



# Rochester Hills

## Minutes

### City Council Regular Meeting

1000 Rochester Hills Dr  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://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."*

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Monday, December 15, 2014

7:00 PM

1000 Rochester Hills Drive

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## 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** 6 - Kevin S. Brown, Greg Hooper, Stephanie Morita, Mark A. Tisdell, Michael  
Webber and Thomas W. Wiggins

**Absent** 1 - Adam Kochenderfer

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Sean Canto, Chief of Fire and Emergency Services  
Vince Foisy, Supervisor of Communication Services  
Mike Hartner, Director of Parks and Forestry  
Deborah Hoyle, Financial Analyst  
Tara Presta, Chief Assistant to the Mayor  
Keith Sawdon, Finance Director  
Allan Schneck, Director of DPS/Engineering  
Leanne Scott, Deputy Clerk  
Joe Snyder, Senior Financial Analyst  
John Staran, City Attorney  
Isabella Tan, Rochester Hills Government Youth Council Representative  
Bob White, Supervisor of Ordinance Services  
Christine Wissbrun, Administrative Aide*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

**Aye** 6 - Brown, Hooper, Morita, Tisdell, Webber and Wiggins

**Absent** 1 - Kochenderfer

## PUBLIC COMMENT

*Lee Zendel, 1575 Dutton, stated that the increase in oil production is leading to an increase in supply and decrease in price. In July of 2014, crude was around \$100 per barrel; today, it is \$56 a barrel.*

*Scot Beaton, 655 Bolinger, wished the Mayor, City Council, employees of the City and the residents a very happy and safe holiday. He commented that the City has the greatest snow removal crew, and reminded drivers to give them space while plowing. He expressed his best wishes to Mr. Webber as he leaves to become State Representative.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Mayor Barnett noted that this is the last meeting of the year, and pointed out that this is a robust agenda with great legacy-type items. He made the following announcements:*

- *The City received word that its DPS Department won the Subdivision Category of the Michigan Concrete Association's Michigan Awards of Excellence.*
- *The City held its Holiday Luncheon today, during which they recognized employees for their years of service to the City. Five team members received recognition for 40 years of service. Employees continue their 30 Days of Giving, with every department involved in some way.*
- *Residents should take note of holiday closing dates for City Hall.*
- *Several bills in the State House and Senate are related to road funding. Solutions are being sought that do not damage school funding.*
- *The City has had a banner year by all accounts. Though the area experienced the worst winter in history, the DPS Department undertook the most aggressive road project season in history. Almost every department was recognized for their efforts.*
- *The Clerk's Department received news that it was the only municipality in Oakland County to receive a perfect 100 percent score on the August election.*
- *With the adopted Budget as a boilerplate, the City's financial house is in good order. Winning awards from accounting, budgeting and financial organizations, the City finds itself in the top percentile in Michigan for financial preparedness.*
- *Money Magazine recognized the City as the ninth in the country, and top in Michigan. Residents share the excitement. Last month a neighborhood association bought lunch for the City's employees. Poland native and Rochester Hills resident Katarzyna Korytowska presented a painting to the City of the Bebb Oak tree.*

*Mayor Barnett stated that the City could not do it all without the support of City Council. He commented that he looks forward to an amazing 2015 and beyond.*

**Isabella Tan**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that RHGYC members ran games and activities for employees' children at the City's Holiday Family Fun Night. The group is also participating in a fund raiser at Barnes & Noble, wrapping gifts with donations benefitting Blessings in a Backpack.

**Mr. Wiggins** wished everyone for a happy holiday season and a great new year. He expressed his congratulations to City departments for their 30 Days of Giving. He expressed his appreciation to Mr. Webber as he departs for Lansing.

**Mr. Webber** wished everyone a happy and safe holiday season.

**Ms. Morita** stated that she attended the City luncheon today and commented that it was wonderful to spend time with the City's employees. She expressed her wishes for a happy holiday season to the City employees and to the residents. She noted that the Mayor's wife, Corrin, baked a cobbler for every single employee in the City.

**Mr. Brown** commented that with his experience as being a part of the City's election staff, he knows that receiving a 100 percent score was not because of Election Day. He stated that the election's success is the result of all the work the Clerk's staff does ahead of time. He expressed his thanks to Mr. Webber for all he has done for the City.

**Mr. Tisdell** noted that he attended the City's holiday luncheon this afternoon and commented that he was impressed as the Mayor handed out service pins to its employees. He commented that 28 individuals have been here since the City began, and he noted that employee Ed Leafdale has been here for 40 years. He expressed his congratulations to Clerk Barton for a successful election audit.

**President Hooper** expressed his hopes for a Merry Christmas and Happy Holiday season. He commented that he attended today's City luncheon and stated that it shows what great employees the City has. He expressed his congratulations to Clerk Barton for a successful election.

**(Mr. Kochenderfer entered at 7:25 p.m.)**

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

## ATTORNEY MATTERS

**2014-0593** Request for Attorney General Opinion regarding Oil and Gas Development Regulation

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Draft Ltr for AG Opinion.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** stated that as everyone is aware, in the development of ordinances to regulate oil and gas development in Rochester Hills, Council directed the Planning Commission to weigh in with recommendations for specific ordinances. During the process of the evaluation of those items, several residents have requested that additional requirements be incorporated that go beyond State Law. He commented that as the City has been advised by John Staran, City Attorney, incorporating these additional requirements is not something that should be done lightly. He stated that the quandary the Planning Commission has is how to address those specific requirements regarding setbacks and restrictions to specific zoning districts. He noted that while the City awaits the result of the deliberations on proposed Michigan Senate Bill 1026, an option to be considered is to have the State Attorney General weigh in and provide an opinion for guidance on the City's powers relative to setbacks and zoning.

**John Staran**, City Attorney, explained that when the Planning Commission discussed the topic of developing recommendations for appropriate local oil and gas regulations for City Council's consideration and adoption, a number of questions were raised as to the City's authority to regulate activities. He noted that a motion was adopted unanimously at the Planning Commission asking City Council to move forward with a request for an Attorney General Opinion for clarification as to the extent of permissible and lawful local regulation of oil and gas activities. He stated that it is known that there is extensive State Law on the subject, including the Michigan Zoning and Enabling Act, which appears to expressly disallow townships and counties from regulating through zoning drilling and oil development activity, yet the same Act is silent when it comes to cities and villages. He commented that there was a court opinion back in the early 1990s that recognized a difference between cities and townships in the Act. He commented that the absence of any prohibition within the Zoning and Enabling Act for cities and villages implies that they do have authority to regulate locally.

He noted that the State Natural Resources and Environmental Protection Act consists of comprehensive regulations, specifically within Part 615, that regulate oil and gas exploration and development and grants exclusive authority to the Michigan Department of Environmental Quality (MDEQ) to regulate oil and gas activities. He commented that the language contained within the Act typically signals State Law preemption; and he stated that the City is concerned that State Law prevails and supersedes any authority that the City may have by the Zoning and Enabling Act. He pointed out that Michigan municipalities are all over the board on this issue, with many going beyond what the MDEQ regulates. He commented that the City's immediate neighbors of Rochester and Auburn Hills have adopted regulations that go beyond the MDEQ's permitting process. He stated that following through with the Planning Commission's request, a proposed draft letter to a State Representative or State Senator is included for Council's consideration that asks questions and requests a clarification of what powers a home rule city has to regulate oil and gas exploration and development activities through local zoning. Specific questions to be answered pertain to zoning districts or prohibition altogether, and the potential to enhance State MDEQ permitting requirements in terms of requiring local approval or local permit in addition to MDEQ approval. Furthermore, an opinion is sought as to whether the City can enhance the setback requirement of 450 feet set by State Law to 1,000 or 1,500 feet, or whether the City can ban hydraulic fracturing altogether.

*He stated that the draft letter addresses these issues and requests an opinion; however, there is no guarantee whether the Attorney General will take this up or how or when he might answer it.*

**Public Comment:**

**Lee Zendel**, 1575 Dutton, stated that in the period that Jordan Development was securing needed oil leases crude was \$80 to \$100 per barrel. At the \$60 current price, it is entirely possible that the leases signed in Rochester Hills will expire without any well ever being drilled here. He commented that supply and demand may accomplish more than all Council comments could.

**Phil Barker**, 1434 Burhaven, requested that Council deny the Planning Commission's request to submit a letter asking for an Attorney General opinion. He commented that a response will lead to an overreach of an authority that should be local. He stated that over a number of years, the State has made changes affecting the ability of local governments to rule freely without interference.

**Denise Doyle**, 1446 Burhaven, stated that it should not be necessary for citizens to fight City Hall. She commented that oil and gas exploration raises problems with mortgages, insurance and home values; and she noted that homeowner insurance companies are quietly including pollution exclusions in policies.

**Jay Arnold**, 3141 Tamarron Drive, commented that the risk and cost from the lease outweigh the benefit the City will derive from it. He stated that the City should hold the oil company accountable and force them to attend meetings.

**Mike Powers**, 3632 Aynsley Drive, stated that a New York Times article infers that energy firms have formed secret alliances with state attorney generals. He commented that the people's rights have been moved aside. He noted that had Jordan Oil presented their story and the issue been put to a vote, the people might have voted in favor.

**Gail Hammill**, 1434 Burhaven, questioned whether the Ordinance will go beyond State Law or will merely restate the law given for use by townships and cities. She noted that the proposed questions to be submitted did not address the fact that the City is densely populated. She commented that while the City may have to let the oil companies drill, drilling should be restricted to an industrial area. She expressed concern that attorney generals may have alliances with energy firms.

**Erin Howlett**, 3597 Aynsley, questioned when Council approved requesting an Attorney General opinion. She noted that the Attorney General's website states that opinions are not issued on local charters, ordinances, or local issues. She commented that West Bay Exploration negotiated in good faith with Auburn Hills and agreed in writing not to drill in residential land.

In response to Public Comment, **President Hooper** noted that tonight's request is the first time Council will discuss an Attorney General opinion. He questioned the legal basis as to whether Home Rule trumps State Law.

**City Attorney Staran** responded that Home Rule is State Law. He noted that the City is a political subdivision of the State and is not an independent authority. He commented that Cities are enabled through the adoption of charters to determine their own destiny; and at all times its powers are subject to State Law. He stated that there are numerous examples of the State's curtailment of powers, citing Medical Marihuana laws, cell tower regulation, and the Zoning and Enabling Act. He commented that the State has the right to adopt laws, and stated that the State has taken away enough of the City's authority and has thrown it in the hands of the Michigan Department of Environmental Quality (MDEQ).

**President Hooper** commented that State Law has encroached on the City's authority; therefore, the City will question whether it can exceed State Law.

**City Attorney Staran** responded that this is correct.

**President Hooper** mentioned noise and smell from drilling activities.

**City Attorney Staran** responded that there is no question that the City has the authority to deal with those issues.

**President Hooper** noted that the City is not weighing in on what other communities can do.

**City Attorney Staran** commented that Michigan communities range from having no oil and gas regulations whatsoever to those such as Ann Arbor that have a total prohibition. He stated that it is not appropriate and could be a mistake to simply pick one community and opt to do the same thing. He noted that the request being made of the Attorney General is to ask for a better definition and certainty.

**President Hooper** stated that economics drives everything, and with prices falling he does not see a need for oil exploration if the price does not warrant it.

**City Attorney Staran** commented that the Attorney General will typically decline to offer opinions on what would be considered local issues, ordinances, charters or contracts. He stated that the proposed letter is not designed to ask the Attorney General to weigh in on a local issue, but rather to ask for an opinion or advice as to what State Law will allow. He noted that the issue has statewide impact. He commented that while there is no guarantee that the Attorney General will issue an opinion if Council chooses to move forward, he believes that it does go beyond a local issue.

**Council Discussion:**

**Mr. Brown** questioned what would happen if the City should opt to go to the

*extreme and adopt a ban altogether or set up restrictions beyond State Law without requesting an opinion. He noted that the City could set itself up for litigation should an oil company meet State but not City requirements.*

**City Attorney Staran** responded that the City is always at risk when considering land use regulation. He stated that there is no question that it would most likely be looking at litigation if an oil company wants to come into Rochester Hills and the only thing preventing them is local regulations that exceed lawful authority. He commented that there is a significant damage component with arguments suggesting that it is a taking of property without compensation. He cited *Miller versus the Department of Natural Resources* where the Court did hold that the wrongful denying of an oil drilling permit does constitute a taking of property.

**Ms. Morita** noted that the moratorium against drilling is set to expire in February, and she questioned whether the City will need an event that ties to an extension of the moratorium.

**City Attorney Staran** responded that while the moratorium was originally adopted for six months, it does not mean that the City is limited to that timeframe. He stated that it is his belief that there are good grounds to extend the moratorium and cited the reason that the City is still in the process of diligently analyzing and developing local regulations for adoption. He commented that the City can do this even though it does not appear that Senate Bill 1026 will go through in the near future.

**Ms. Morita** questioned whether the only way to continue the moratorium is to not adopt ordinances.

**City Attorney Staran** responded that if the City passes ordinances that address local concerns, it would have no grounds for a moratorium.

**Ms. Morita** questioned whether the moratorium could be conditioned upon waiting for an Attorney General opinion.

**City Attorney Staran** responded that this is a tentative yes; however, he stated that it is not known when the Attorney General will act.

**Ms. Morita** stated that the City is considering both a well site ordinance and a pipeline ordinance. She commented that there is no reason to hold up the pipeline ordinance. She stated that while she understands concerns for the setbacks for the well site ordinance, in terms of ensuring that the City is still working on the matter, it is her belief that the Planning Commission can still adopt a well site ordinance, and ask for the Attorney General Opinion and extend the moratorium in February. She noted that this would extend the time that oil drilling is not permitted in the City. She stated that an oil company may not respect a moratorium and ordinances should be in place sooner. She commented that Attorney General opinions cannot be relied on as all-out authority.

**City Attorney Staran** responded that he has not suggested to Council that

work on ordinances be put in abeyance pending an opinion. He stated that if the City receives an Attorney General opinion that would seem to conflict with what has been done, it would be taken into consideration. He noted that the Planning Commission will be considering ordinances at their first meeting in January.

**Ms. Morita** requested that President Hooper direct the Planning Commission to pass a recommendation on ordinances as soon as possible.

**President Hooper** responded that the January 13th meeting with the MDEQ will be for fact-finding. He noted that he expects subsequent adoption to be at least three months away.

**Ms. Morita** questioned whether there is a reason that Council could not just consider a pipeline ordinance.

**City Attorney Staran** responded that he has drafted a pipeline ordinance and sent it to the Planning Commission and noted that it is a regulatory ordinance and is non-zoning. He pointed out that Council did vote to refer both ordinances to the Planning Commission in order to review everything as a whole rather than a piecemeal basis. He stated that Council could still move ahead.

**Ms. Morita** questioned when the ordinances were referred to the Planning Commission.

**President Hooper** responded that the Planning Commission held a public hearing in early November.

**Ms. Morita** stated that she does not want the City exposed for three more months without any ordinances in place. She commented that she wants to see the pipeline ordinance come back to Council immediately. She stated that the Attorney General request should be sent out in February, noting that if the Planning Commission is still working on ordinances, it would give a reason to extend the moratorium and request the opinion.

**President Hooper** responded that if Council wishes to pass ordinances for setbacks or zoning restrictions without conflicting with State Law, it could direct the Planning Commission to complete their work on them.

**Ms. Morita** commented that if the City receives a different direction from the Attorney General, it could always amend an ordinance to meet what is perceived to be State Law. She pointed out that the City does not currently have any restrictions on light or noise.

**President Hooper** stated that the City has existing ordinances.

**Ms. Morita** stressed that the City has no well site ordinance. She commented that she would like to see the ordinances sooner rather than later. She stated that an opinion from the Attorney General might not be seen until September or later.

**President Hooper** stated that the Attorney General's opinion is relative to items outside of what could be adopted in an ordinance.



**Mr. Wiggins** expressed concern that if the City does move forward with ordinances that go beyond State Law and is challenged, it could be found liable. He commented that it is a step in the right direction to seek an Attorney General opinion. He questioned whether the moratorium could be extended by six months if it is found that the ordinance process takes longer than expected.

**President Hooper** responded that it could.

**Mr. Wiggins** questioned whether there is additional risk in waiting to extend the moratorium.

**Mr. Webber** stated that he worked on a few requests for Attorney General opinions while a staff person in Lansing, and he noted that the timeframe for a response is typically six months. He commented that if the Attorney General's office determines that no opinion will be forthcoming, they will typically respond fairly quickly.

**Mr. Kochenderfer** commented that he has not heard one person say that the City needs to stop working on or slow down the process of crafting ordinances. He noted that while Council has every incentive to pass the toughest legislation permissible under State Law, it is not clear what that legislation should be; and he stated that there are severe consequences for getting it wrong. He commented that he advocates a dual path, pushing forward with ordinances while performing a process of due diligence.

**Mr. Tisdell** stressed that to date there is not a single lease signed in the city that is developmental or grants surface rights; and until there is a lease signed that allows for surface activities, the rest is not applicable. He commented that West Bay may have a firm reason for not seeking any developmental leases in the city as there may not be a place to drill. He noted that in reviewing the validity of a moratorium, the court looks at whether it is time specific and whether it is put into effect to achieve a very specific end such as crafting sustainable ordinances. He stated that the City should consider allowing the first moratorium to run its course and then add an additional six months.

**City Attorney Staran** concurred, stating that extending the moratorium should be considered prior to it expiring and it would be premature to extend it now.

**Mr. Tisdell** questioned whether Council should approve submitting a request; however, make it a condition that it be held until a date closer to the end of the first moratorium.

**President Hooper** commented that delaying a request would just delay an answer. He stated that receiving more information will put Council into a better position.

**Mayor Barnett** stated that it is the Administration's desire to extend the moratorium for an additional six months as the path toward development of ordinances will not be complete through the Planning Commission and Council by February 26, 2015.

**Ms. Morita** questioned when Council should expect to get the pipeline ordinance back for review.

**President Hooper** responded that the Planning Commission will hold a discussion on January 13, 2015 with the MDEQ and will consider ordinances at a subsequent Planning Commission meeting. After that, it will be back to City Council.

**Ms. Morita** questioned whether it will be possible for Council to review the pipeline ordinance before the well site ordinance.

**President Hooper** responded that he will convey that request to the Planning Commission.

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

**Aye** 6 - Brown, Hooper, Kochenderfer, Tisdell, Webber and Wiggins

**Nay** 1 - Morita

Enactment No: RES0331-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes the Mayor to sign and send a letter requesting a Michigan Attorney General Opinion clarifying and explaining what powers cities have to regulate oil and gas development through local zoning.

## PRESENTATIONS

**2014-0592** Presentation on Riverbend Park Project Update

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Riverbend Park Presentation.pdf](#)

**Mayor Barnett** introduced **Dan Mitchell**, Hubbell Roth & Clark (HRC), and noted that Mr. Mitchell was in attendance to give a brief update on the River Bend Park Project.

**Mr. Mitchell's** presentation detailed work to date on the River Bend Park Project. He noted that HRC was contracted to provide preliminary planning in the spring of 2013, including a draft master plan with public input completed in August of 2013. An agreement was signed with the Steve and Vivian Stolaruk Foundation in November of 2013. HRC was contracted in April 2014 for preliminary engineering for the project.

He noted that work completed in the engineering phase included a Draft Master Plan, environmental assessment, geotechnical evaluation for the pond, permitting and the entranceway, parking lot, and pathway. Work completed for the construction phase included clearing and grubbing, entranceway, partial parking lot, and partial pathway. He expressed his appreciation for Council's partnership on the project.

**Mayor Barnett** stated that the idea for River Bend Park began when Mike Hartner, Director of Parks and Forestry, and Ed Anzek, Director of Planning and Economic Development, asked Lawrence Technological University students to spend time out there and develop potential proposals for a park. He pointed out that a donor has put about \$400,000 into the infrastructure of the park. He mentioned that construction has stopped for the year, and he is excited to see it continue for next year.

**Presented.**

## RECOGNITIONS

**2014-0591** Proclamation in recognition of Rochester Community Schools

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** stated that the United States Department of Education recognized 337 schools nation-wide this year as National Blue Ribbon Schools. He noted that eight schools in Michigan gained honors with two Rochester Community Schools named: Van Hoosen Middle School and Musson Elementary. He read a proclamation recognizing the Rochester Community Schools.

**Presented.**

**Whereas**, every year the United States Department of Education seeks out and celebrates great American schools; and

**Whereas**, the National Blue Ribbon School Program recognizes public and private elementary, middle, and high schools based on their overall academic excellence; and

**Whereas**, the National Blue Ribbon School Award affirms the hard work of students, educators, families, and communities in creating safe and welcoming schools where students master challenging content and individual growth; and

**Whereas**, Van Hoosen Middle School is one of eight schools in the State of Michigan to be named a National Blue Ribbon School for its academic excellence, exemplary teaching, and high level of student learning.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills hereby recognize the administrators, educators, students, and parents of Van Hoosen Middle School for their ongoing excellence in educating their students, and congratulate them on being named a 2014 National Blue Ribbon Award winning school.

**Be It Further Resolved**, that the Mayor and City Council call upon our citizens to recognize and acknowledge the important contribution Rochester Community Schools makes to our community both today and in the years to come.

**2014-0586** Administration's Recognition of Council Member Michael Webber

**Mayor Barnett** expressed his congratulations and best wishes to departing Council Member Michael Webber as he takes on the job of State Representative.

A video was displayed highlighting Mr. Webber's years on City Council.

**Mr. Brown** stated that he was happy to see Mr. Webber going up to Lansing. He noted that Mr. Webber has been a mentor to new Council Members.

**Ms. Morita** wished Mr. Webber the best of luck, noting that he is one of the nicest hard-working unassuming individuals that she has met.

**Mr. Kochenderfer** commented that Mr. Webber is one of the first people he campaigned with and has been an individual in it for all the right reasons.

**Mr. Wiggins** stated that Mr. Webber is genuine and has a kind heart. He encouraged him to take those traits with him to Lansing.

**President Hooper** commented that he first met Mr. Webber in 2007 at the Festival of the Hills, and stated that it was the beginning of a seven-and-a-half year friendship and collaboration. He commented that Mr. Webber will do a great job, and has exceptional family support. He stated that the City's loss will be District 45's gain.

**Mr. Webber** expressed his appreciation to City staff, stating that they are professional and knowledgeable. He commented that he has worked with two great Clerks, and expressed his special thanks to Leanne Scott, Deputy Clerk, and her staff. He mentioned City Council Members who have gone before him, and expressed his thanks to current Council Members. He thanked President Hooper and Mayor Barnett, and noted that his wife, Julia, has been a sounding board for him. He stated that he wishes to do what is right for the community and for the city moving forward, and looks forward to working for the community in this new capacity in January.

**President Hooper** presented a plaque to departing Council Member Webber. Council Members and the Mayor expressed their congratulations.

**Presented.**

**(RECESS 8:50 p.m. to 9:10 p.m.)**

## **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.

**2014-0573** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for cellular service in the amount not-to-exceed \$70,000.00 through October 31, 2016

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0332-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for cellular service in the amount not-to-exceed \$70,000.00 through October 31, 2016.

- 2014-0581** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for various maintenance, hardware and building supplies in the amount not-to-exceed \$45,000.00 through December 31, 2015; The Home Depot, Rochester Hills, MI

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0333-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for various maintenance, hardware and building supplies to The Home Depot, Rochester Hills, Michigan in the amount not-to-exceed \$45,000.00 through December 31, 2015.

- 2014-0582** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for office supplies and equipment in the amount not-to-exceed \$55,000.00; Office Max, Warren, MI

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0334-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Office Max, Warren, Michigan for the purchase of office supplies and equipment in the amount not-to-exceed \$55,000.00 through December 31, 2015.

- 2014-0510** Request for Approval of an Amendment to the City's Pension Plan Document to incorporate changes needed to conform to legislation and court related actions

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Proposed DC Plan Document 121514.pdf](#)  
[Attorney Letter-EGTTRA 111214.pdf](#)  
[Attorney Letter-Windsor 111214.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0335-2014

**Resolved**, that the Rochester Hills City Council hereby adopts the December 15, 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 Brown, seconded by Morita, 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

2014-0544 Community Development Block Grant (CDBG) Program Year 2015 Application

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Deborah Hoyle**, Financial Analyst, stated that the City expects to receive \$137,859 for the Program Year 2015 Community Development Block Grant. She noted that it is the Administration's plan to keep the allocations the same as last year. She explained that for Program Year 2013, for Minor Home Repair, the City completed 36 home repair projects and 63 snow removals for seniors. HAVEN helped 15 people and the Clothes Closet saw 547 individuals.

**President Hooper Opened the Public Hearing at 9:12 p.m.**

**Linda Riggs**, Director, Rochester Area Neighborhood House (RANH), expressed her appreciation for the City's support of funding for the Clothes Closet over the last several years. She requested the City support the request. She mentioned that the Clothes Closet was able to help over 500 families who are struggling financially through last year's funding, providing clothing that many individuals take for granted.

She thanked Mr. Webber, noting that he and his wife Julia are very active in the Rochester Jaycees. The Jaycees also help RANH along with many other organizations.

**President Hooper** noted that Ms. Riggs will be retiring soon. He expressed his thanks to her for her service to RANH.

**Seeing No Further Public Comment, President Hooper Closed the Public Hearing at 9:14 p.m.**

It was noted that Mr. Brown and Mr. Tisdell serve as Council Representatives to the Older Persons' Commission, and would abstain from any discussion or vote.

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

**Aye** 5 - Hooper, Kochenderfer, Morita, Webber and Wiggins

**Abstain** 2 - Brown and Tisdell

Enactment No: RES0336-2014

**Whereas**, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

**Whereas**, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

**Whereas**, the City of Rochester Hills has duly advertised and conducted a public hearing on December 15, 2014 for the purpose of receiving public comments regarding the proposed use of Program Year 2015 Community Development Block Grant funds (CDBG) in the approximate amount of \$137,859; and

**Whereas**, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

<b>Account Number</b>	<b>Project Name</b>	<b>Amount</b>
731227	Minor Home Repair	\$ 110,859
732170	Yard Services	\$ 10,000
730137	Battered & Abused Spouses	\$ 7,000
730571	Emergency Services	<u>\$ 10,000</u>
		\$ 137,859

**Therefore, Be It Resolved**, that the City of Rochester Hills CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

**2014-0494** FY 2014 4th Quarter Budget Amendments

**Attachments:** [121514 Agenda Summary.pdf](#)  
[2014 - 4Q Budget Amendment \(Overview\).pdf](#)  
[2014 - 4Q Budget Amendment \(Detail\).pdf](#)  
[2014 - 4Q Budget Adjustment \(Detail\).pdf](#)  
[2014 - Final Budget vs Original Budget - Variance Analysis.pdf](#)  
[2014 - 4Q Budget Amendment \(OPC Detail\).pdf](#)  
[2014 - 4Q Budget Amendment \(RARA Detail\).pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Senior Financial Analyst, presented the proposed 2014 4th Quarter Budget Amendments. He explained that these are by far the largest of the amendments of the year, and include a fiscal review into each revenue and expense account citywide. He pointed out that the 4th Quarter Budget Amendments decrease revenues by \$2.7 million and decrease expenses by \$6.8 million, with a net decrease in the use of Fund Balance by \$4.1 million. He

stated that the decrease in revenues is due in part to decreased water sales, as the summer was rainy and cool. Operating Expenses decrease by \$2.7 million, and Capital Projects decrease by \$3.5 million. He noted that it is estimated that \$3.2 million of the \$3.5 million reflect capital projects not fully completed in 2014 which will carry over to 2015. He mentioned three major projects which make up 70 percent of the carryover, including Tienken Road, a fire truck purchase which was deferred, and the financial system upgrade.

He highlighted a new report included in the Amendment documents, which detailed the 2014 original approved Budget versus the final Budget.

**President Hooper Opened the Public Hearing at 9:19 p.m.**

**Seeing no Public Input, President Hooper Closed the Public Hearing at 9:20 p.m.**

**Council Discussion:**

**Mr. Wiggins** questioned how operating expenses decreased.

**Mr. Snyder** responded that roughly half of the operating expense decrease was due to decreased water sales, with a corresponding reduction in the purchase of water by \$1.4 million. He noted that expenses for supplies, personnel, professional services and maintenance decreased as well. He detailed the report included that measures how well the Administration did in developing and living within the Budget. He mentioned that the original Budget included revenues of \$110.9 million, and the final revenue figure is \$109.6 million. He explained that of that \$1.3 million decrease in revenues, \$2.7 million is the result of a decrease in water revenues.

He noted that the bottom line expenses, originally budgeted at \$121.5 million, came in at \$119 million, or \$2.5 million (two percent) under the original budgeted expenses. Other items highlighted included:

- Operating Expenses originally at \$83.7 million, came in at \$80.5, or a decrease of \$3.2 million (3.8 percent).
- Capital Projects originally at \$15.4 million, came in at \$15.6 million. This amount included \$5 million in carryover from 2013. The \$15.6 million in Capital Projects completed is the largest amount undertaken since 2008. Over the most recent five-year period, on average \$6.8 million in Capital Projects was undertaken.
- The original Budget planned on the use of \$10.5 million in Fund Balance. The final Budget includes \$9.3 million in Fund Balance used. Originally, the City planned on using the \$10.5 million from Fund Balance to undertake \$15.4 million in construction. Instead, \$9.3 million was used to undertake \$15.6 million in construction.
- General Fund year-end revenues were up \$1.5 million, or 6.3 percent.
- Operating Expenses were budgeted at \$14.9 million, and came in at \$14.5 million, or three percent less.
- The original operating budget for the Major Road Fund included \$2.3 million, and it came in at \$2.2 million. This is an amazing feat because the past harsh winter added \$178,000 more in winter maintenance than was approved.



- *Local Street Construction of \$6.7 million included \$5 million in concrete, and \$1.7 million in asphalt. This is more than the past five years combined. In 2002, \$8.6 million was undertaken, \$4.6 million through debt.*

*He commended Allan Schneck, Director of DPS/Engineering, and his team for the work done in 2014.*

**President Hooper** stated that this is an excellent report and expressed his appreciation for the detailed analysis.

**A motion was made by Brown, 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: RES0337-2014

**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 4th Quarter Budget Amendments was noticed on November 25, 2014; and

**Whereas**, the proposed FY 2014 4th Quarter Budget Amendments were available for public viewing beginning on December 5, 2014; and

**Whereas**, at its December 15, 2014 meeting City Council held a Public Hearing on the proposed FY 2014 4th Quarter Budget Amendments.

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

Fund	Current Budget	Net Change	Proposed Budget
Fund 101 - General Fund	\$ 27,446,300	(\$ 1,231,240)	\$ 26,215,060
Fund 202 - Major Road Fund	8,170,100	(1,464,300)	6,705,800
Fund 203 - Local Street Fund	12,467,680	(732,660)	11,735,020
Fund 206 - Fire Fund	7,454,340	127,030	7,581,370
Fund 207 - Special Police Fund	9,186,000	( 5,920)	9,180,080
Fund 213 - RARA Millage Fund	580,550		580,550
Fund 214 - Pathway Millage Fund	554,340	73,000	627,340
Fund 232 - Tree Fund	56,240	(40,000)	16,240
Fund 244 - Water Resources Fund	555,460	98,280	653,740
Fund 265 - OPC Millage Fund	980,640		980,640
Fund 299 - Green Space Millage Fund	32,820	1,061,510	1,094,330
Fund 313 - Street Improvement Bond - 2001 Series Fund	284,280	20	284,300
Fund 314 - SAD Street Improvement Bond - 2001 Series Fund	286,230	50	286,280
Fund 331 - Drain Debt Fund	312,590		312,590
Fund 369 - Older Persons Building Bond Refunding Fund	759,010		759,010
Fund 393 - Municipal Building Refunding Bond - 2010 Series	719,080		719,080
Fund 394 - Local Street Refunding - 2011 Series Fund	461,220		461,220
Fund 402 - Fire Capital Fund	842,460	(667,780)	174,680
Fund 403 - Pathway Construction Fund	759,900	(478,180)	281,720
Fund 420 - Capital Improvement Fund	146,520	(24,130)	122,390
Fund 510 - Sewer Operations	14,814,960	(739,490)	14,075,470
Fund 530 - Water Operations	17,970,310	(1,350,310)	16,620,000
Fund 593 - Water & Sewer Capital Fund	5,312,760	(492,430)	4,820,330
Fund 595 - Water & Sewer Debt Fund	1,184,820	(398,030)	786,790
Fund 631 - Facilities Fund	5,930,640	(590,270)	5,340,370
Fund 636 - MIS Fund	3,703,290	(770,340)	2,932,950
Fund 661 - Fleet Fund	3,670,700	(54,360)	3,616,340
Fund 677 - Insurance Fund	409,000		409,000
Fund 736 - Retiree Health Care Trust	187,550	904,910	1,092,460
Fund 752 - Cemetery Perpetual Care Trust			
Fund 843 - Brownfield Redevelopment Fund			
Fund 848 - LDFA Fund	437,580	(34,300)	403,280
Fund 851 - SmartZone Fund	100,000		100,000
Fund 870 - Museum Foundation Trust Fund	10,000	(9,000)	1,000
Fund 893 - EDC Fund	720		720
<b>Grand Total</b>	<b>\$ 125,788,090</b>	<b>(\$6,817,940)</b>	<b>\$118,970,150</b>

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

## ORDINANCE FOR ADOPTION

**2013-0360** Request for Second Reading and Adoption - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately 1.36 acres, located at 880 South Boulevard, east of Livernois from R-2 (One-Family Residential) to R-2 (One Family Residential) with an FB-1 (Flexible Business) Overlay and to prescribe penalties for the violation thereof; AGE of Rochester Hills, Inc., Applicant

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Suppl Applicant Letter 121514.pdf](#)  
[120814 Agenda Summary.pdf](#)  
[Map Aerial.pdf](#)  
[Environmental Impact Stmt 102413.pdf](#)  
[Staff Report 111814.pdf](#)  
[Minutes PC 111814.pdf](#)  
[Minutes PC 101513.pdf](#)  
[PHN 111814.pdf](#)  
[111113 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[102813 Agenda Summary.pdf](#)  
[Staff Report.pdf](#)  
[Letter of Intent.pdf](#)  
[Map Aerial.pdf](#)  
[EIS.pdf](#)  
[PHN Rezoning.pdf](#)  
[102813 Resolution.pdf](#)  
[111113 Resolution.pdf](#)  
[120814 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

***Ed Anzek***, Director of Planning and Economic Development, noted that this matter was presented to the Planning Commission last week and received approval.

***Chuck SeKerenes***, representing the Applicant, commented that if approved, he intends to come before the Planning Commission in January for the next step.

**Public Comment:**

***Scot Beaton***, 655 Bolinger, stated that Council should not consider a specific use when discussing rezoning of a property. He added that the proposed development should be discussed with the Fire Department, as it will put stress on emergency services. He noted that an argument was presented that homes cannot be built on mile roads, and he stated that this is not true. He stated that Council should protect the beauty of the mile roads.

***Ms. Morita*** questioned whether the property owner would be willing to agree to some conditions to the rezoning.

***Mr. SeKerenes*** stated that this is a possibility.

**Michael Jablonski** stated that he is a Partner of and Attorney for the Applicant. He noted that the Applicant took Council's comments last week very seriously and desires to become good neighbors. He explained that they would agree that they would build a single-story development, as an assisted living facility with 25 residential and 29 memory care units. He added that the Applicant would sign a document that he distributed that stated that they would confirm that the zoning will revert back to single-family in the event that they do not construct what is proposed.

**President Hooper** questioned whether Council could consider the changes without re-advertising the proposal to the public.

**John Staran**, City Attorney, responded that it could. He explained that this is not additional rezoning; and what is proposed is consistent with State Law. He stated that these would be voluntary restrictions on zoning; and if Council finds them acceptable, it could act on them tonight as part of a Second Reading. He noted that Council could resolve to approve the Ordinance for Second Reading with conditions as presented by the Applicant in the letter dated December 15, 2014.

**A motion was made by Morita, seconded by Kochenderfer, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:**

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

Enactment No: RES0338-2014

**Resolved**, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone one parcel of land totaling approximately 1.36 acres, Parcel No. 15-34-352-013, located at 880 South Boulevard, east of Livernois from R-2, One Family Residential to R-2, One Family Residential with an FB-1, Flexible Business Overlay, and to prescribe penalties for the violation thereof, is hereby accepted for Second Reading and Adoption subject to the conditions presented in writing by the Applicant in their letter dated December 15, 2014, and shall become effective on Monday, December 22, 2014, the day following its publication in the Oakland Press on Sunday, December 21, 2014.

**Further Resolved**, approval is subject to the conditions presented in writing by the Applicant in their letter dated December 15, 2014.

## NOMINATIONS/APPOINTMENTS

**2014-0464** Nomination/Appointment of two (2) Citizen Representatives to the Liquor License Technical Review Committee, each for a one-year term to expire December 31, 2015

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Blackstone CQ.pdf](#)  
[Pixley CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[120814 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Butler CQ.pdf](#)  
[Fons CQ.pdf](#)  
[Hauser CQ.pdf](#)  
[Helsom CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** noted that Thomas Blackstone, Vern Pixley, and Tom Stephens were nominated to the Liquor License Technical Review Committee at the December 8, 2014 City Council Meeting. He instructed Council Members to vote for two of the nominees.

The nominees received the following votes:

**Thomas Blackstone:** Hooper, Tisdel, Brown, Kochenderfer and Webber

**Vern Pixley:** Hooper, Tisdel, Brown, Kochenderfer, Morita, Webber and Wiggins

**Tom Stephens:** Morita and Wiggins

**President Hooper** noted that Thomas Blackstone and Vern Pixley would be appointed to the Liquor License Technical Review Committee.

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

**Aye** 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0339-2014

**Resolved**, that the Rochester Hills City Council appoints Thomas Blackstone and Vern Pixley to the Liquor License Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

**2014-0545** Nomination/Appointment of one (1) Citizen Representative as Alternate to the Trailways Commission, for the unexpired term of Danielle Shurkus ending December 31, 2016

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Loebs CQ.pdf](#)  
[Young CQ.pdf](#)  
[120814 Agenda Summary \(Revised\).pdf](#)  
[120814 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Suppl Nomination/Appt Memorandum 120814.pdf](#)  
[Austin CQ.pdf](#)  
[Butler CQ.pdf](#)  
[Carlock CQ.pdf](#)  
[Fons CQ.pdf](#)  
[Foster CQ.pdf](#)  
[Goldman CQ.pdf](#)  
[Hauser CQ.pdf](#)  
[Hulbert CQ.pdf](#)  
[Hunter CQ.pdf](#)  
[Janulis CQ.pdf](#)  
[Marries CQ.pdf](#)  
[Mazur-Abeare CQ.pdf](#)  
[Muenk CQ.pdf](#)  
[Olson CQ.pdf](#)  
[Tischer CQ.pdf](#)  
[Suppl Willett CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** noted that Lynn Loebs and Alice Young were nominated as Alternate for the Paint Creek Trailways Commission at the December 8, 2014 City Council Regular Meeting.

**Public Comment:**

**Alice Young**, 3160 Eastern, stated that she recently moved to Rochester Hills from Lake Orion. She noted that she served as a Commissioner and Treasurer for ten years on the Commission, representing Lake Orion. She explained that she had to resign as a citizen representative after she moved and would like to continue as representative for Rochester Hills. She commented that she is a founding member of the Friends of the Paint Creek Trail, and completed the application to the Internal Revenue Service for the group to become a 501 (c) 3 organization. She highlighted accomplishments of the Friends' group, noting that they have been successful in raising funds for the Trail, and have funded installation of a drinking fountain at Tienken, bicycle repair station, and is considering vault toilets and a nature walk. She mentioned that her office is in Rochester, and she attends functions for the Clinton River Watershed Council and volunteers for Art and Apples. She requested appointment.

**President Hooper** instructed Council Members to vote for one of the nominees. The following votes were cast:

**Lynn Loebs:** Hooper, Tisdell, Kochenderfer and Webber

**Alice Young:** Brown, Morita and Wiggins

**President Hooper** announced that Lynn Loebs would be appointed to the Trailways Commission as Alternate.

**A motion was made by Webber, seconded by Tisdell, 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: RES0340-2014

**Resolved**, that the Rochester Hills City Council appoints Lynn Loeb as Alternate to the Trailways Commission, to fill the unexpired term of Danielle Shurkus ending December 31, 2016.

**2014-0585** Confirmation of the Mayor's appointment of Thomas Neveau to the Advisory Traffic and Safety Board for a three-year term to expire December 31, 2017

**Attachments:** [011215 Agenda Summary.pdf](#)  
[121514 Agenda Summary.pdf](#)  
[Neveau, Thomas CQ.pdf](#)  
[Pathenos Resignation 111414.pdf](#)  
[121514 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

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

Enactment No: RES0006-2015

**Resolved**, that the Rochester Hills Council hereby confirms the Mayor's appointment of Thomas Neveau to the Advisory Traffic and Safety Board for a three-year term to expire December 31, 2017.

**2014-0587** Confirmation of the Mayor's reappointment of Robin Laske and Ralph Pisani to the Board of Review, each for a three-year term to expire December 31, 2017

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Laske, Robin CQ.pdf](#)  
[Pisani, Ralph CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**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: RES0342-2014

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Robin Laske and Ralph Pisani to the Board of Review, each for a three-year term to expire December 31, 2017.

**2014-0588** Confirmation of the Mayor's reappointment of Edward Alward and Stan Paurazas to the Construction/Fire Prevention Board of Appeals, each for a three-year term to expire December 31, 2017

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Alward, Edward CQ.pdf](#)  
[Paurazas, Stan CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Brown, 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: RES0343-2014

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Edward Alward and Stan Paurazas to the Construction/Fire Prevention Board of Appeals, each for a three-year term to expire December 31, 2017.

**2014-0589** Confirmation of the Mayor's reappointment of Kathy Rogers to the Rochester Hills Museum Foundation for a two-year term to expire December 31, 2016

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Rogers, Katharine CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Wiggins, 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: RES0344-2014

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Kathy Rogers to the Rochester Hills Museum Foundation for a two-year term to expire December 31, 2016.

**2014-0590** Confirmation of the Mayor's reappointment of Penny Brady, Annice Marie Dieters-Williams, Thomas Dohr, Rodney Hulbert, and Ronald Vogt and appointment of Tate Vo to the Citizens Pathway Review Committee, each for a one-year term to expire on December 31, 2015

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Brady, Penny CQ.pdf](#)  
[Dieters-Williams, Anne CQ.pdf](#)  
[Dohr, Thomas CQ.pdf](#)  
[Hulbert, Rodney CQ.pdf](#)  
[Vo, Tate CQ.pdf](#)  
[Vogt, Ronald CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Brown, 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: RES0345-2014



**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Penny Brady, Annice Marie Dieters-Williams, Thomas Dohr, Rodney Hulbert, and Ronald Vogt and appointment of Tate Vo to the Citizens Pathway Review Committee, each for a one-year term to expire December 31, 2015.

## UNFINISHED BUSINESS

**2014-0549** Discussion regarding proposed amendments to *City Council Rules of Procedure*

**Attachments:** [121514 Agenda Summary \(Revised\).pdf](#)  
[Rules of Procedure \(Revised 121214\).pdf](#)  
[121514 Agenda Summary.pdf](#)  
[Rules of Procedure 121014.pdf](#)  
[120814 Agenda Summary.pdf](#)  
[Rules of Procedure with Proposed Changes 120814.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mr. Tisdell** explained that the *City Council Rules of Procedure* had been amended 11 times from September, 2000 to June, 2009. He noted that it has been five-and-one-half years since Council last reviewed the Rules; and many issues were identified that should be amended to reflect current and accepted practices. He stated that the proposed Procedures are similar to a Michigan Municipal League template and reflect suggestions to change the order or business, and establish priorities. He noted that items that should have priority and be heard early on include the Youth Council and any other Council/Committee reports, individuals invited to be honored or recognized, presentations, public hearings, ordinances for introduction and adoption, zoning rules and changes, conditional land uses that directly impact neighborhoods and the city at large, followed by Planning and Economic Development. He stated that Public Comment for items not on the agenda should go next, followed by the rest of the agenda items. He commented that Mr. Kochenderfer had stated that it was merely reshuffling and establishing priorities for those departments or issues that directly impact the residents at large.

**President Hooper** noted concern expressed during previous Public Comment that the City would not be televising meetings. He explained that all City Council Regular Meetings will continue to be televised; and special meetings and joint meetings with other boards and commissions or other cities may be televised, but it would not be required. He commented that agendas will always be provided, making them as accessible as possible.

He stated that the remainder of the changes entail housekeeping items. He noted that Council no longer holds work sessions. He commented that some of the items reflect updates as to how City Council currently operates.

### **Public Comment:**

**Gail Hammill**, 1434 Burhaven, stated that making a public comment at a Council Meeting is a citizen's right. She noted that if there are many individuals in attendance comment on an item, it is obviously upsetting them. She stated that many parents want to bring their children.

**Philip Barker**, 1434 Burhaven, commented that he did some research on meetings and public participation, and stated that business should be scheduled for maximum participation. He noted that public items should be scheduled early in a meeting and offered suggestions for publishing and posting agendas in stores and public places.

**Lee Zendel**, 1575 Dutton, noted that the Michigan Municipal League may state that the way to have more effective local government is to place Public Comment at the end of an agenda; however, if six residents speak it is the same length of time. He stated that placing Public Comment at the end will reduce the number of residents. He commented that at the vast majority of meetings he has attended over the past 22 years, rarely more than two or three residents speak on specific items.

**Scot Beaton**, 655 Bolinger, stated that Council previously held informal workshops, and they should not be taken out altogether. He noted that he had sent an email to Council Members including agendas from many other communities.

**Jay Arnold**, 3141 Tamarron Drive, stated that government is a public service, and is not a business. He commented that Council members need to serve to make the residents' lives easier. He noted that a notice for the January 13, 2015 Planning Commission meeting should be sent to every single resident.

**Erin Howlett**, 3597 Aynsley, stated that over the years, typically two or three individuals come to comment, and people will not stay until 9:30 p.m. or 10 p.m. to do so. She noted that many items should have public hearings, creating more opportunities for the residents to speak.

**Mike Powers**, 3632 Aynsley, commented that if he were running a business, he would rather have Public Comment at the end; however, that will not work for government. He stated that it would be a good thing to eliminate or make a dent in public apathy. He requested Public Comment remain at the beginning.

**President Hooper** pointed out that notice of a Public Hearing includes an ad in the newspaper. He noted that it is proposed to keep Public Comment within the front third of the agenda, as most of the items are under New Business. He mentioned that Troy has Public Comment at the end of their meetings. He added that every document on an agenda item available to Council is available to the public. He stated that people who have scheduled business before Council should have first priority and should not have a two to three hour delay. He noted that not every agenda contains every type of item. He stated that the Michigan Municipal League recommends scheduling Public Comment later in the agenda.

#### **Council Discussion:**

**Mr. Tisdell** noted that several cities were mentioned during Public Comment. He pointed out that while Ann Arbor has public commentary early on in the meeting, an individual is required to submit a request for a time to speak on agenda items to the City Clerk between 8:00 a.m. and 1:00 p.m. He stated

*that Ann Arbor's agenda also includes Public Comment on general subjects right before their meeting's adjournment. He mentioned that in November, Troy placed Public Comment for items on the agenda early on, Public Comment for items not on the agenda by Troy residents and business people halfway down their order of business, and Public Comment for those outside of Troy at the end. He noted that there are multiple models from the Michigan Municipal League that recommend Public Comment prior to adjournment.*

**Mr. Wiggins** stated that Public Comment should stay where it currently is to encourage public participation.

**Mr. Kochenderfer** stated that he cannot vote in favor to change Public Comment. He noted that it is a longstanding expectation that it will be at the beginning.

**Mr. Brown** concurred with reshuffling agenda items to include youth reports and recognitions at the beginning. He commented that he would vote for a modified agenda order to ensure the youth reports were ahead of Public Comment. He commented that he saw the desire for Public Hearings and presentations to begin on time. He noted that the City's phone application is a great tool and helps him keep track of public meetings. He made a motion to modify the suggested order to move Public Comment after Presentations, and before Public Hearings.

*The motion died for lack of a second.*

**Mr. Tisdell** stated that he supported the proposed order as submitted in the meeting packet. He noted that he requested that Deputy Clerk Leanne Scott compile a list of comments per meeting for items not on the agenda over the past three years, and he pointed out that the average was four comments per meeting. He stated that the objective is to give priority to those who have business before Council.

**President Hooper** stated that the proposed order ensures that people who are scheduled before Council have first priority, followed by those who walk in the door, and then the balance of the agenda.

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

**Aye** 4 - Hooper, Morita, Tisdell and Webber

**Nay** 3 - Brown, Kochenderfer and Wiggins

Enactment No: RES0346-2014

**Resolved**, that the Rochester Hills City Council hereby amends its *City Council Rules of Procedure* as presented.

## **NEW BUSINESS**

**2014-0391** Request for Approval of Acquisition of Parcel No. 15-20-300-005, located on the

north side of the Clinton River and Riverbend Park, recommended by the Green Space Advisory Board

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Offer to Purchase Agreement.pdf](#)  
[100614 Agenda Summary.pdf](#)  
[Nomination form.pdf](#)  
[Map 1 - aerial.pdf](#)  
[Map 2 - topo.pdf](#)  
[Map 3 - wetlands.pdf](#)  
[Map 4 - steep slopes.pdf](#)  
[Presentation.pdf](#)  
[092314 GSAB Resolution.pdf](#)  
[100614 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** noted that the Administration is recommending support of the parcel acquisition.

**A motion was made by Kochenderfer, 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: RES0347-2014

**Whereas**, the City administration has negotiated a proposed agreement to purchase an approximately 48 acre parcel of land located on the north boundary of the Clinton River and Riverbend Park, commonly known as the White property (Parcel No. 15-20-300-005); and

**Whereas**, the White property is an undeveloped natural area that the City's Green Space Advisory Board has unanimously recommended for acquisition by the City; and

**Whereas**, the funding source for the purchase of the White property is the Green Space Millage approved by the City's electors in 2005 to "permanently preserve natural green spaces, wildlife habitats, and scenic views, protect woodlands, wetlands, rivers and streams; and expand the Clinton River Greenway and other trail corridors by funding the purchase of land and interest in land.

**Therefore, Be It Resolved**, that the City Council approves the Purchase Agreement, as presented, to purchase the White property for One Million Twenty-Five Thousand Dollars (\$1,025,000).

**Be It Further Resolved**, that the City administration and City Attorney are authorized to consummate the purchase of the White property, and the Mayor may execute any necessary documents in furtherance of this transaction.

**2014-0571** Request for Acceptance of Highway Easement granted by Nicholas G. Pathenos Trust dated April 19, 2012, 430 W. Hamlin Road, Rochester Hills, Michigan, and authorization of payment to the landowner in the amount of \$18,420.00

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Wiggins, 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: RES0348-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a highway easement granted by Nicholas G. Pathenos Trust dated April 19, 2012, whose address is 430 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-002, and authorizes payment to the landowner in the amount of \$18,420.00.

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

**2014-0575** Request for Acceptance of Storm Sewer Easement and Temporary Construction Easement granted by Kathleen A. Daas, 679 W. Hamlin Road, Rochester Hills, Michigan, and authorization of payment to the landowner in the amount of \$250.00

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Storm Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

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

Enactment No: RES0349-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a storm sewer easement and temporary construction easement granted by Kathleen A. Daas, whose address is 679 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-27-126-044, and authorizes payment to the landowner in the amount of \$250.00.

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

**2014-0576** Request for Acceptance of Highway Easement granted by Joan H. Wiegand, as to the Life Estate coupled with the unrestricted Power of Conveyance pursuant to Michigan Land Title Standard 9.3 and the Trustee of the Joan H. Wiegand Living Trust dated August 23, 2011, 1441 E. Hamlin Road, Rochester Hills, Michigan, and authorization of payment in the amount of \$33,840.00

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Brown, 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: RES0350-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a highway easement granted by Joan H. Wiegand, as to the Life Estate coupled with the unrestricted Power of Conveyance pursuant to Michigan Land Title Standard 9.3 and the Trustee of the Joan H. Wiegand Living Trust dated August 23, 2011, whose address is 1441 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-24-326-004, and authorizes payment to the landowner in the amount of \$33,840.00.

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

**2014-0574** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for electric energy for City facilities in the amount not-to-exceed \$400,000.00 through December 31, 2015

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Bob White**, Supervisor of Ordinance Services, stated that two vendors are involved in the Michigan Municipal Risk Management Authority's Electric Choice Program. He explained that the cooperative community purchase program provides electric service at a better rate to serve City Hall, Fire Station 1 and the DPS Garage. He noted that the remainder of the City's electric needs will be served by DTE Energy.

**A motion was made by Brown, seconded by Tisdell, 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: RES0351-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for electric energy to DTE Energy, Detroit, Michigan in the amount not-to-exceed \$400,000.00 through December 31, 2015.

**2014-0579** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for natural gas for various City owned buildings in the amount of \$132,610.00 through December 31, 2015; Consumers Energy, Lansing, MI

**Attachments:** [121514 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Bob White**, Supervisor of Ordinance Services, stated that Natural Gas is purchased through the MIDeal Program from Constellation Energy. He explained that the cooperative brokers a better price for the City, noting that the fixed rate is \$4.50 per one million BTUs. He noted that Consumers Energy's rate is currently in excess of \$5 per 1 million BTUs.

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

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

Enactment No: RES0352-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for natural gas for various City owned buildings in the amount of \$132,610.00 to Consumers Energy, Lansing, Michigan through December 31, 2015.

**2014-0578** Request for Purchase Authorization - FLEET AND FIRE: Purchase of ten (10) new vehicles from Red Holman Buick GMC, Westland, MI in the amount of \$248,647.00 and two (2) new vehicles from Berger Chevrolet, Grand Rapids, MI in the amount of \$42,300.00 for a total purchase cost not-to-exceed

**Attachments:** [011215 Agenda Summary.pdf](#)  
[121514 Agenda Summary.pdf](#)  
[Fleet Order Sheet.pdf](#)  
[Cars and Trucks for CC 2015.pdf](#)  
[GMC Yukon Order Sheet.pdf](#)  
[2015 Fire Vehicle Summary.pdf](#)  
[121514 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, and **Sean Canto**, Chief of Fire and Emergency Services, were in attendance.

**Mr. Schneck** explained that the vehicles requested are scheduled replacements, and decisions are made based on remaining service life. He noted that if feasible, their use is extended for another year.

**President Hooper** questioned whether any of the vehicles are used for commute.

**Mr. Schneck** responded that one DPS Department vehicle is used for commute.

**President Hooper** questioned which position is assigned to that vehicle.

**Mr. Schneck** confirmed that it is for the General Foreman for Roads and Pathways.

**A motion was made by Morita, 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: RES0008-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of ten (10) new vehicles from Red Holman Buick GMC, Westland, Michigan in the amount of \$248,647.00 and two (2) new vehicles from Berger Chevrolet, Grand Rapids, Michigan in the amount of \$42,300.00 for a total purchase cost not-to-exceed \$290,947.00.

## COUNCIL COMMITTEE REPORTS

*None.*

## ANY OTHER BUSINESS

*President Hooper* noted that the deadline was today at 5:00 p.m. for those who wished to submit applications for consideration for the City Council At Large Vacancy. He questioned how many applications were received.

*City Clerk Tina Barton* responded that seven applications were received.

*President Hooper* stated that Council will begin the process to select an At Large Council Member on January 5, 2015.

## NEXT MEETING DATE

*Special Meeting - Monday, January 5, 2015 - 7:00 p.m.; Regular Meeting - Monday, January 12, 2015 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 10:40 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*TINA BARTON, MMC, Clerk  
City of Rochester Hills*

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

*Approved as presented at the January 26, 2015 Regular City Council Meeting.*