(s) for services on behalf of the City.

2011-0352 Request for Purchase Authorization - PARKS/MUSEUM: Contract for ADA Renovations to Stoney Creek School in the amount of \$67,060.00 with a 20% contingency for a total not-to-exceed amount of \$80,472.00; Usztan, LLC, Auburn Hills, MI

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

Mr. Yalamanchi questioned how the project will be funded.

Pat McKay, Supervisor of Interpretive Services, responded that the project will be privately funded, noting that the funds are part of an endowment.

Mr. Yalamanchi requested that a stipulation be added to the proposed resolution that no City tax dollars be used.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0168-2011

Resolved, that the Rochester Hills City Council authorizes a contract to Usztan, LLC, Auburn Hills, Michigan for ADA Renovations to Stoney Creek School in the amount of \$67,060.00 with a 20% contingency for a total not-to-exceed amount of \$80,472.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

Further Resolved, that funding of this improvement is by funds other than City taxpayer dollars.

PUBLIC HEARINGS

2011-0335 Public Hearing for the City of Rochester Hills Proposed Fiscal Year 2012 Budget

Attachments: [Agenda Summary.pdf](#)
[Straw Poll Reconciliation Report.pdf](#)
[091911 Agenda Summary.pdf](#)
[2012 Budget City Council Straw Poll Results.pdf](#)
[Public Hearing Notice.pdf](#)
[080811 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[080811 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper Opened the Public Hearing at 7:46 p.m.

Laurie Puscas, 1806 West Ridge, stated that while she appreciates that difficult decisions must be made and reductions taken, there should be a prioritization of essential services such as Police, Fire and maintenance of the City's roads. She stated that cuts should not be made in Sheriff's staffing and suggested that the patrol officer positions eliminated last year be brought back.

President Hooper Closed the Public Hearing at 7:49 p.m.

Council Discussion:

Mr. Rosen stated that the proposed FY 2012 and projected FY 2013 and FY 2014 Budget numbers are fairly close to what he had suggested two or three years ago that the City would be facing today. He commented that while steps have been taken to reduce expenditures in line with decreasing revenues, these reductions may be less than what is needed. He expressed concern that retail, commercial and office property values will continue to decline, following the residential market; and stated that City and County projections predict that property tax revenues could bottom out some time after 2014, at levels more than one-third lower than those in 2009. In addition, across Michigan all sources of revenue will see major drops. He stated that he believes that the City is still proposing to spend too much money over the next few years, drawing down total Fund Balance by roughly 15 percent. He noted that by not including the Open Space Fund in the calculations, the total view is distorted to show a smaller total decline in Fund Balance, and hence a more optimistic picture. He commented that it is not his intent to predict the worst; however, it is his intent to prepare for the worst so that proactive measures can be undertaken early enough. He noted that should the outlook improve, the City would then be better able to take advantage of any improvement. He stated that the Budget, as proposed, was minimally acceptable; however, it is his opinion that spending on road and capital improvements should be pared back.

President Hooper noted that the Mayor will present a proposed revised Budget next week in consideration of the Straw Poll results for Council's debate and possible acceptance.

Discussed.

Enactment No: RES0153-2011

2011-0401 Public Hearing for the 2011 Millage Rates (for FY 2012)

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

President Hooper Opened the Public Hearing at 7:53 p.m.
Seeing no public input, President Hooper Closed the Public Hearing at 7:54 p.m.

President Hooper noted that the Millage Rates, as proposed, have been the same for the past 13 years.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0169-2011

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and Section III of the Charter for the City of Rochester Hills, the Mayor, as the Chief Administrative and Executive Officer for the City, has prepared the proposed budget for the ensuing year and submitted it to the Council at its first meeting in August; and

Whereas, at its August 8, 2011 meeting City Council acknowledged receipt from the Mayor of the Proposed 2012 Proposed Budget and 2013 and 2014 Projected Budgets and set a Public Hearing for September 19, 2011 at 7:00 p.m. to hear comments on the proposed budget plan; and

Whereas, at its September 19, 2011 meeting City Council held said Public Hearing and heard comments on the proposed budget and related millage rates.

Now, Therefore, Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2011 to provide the tax revenues included in the Fiscal Year 2012 Proposed Budget:

General Fund	3.7465
Local Road Levy	0.3545
Fire Protection	1.9564
Special Police I	0.7823
Special Police II	0.4260
Pathway Maintenance	0.1858
RARA - Operating	0.1950
OPC - Transportation	0.0891
OPC - Operating	0.2403
Green Space	0.2972
Library - Operating	0.7823
Drain Debt Fund	0.4057
Older Persons Refunding Debt - 2010	<u>0.2449</u>
	9.7060

The Total Millage rate is per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and

Be it Further Resolved, the City Council hereby adopts the following Special Lighting Levies for the Christian Hills Subdivision at the rate of \$15.47 per lot or description; and for the Denison Acres Subdivision at the rate of \$4.27 per lot or description; and

Be It Further Resolved, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2011 Tax Rolls.

Be It Further Resolved, that the City Council hereby adopts the following proposed tax rate in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2011 to provide the tax revenues included in the Fiscal Year 2012 Proposed Budget.

NOMINATIONS/APPOINTMENTS

2011-0415 Acceptance of Resignation from Murray Woolf from the Historic Districts Commission

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

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0170-2011

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Murray Woolf as a member of the Historic Districts Commission effective August 21, 2011 and requests a letter of appreciation be sent thanking Mr. Woolf for his service and dedication to the community.

NEW BUSINESS

2011-0370 Request for Purchase Authorization - MIS: Network Upgrade Project in the amount not-to-exceed \$316,880.00; Integrators of New Systems, LLC, Novi, MI; HP/EDS, Plano, TX; other required vendors

Attachments: [Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Proposals Tabulation.pdf](#)
[HP/EDS Microsoft Quote](#)
[Resolution.pdf](#)

Bob Grace, Director of MIS and **Kevin Krajewski**, Network Administrator/Deputy Director of MIS, presented the details of the proposed 2011 Network Storage and Server Virtualization Project.

Mr. Krajewski explained that the project is planned through the Capital Improvement Program and is budgeted in 2011 at \$330,000. He stated that

subsequent to the Request for Proposal (RFP) process, New Systems LLC of Novi was selected as the proposer offering the best value and lowest price to the City for the server virtualization, network storage and professional services. He noted that the related Microsoft server operating system and database software will be purchased from HP/EDS, utilizing the MiDeal program through the State of Michigan. He pointed out that if the contingency amount is not expended, the project will come in 12 percent under the budgeted amount; if the full contingency amount is needed, the project will come in at four percent below the budgeted amount. He gave the following presentation:

Existing Systems:

- Existing systems installed in January 2006
- Expected usable life of four to five years
- Now nearing six years in service
- Out of warranty
- Starting to show signs of potential failure

Proposed Systems:

- Blade Server Enclosure
- Five Server Blades with room for three more if needed
- Virtualization Software
- Updated Microsoft Server Software (Windows Server Operating Systems and MS SQL Database Server)
- Storage Area Network (SAN) storage system

Why Virtualize?

- Virtualization is a GREEN Technology
- Reduced hardware footprint
- Higher utilization of hardware
- Reduced electrical usage
- Reduced cooling needs in Data Center
- We will still have the same number of servers to manage, however, they will be virtual servers
- No adverse effect on system security

Virtualization equals less hardware:

- Full 19-inch by 6-foot-6-inch rack replaced by server enclosure just 19 inches by 10 inches
- Electrical and cooling loads will be reduced
- Less hardware to support

Mr. Krajewski pointed out that the City will save an estimated couple thousand dollars each year in electrical costs with the new system.

What is Virtualization?

- Multiple virtual servers run on each of three physical server blades

- One server blade for management
- One server blade for external web server

Other options:

- Purchase all physical servers at roughly 20 percent higher cost.
- Cloud servers are not recommended at this time. Initial estimates indicate it would cost nearly \$450,000 over next five years, not including the significant upgrades to Internet bandwidth that would be required to support the cloud option.
- Doing nothing is not an option. Our existing systems are nearly six years old, out of warranty and showing signs of their age.

Council Discussion:

Mr. Brennan questioned whether removal and disposal of the existing equipment is included, and if the old equipment has any salvage value. He further questioned what maintenance plan will be required and what warranties the new equipment will carry.

Mr. Krajewski responded that the current hard drives could have some value to another user with a similar system, as they are out of production. He stated that the City would most likely put them up for bid, however, they would not bring in much money. He noted that the new equipment will carry a five-year warranty which will cover all maintenance.

Mr. Klomp questioned why only two viable bids were received and whether it is wise to take the lowest bid. He noted that the other bidder serves public sector entities such as Farmington Hills and the University of Michigan.

Mr. Krajewski responded that the RFP was issued twice and only two responses were received. He commented that it is his belief that the Information Technology field is very busy right now and most providers are busy doing large projects. He explained that references were requested for both bidders. He stated that it makes no difference whether their current clients are public entities versus the private sector.

Mr. Grace stated that the Administration is comfortable with the lowest bidder. He explained that numerous meetings were held with both vendors to ensure that they understood the expectations and scope of the project.

Mr. Krajewski pointed out that the services will be provided by lump sum bid, and no time and materials costs will be incurred. He stated that the reason a contingency is included in the project is to cover any software incompatibility issues encountered, or if new software versions or upgrades will be required.

Mr. Pixley questioned whether the City will recognize any savings in technology costs resulting from the delay of the project to this year.

Mr. Krajewski responded that the City's current systems were evaluated and it was determined to defer the replacement of the system from five to six years. He pointed out that the City saved \$24,000 by not purchasing the extended warranties on the existing systems.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0171-2011

Resolved, that the Rochester Hills City Council hereby authorizes the Network Upgrade Project including the purchase of equipment, software and professional services from Integrators of New Systems, LLC, Novi, Michigan, HP/EDS, Plano, Texas and other required vendors, including a 10% contingency, in the amount not-to-exceed \$316,880.00 and further authorizes the Mayor to execute contracts on behalf of the City.

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

2011-0393 Request for Purchase Authorization - TREASURY: Contract for banking services in the amount not-to-exceed \$126,000.00 through September, 2014; Bank of America, Troy, MI

Attachments: [Agenda Summary.pdf](#)
[2011 Bank Basic Cost Report.pdf](#)
[Resolution.pdf](#)

Kurt Dawson, Director of Assessing/Treasury, reported that the City issued a Request for Proposal (RFP) in May of 2011, and received responses from ten banking institutions. Upon review of legal concerns, completeness of each proposal, customer service, financial strength and total cost to the City, Bank of America was selected to provide banking services. He pointed out that the City recently completed a three-year contract with Bank of America, and the new proposal represents approximately a 45 percent reduction in banking fees. He mentioned that the agreement also offers a two-year renewal at the same cost to the City, and he stated that the Administration will return to Council in three years for a renewal if it is determined to be in the best interest to the City to continue the contract.

Council Discussion:

Mr. Pixley expressed appreciation for the Administration's efforts, noting that the projected savings demonstrates why the RFP process is so successful.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0172-2011

Resolved, that the Rochester Hills City Council hereby authorizes a contract for banking services to Bank of America, Troy, Michigan in the amount not-to-exceed \$126,000.00 through September, 2014, subject to contract language acceptable to the City Attorney, and further authorizes the Mayor to execute a contract on behalf of the City.

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

- 2011-0398** Request for Purchase Authorization - DPS/ENG: Contract for the 2011 Pathway Rehabilitation Program in the amount of \$171,576.56 plus a 10% contingency of \$17,157.66 for a total not-to-exceed amount of \$188,734.22; Pro-Line Asphalt Paving Corp., Washington, MI

Attachments: [Agenda Summary.pdf](#)
[Overall Project Map.pdf](#)
[Bid Tabs.pdf](#)
[Resolution.pdf](#)

Greg Hooper stated that while he works in the construction industry and knows the firm involved, he has had no involvement in the bid or negotiation process and has no financial interest in the firm. As such he does not see a need to recuse himself from voting on this item.

Allan Schneck, Director of DPS/Engineering, stated that upon review of the four sealed bids received on September 7, 2011, the Administration recommends the contract for the 2011 Pathway Rehabilitation Program be awarded to Pro-Line Asphalt as the lowest responsive responsible bidder.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0173-2011

Resolved, that the Rochester Hills City Council hereby authorizes a contract to Pro-Line Asphalt Paving Corp., Washington, Michigan for the 2011 Pathway Rehabilitation Program in the amount of \$171,576.56 plus a 10% contingency of \$17,157.66 for a total not-to-exceed amount of \$188,734.22.

(Mr. Klomp exited at 8:14 p.m. and re-entered at 8:16 p.m.)

- 2011-0410** Request for Purchase Authorization - DPS/ENG: Increase the existing Blanket Purchase Order for right-of-way acquisition services related to the Hamlin Road, Crooks to Livernois, Project in the amount of \$13,105.54 for a new not-to-exceed amount of \$213,015.53; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

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

Paul Davis, City Engineer, stated that while Hamlin Road has been open to traffic for some time, negotiations on right-of-way acquisition for a couple of properties involved in the Widening Project extended through a final settlement. He noted that Council will see one more right-of-way acquisition for the project in October, after which the acquisition phase will be complete. He explained that right-of-way acquisition costs for a project are estimated. When property owners challenge the initial amounts offered, more work by the consultant is necessary. He pointed out that while the initial estimate for right-of-way acquisition services on the project was \$200,000, additional monies were necessary.

Mr. Webber commented that he appreciated the clarification of the cost increase, and pointed out that the project was 80 percent Federally-funded.

Mr. Davis concurred, noting that while the City is required to pay 100 percent of the cost up-front, an amendment will be prepared requesting 80 percent reimbursement.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0174-2011

Resolved, that the Rochester Hills City Council hereby authorizes the increase of a Blanket Purchase Order for right-of-way acquisition services related to the Hamlin Road, Crooks to Livernois, Project to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the amount of \$13,105.54 for a new not-to-exceed amount of \$213,015.53.

2011-0375 Request for Site Plan Approval, pursuant to the May 26, 2005 Amended Consent Judgment, for a Tim Horton's restaurant with drive-thru, a proposed 1,953 square-foot building on 3.75 acres, located south and east of Adams Rd., zoned I, Industrial, Parcel No. 15-30-302-031, Tim Horton's, Applicant

Attachments: [Agenda Summary.pdf](#)
[Memo Anzek 090911.pdf](#)
[Map.pdf](#)
[1-TH Site Plan Pg1.pdf](#)
[2-TH Site Plan Zeimet Wozniak Letter.pdf](#)
[3-TH Site Plan PLANS Sec1.pdf](#)
[4-TH Site Plan PLANS Sec2.pdf](#)
[5-TH Site Plan RCOC Information.pdf](#)
[6-TH Site Plan Trash Enclosure.pdf](#)
[Resolution.pdf](#)

Removed from Agenda at the request of the Applicant.

2011-0381 Discussion regarding a proposed Zoning Ordinance text amendment to allow gas stations in B-3 Zoning Districts as Conditional Uses; Meijer, Inc., Applicant

Attachments: [Agenda Summary.pdf](#)
[Letter DeHoek 072811.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the Planning Staff was approached by the real estate division of Meijer requesting consideration for a gas station to be added as a part of their location at Rochester and Auburn Roads. He commented that as the City does not allow preferences for a zoning change for one company or store, any change to allow a gas station in this location, zoned B-3, would then apply to all properties in B-3 Districts. He stated that if Council is favorable to the request, certain conditions and parameters would have to be developed to ensure that the result would be an asset to the community. He suggested that Council consider deferring the request to the Planning Commission for review, and for the development of standards if the Planning Commission determines that this use is appropriate.

Mr. Yalamanchi expressed concerns over the impact that a gas station at this location would have on traffic and nearby existing gas stations. He stated that he is not in favor of allowing this change.

Mr. Pixley questioned whether Meijer's intent is to locate the station on their existing lot and whether the Planning Commission would consider the request as an exception or address it in another manner through the Planning Commission process.

Mr. Anzek responded that it is Meijer's intent to locate the station somewhere within their existing property. He commented that the Planning Commission could be directed to explore if and how this type of development would be allowable, and what a tipping point might be where this type of scenario would not work.

Mr. Klomp stated that the Planning Commission would report their findings and recommendations to Council. He commented that it makes sense to refer the request to the Planning Commission, given that there are legitimate concerns regarding location, traffic flow, and how the use would fit in with the surrounding area.

Mr. Rosen commented that discussion regarding locating a gas station within a shopping center district occurred as far back as the mid-1980s. He noted that at that time, B-5 was determined to be automotive services and B-3 was for general merchandise; and there was much discussion at that time why automotive efforts should be kept separate from retail. He suggested that the Planning Commission be given access to the records from those discussions. He mentioned that the development of the Meijer's at Adams Road was a part of the Consent Judgment for that property. He stated that while he does not have a problem with the request going to the Planning Commission for discussion, he would question why a resulting recommendation would be any different now than it was when it was considered before.

Mr. Webber stated that he has no problem with referring the request to the Planning Commission. He noted that the City does not make specific zoning changes just for one company and Meijer's request would have to fit under whatever standards are ultimately determined.

President Hooper suggested that Council refer the request to the Planning Commission for review and recommendation for a possible text amendment.

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

Aye 5 - Brennan, Hooper, Klomp, Pixley and Webber

Nay 2 - Rosen and Yalamanchi

Enactment No: RES0175-2011

Resolved, that the Rochester Hills City Council refers the request for a proposed Zoning Ordinance text amendment to allow gas station uses in B-3 Zoning Districts to the Planning Commission for review and recommendation.

The following four (4) Legislative Files are related to the Sheffield PUD

2005-0851 Request to Cancel and Rescind the Planned Unit Development Agreement and PUD Approval between the City of Rochester Hills and Lombardo Rochester Hills LLC - Sheffield of Rochester Hills, a proposed 58-unit PUD on approximately 9.6 acres, located west of Rochester Road and south of Avon, known as Parcel No. 15-22-226-016, Lombardo Rochester Hills, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Letter Lombardo 090911.pdf](#)
[Mutual Recission of PUD Agreement.pdf](#)
[Exhibit A.pdf](#)
[Map.pdf](#)
[Signed Recorded PUD.pdf](#)
[030106 Agenda Summary.pdf](#)
[011806 Agenda Summary.pdf](#)
[021606 Sheffield Final PUD Plan .pdf](#)
[Staff Report.pdf](#)
[010906 PUD Plan.pdf](#)
[030106 Resolution - PUD Agreement Approval .pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, introduced **Greg Windingland**, in attendance representing Lombardo Rochester Hills LLC.

Mr. Anzek stated that City Council approved a Planned Unit Development (PUD) for this 9.6 acre site on Meadowfield Drive in March of 2006. He noted that Lombardo Rochester Hills LLC purchased the property from the City as part of an exchange for ten acres of land adjacent to Nowicki Park on Adams Road. Development progressed on the site until the recession cut the project back, and ultimately led to its cancellation. He stated that Lombardo has an offer on the property for a proposed use supported by the underlying zoning and are requesting a rescission of the PUD Agreement.

Council Discussion:

Mr. Rosen noted that an aerial photograph displayed showed that all trees were removed from the site.

Mr. Anzek stated that a few perimeter trees remain. He commented that the site was a part of a heavily-wooded area with trees that were thin and sparse.

Mr. Rosen stated that the developer paid into the City's Tree Fund and a fair number of trees were going to be planted as a part of the development. He questioned whether a new owner will have any obligation to replace any of the trees that were removed.

Mr. Anzek responded that while a new developer will be obligated to plant landscape buffer trees, there would be no obligation toward replacement costs or the inclusion of any replanting requirements. He mentioned that the new proposal is for a nursing home, and the new developer desires to create an attractive environment.

Mr. Rosen commented that the City should pay special attention to ensure that a future developer's tree and landscape plans for the site are adequate.

Mr. Anzek suggested that Council could consider using some of the money that was originally paid into the Tree Fund to assist in planting some trees on the site.

Mr. Rosen responded that this would be a subject for Planning Commission and Council discussion and suggested that City Attorney John Staran should review whether there would be a reasonable avenue to explore that is legal and fair.

John Staran, City Attorney, commented that under the City's Tree Ordinance, there is a preference that replacement trees be placed on the site that they were removed from. He suggested that some of those funds could be used on-site, through the Planning Commission or a development agreement.

Mr. Rosen stated that it should be the developer's responsibility first.

Mr. Yalamanchi questioned whether any liability will remain between the developer and the City after the rescission.

Mr. Anzek responded that no liability will remain between the City and Lombardo Rochester Hills LLC. He explained that by removing the PUD restrictions, the site will revert back to its previous Special Purpose zoning, supported by the Master Land Use Plan.

President Hooper commented that it is unfortunate that the economy is in the state that it is in. He stated that any future development would have removed trees from the site, and noted that trees proposed for any future development must conform to the requirements of the City's Tree Ordinance.

Mr. Windingland expressed regret on behalf of his company that the project could not move forward.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0176-2011

Whereas, on April 10, 2006, Lombardo Rochester Hills, LLC, 6303 26 Mile Rd., Suite 200, Washington, MI 48084, and the City made and entered into a certain Agreement, entitled Planned Unit Development Agreement between Lombardo Rochester Hills, LLC and the City of Rochester Hills (the "PUD Agreement"); and

Whereas, the PUD Agreement was intended and designed to govern the future development and use of the Subject Property, located on Meadowfield Drive, which Lombardo acquired from the City, and is known as Parcel No. 70-15-22-226-016 and more fully described in attached Exhibit A; and

Whereas, Lombardo has notified the City that due to the weak housing market, Lombardo will not be proceeding with the development and intends to sell the Subject Property; and

Whereas, the City and Lombardo now mutually desire to rescind the PUD Agreement and PUD Approval for the Subject Property.

Resolved, that in consideration of their mutual covenants, the City of Rochester Hills and Lombardo Rochester Hills LLC hereby cancel and rescind the PUD Agreement and PUD Approval, effective as of _____. This mutual rescission of the PUD Agreement and PUD Approval shall bind the parties, their successors, grantees, assigns and personal representatives. Neither party shall have any further rights or duties under the PUD Agreement; and

Be It Further Resolved, that this mutual rescission of the PUD Agreement and PUD Approval does not affect, modify, revoke or rescind Lombardo's ownership of the Subject Property or any consideration given by Lombardo to the City for the Subject Property, nor does the mutual rescission of the PUD Agreement and PUD Approval affect the Subject Property's SP, Special Purpose zoning, which shall remain in full force and effect unless or until rezoned by the City; and

Be It Further Resolved, that Lombardo and the City shall cooperate to prepare, enter into and record such instruments as may be necessary to terminate, extinguish or amend the watermain, sanitary sewer and storm water easements and maintenance agreements that were conveyed or entered into for the Subject Property in contemplation of Lombardo's proposed development; and

Be It Finally Resolved, that this constitutes the parties' entire Agreement concerning the subject matter. A copy of this Agreement shall be recorded at the Oakland County Register of Deeds and signed by the Mayor of the City of Rochester Hills.

2006-0321 Request for Termination of a Watermain Easement granted by Lombardo Rochester Hills, LLC, a Michigan limited liability company, for Sheffield of Rochester Hills PUD, for Parcel No. 15-22-226-016

Attachments: [Agenda Summary.pdf](#)
[Memo Moore 091211.pdf](#)
[Termination of Watermain Easement.pdf](#)
[060706 Agenda Summary.pdf](#)
[Map.pdf](#)
[Easement.pdf](#)
[060706 Resolution.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0177-2011

Whereas, the City of Rochester Hills (the "Grantee") was granted a Watermain Easement (copy attached as Exhibit A), dated April 3, 2006, recorded at Liber 38105, Page 275, Oakland County Records, by Lombardo Rochester Hills, LLC (the "Grantor"), a Michigan limited liability company, whose address is 51237 Danview Technology Ct., Shelby Township, MI 48315; and

Whereas, Lombardo Rochester Hills, LLC subsequently quitclaimed its interest in the underlying property to S. E. Michigan Land Holding LLC, a Michigan limited liability company, of 12955 23 Mile Road, Shelby Township, MI 48315; and

Whereas, the Grantor no longer intends to develop the property or construct said water main and related facilities and the Watermain Easement is no longer needed or required by the Grantee.

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby agrees to terminate and release the Watermain Easement to S. E. Michigan Land Holding LLC, the successor-in-interest to the original Grantor, initially proposed for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. 15-22-226-016.

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

2006-0323 Acceptance of an Amended Sanitary Sewer Easement initially granted by Lombardo Rochester Hills, LLC, a Michigan limited liability company, on May 2, 2006, recorded as Liber 38105, Page 263, Oakland County Records by Lombardo Rochester Hills, LLC for Sheffield of Rochester Hills PUD, for Parcel No. 15-22-226-016

Attachments: [Agenda Summary.pdf](#)
[Memo Moore 091211.pdf](#)
[060706 Agenda Summary.pdf](#)
[Map.pdf](#)
[Easement.pdf](#)
[Amended Sanitary Sewer Easement.pdf](#)
[060706 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper questioned why the easement must be amended instead of vacated.

Ed Anzek, Director of Planning and Economic Development, responded that the easement serves the existing adjacent daycare and was originally amended to accommodate the proposed Sheffield development. This amendment to the easement will restore it to its previous boundaries.

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0178-2011

Whereas, Lombardo subsequently quit claimed its interest in the underlying property to S. E. Michigan Land Holding LLC ("Owner"), a Michigan limited liability company, of 12955 23 Mile Road, Shelby Township, MI 48315; and

Whereas, Lombardo no longer intends to develop the property, and the City and Owner desire to relocate the sanitary sewer easement.

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby agrees to amend the aforesaid Sanitary Sewer Easement by modifying the Easement description as set forth in Exhibit B attached hereto, which shall supersede and replace the easement description set forth in Exhibit A to the aforesaid Sanitary Sewer Easement.

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

2006-0324 Request for Termination of the Agreement for Maintenance of Storm Water Detention System between the City of Rochester Hills and Lombardo Rochester Hills, LLC, for Sheffield of Rochester Hills PUD, Parcel No. 15-22-226-016

Attachments: [Agenda Summary.pdf](#)
[Memo Moore 091211.pdf](#)
[Termination of Agreement.pdf](#)
[060706 Agenda Summary.pdf](#)
[Map.pdf](#)
[Agreement.pdf](#)
[060706 Resolution.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0179-2011

Whereas, the City of Rochester Hills and Lombardo Rochester Hills, LLC, a Michigan limited liability company, whose address is 51237 Danview Technology Ct., Shelby Township, MI 48315 entered into an Agreement for Maintenance for Maintenance of Storm Water Detention System, dated April 3, 2006 and recorded on September 13, 2006 under Liber 38105, Pages 256-262, Oakland County Records; and

Whereas, Lombardo Rochester Hills, LLC no longer intends to develop the property or construct said storm detention system and related facilities.

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby agrees to mutually terminate the Agreement for Maintenance of Storm Water Detention System for property known as Sheffield PUD, Parcel No. 15-22-226-016 between the City of Rochester Hills and Lombardo Rochester Hills, LLC, 51237 Danview Technology Ct., Shelby, MI 48315

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

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, September 26, 2011 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:40 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the October 3, 2011 Regular City Council Meeting.