



Rochester Hills

Minutes

City Council Regular Meeting

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

*Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel,
Michael Webber and Ravi Yalamanchi*

Vision Statement: The Community of Choice for Families and Business

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

Monday, September 10, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:02 p.m. Michigan Time.

ROLL CALL

Present 6 - Greg Hooper, Adam Kochenderfer, James Rosen, Mark Tisdel, Michael Webber and Ravi Yalamanchi

Absent 1 - Nathan Klomp

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Jim Breuckman, Manager of Planning
Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, Deputy Director of DPS/City Engineer
Pamela Gordon, Director of Human Resources
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
Eric LaRose, Rochester Hills Government Youth Council Representative
Jane Leslie, City Clerk
Tara Presta, Chief Assistant
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering*

Mr. Klomp provided prior notice that he would be unable to attend.

PLEDGE OF ALLEGIANCE

Mr. Tisdel introduced Dr. Mark Vanderkaay and mentioned that his wife, Robin, was unable to attend as she was on her way to take son, Peter, to the

airport. He commented that all four Vanderkaay sons, Christian, Peter, Alex and Dane, competed in swimming at the University of Michigan for four years, participated in Big Ten and NCAA tournaments, and all competed at the United States Olympic Trials in 2008 in Omaha, Nebraska. Alex swam in two World University Games for the U.S.A. Peter, won a Gold Medal in the 800-meter Freestyle Relay at the Olympic Games in Athens in 2004; a Gold Medal in the 800-Meter Freestyle Relay and a Bronze Medal in the 200-meter Freestyle in Beijing in 2008; and a Bronze Medal in the 400-meter Freestyle this past summer in London.

He mentioned that Peter and his family are working with the Detroit Boll YMCA "Detroit Swims" initiative, a program that has a mission statement that includes teaching all children in Detroit to swim. He commented that it is estimated that nearly 70 percent of minority children cannot swim and are three times more likely to drown. The organization's goal is to raise \$100,000 annually to fund lessons for 1,500 children. He added that the group also has need for gently-used swim suits and goggles. He stated that for a donation of \$65, a child can have access to eight lessons. He encouraged individuals to contribute to the organization, noting that donations can be made online at ymcadetroit.org/boll, navigating to the link for "Detroit Swims".

Mr. Tisdell thanked the Vanderkaays for raising four sons that brought such glory to this area and expressed congratulations to Peter Vanderkaay for his Olympic efforts.

Mayor Barnett displayed photos from the Olympics, and noted that he was visiting the City's Sister City in Montenegro in 2008, and was able to view Peter's Gold Medal in the Relay with the Mayor of Tuz.

Dr. Vanderkaay led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

Absent 1 - Klomp

PUBLIC COMMENT

Linda Davis-Kirksey, 1337 N. Acre Drive, presented a list of questions regarding the procedure for Council Straw Polls, how items get placed on Council's agenda, and whether Council has an obligation to address and remedy instances of alleged discrimination. She requested these questions be addressed by the City Attorney.

Lee Zendel, 1575 Dutton Road, stated that individuals should not give credence

to the results of political polls undertaken by polling organizations. He commented that many more are asked than will respond; and the distribution of those who do answer may not be representative of the electorate or the Electoral College vote.

Sue Barnes, 137 Foxboro, announced that the Brooksie Way Half Marathon will be held on Sunday, September 30th. She noted that race organizers have been working with local City, Police and Fire officials to coordinate and publicize the race route, road closings and alternate routes for motorists. She noted that a training run will be held this weekend, and stated that registration numbers for the race are up over last year.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper stated that he will forward Ms. Davis-Kirksey's questions to City Attorney John Staran and request he respond to her and to Council.

Mr. Webber reported that the Paint Creek Center for the Arts held a very successful Art and Apples Festival this past weekend.

Mr. Kochenderfer reported that Fairview Farms residents have recently experienced recurring power outages. He stated that Mayor Barnett has requested DTE Energy address the residents' concerns and update the Administration on the status of the outages.

Mr. Rosen noted that tomorrow is the 11th anniversary of the September 11, 2001 attacks on the country.

Mr. Tisdell thanked Dr. Vanderkaay for his family's contributions to the community. Regarding views on political polling expressed during Public Comment, he mentioned that he remembered a poll which showed then Senator John Glenn defeating Governor Ronald Reagan for the Presidency.

Eric LaRose, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC held its Swearing-In Ceremony for the 2012-2013 members on August 13th; and the group held its first regular meeting today, selecting its officers for the year, assigning members to Technical Review Committees, and discussing and selecting its upcoming projects. He noted that the RHGYC's first event will be volunteering at the Brooksie Way Half Marathon, where the group will man City Hall's water station.

Mayor Barnett made the following announcements:

- There will be several local remembrances of the events of September 11, 2001, including the Michigan Fallen Heroes Memorial Ceremony, to be held at 11 a.m. tomorrow. Sheriff Michael Bouchard will lead the ceremony. Unfortunately, the list of those remembered grew by one last night with the unfortunate shooting of

- an Oakland County Police Officer in another community.*
- *Summer Taxes are due on Friday, September 14th. While the City collects the payments, it receives zero dollars from the Summer Tax Bill.*
 - *The City will host a Visiting Nurses Flu Clinic on September 28th from 9:00 a.m. to noon. Flu and pneumonia shots will be available. Interested individuals can call the City to sign up for an appointment.*
 - *The Avon Road bridge is now complete; the Livernois Road bridge should be completed by November 1st.*
 - *Bridge work will close Paint Creek Trail bridges north of Tienken Road for a period of time. The bridge 200 feet north of Tienken will be closed for three days; following that closure, the bridges south of Dutton Road will be closed for approximately two weeks.*
 - *The front entrance to City Hall is temporarily closed for repairs to the walkway bridge. While repairs are being made, visitors and employees are requested to use the Employee Entrance on the south side of the building.*
 - *School is now in session, and motorists are asked to be patient traveling in and around school zones.*
 - *Oakland University is expanding, with a grand opening ceremony for its Health and Human Services building; along with an upcoming groundbreaking for a new Engineering and Computer Science building.*

ATTORNEY MATTERS

None.

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.

2012-0314 Approval of Minutes - City Council Regular Meeting - August 13, 2012

Attachments: [CC Min 081312.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0176-2012

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 13, 2012 be approved as presented.

2012-0316 Request for Purchase Authorization - MIS: Project Budget for equipment, software, support, professional services and training for a network security system upgrade project in the amount not-to-exceed \$36,595.25; Suntel Services, Troy, MI; Fortinet, Sunnyvale, CA

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0177-2012

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for equipment, software, support, professional services and training for a network security upgrade project to Suntel Services, Troy, Michigan; Fortinet, Sunnyvale, California and other applicable vendors in the amount not-to-exceed \$36,595.25.

Passed the Consent Agenda

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

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

Absent 1 - Klomp

PUBLIC HEARINGS

2012-0294 Public Hearing for the City of Rochester Hills Proposed Fiscal Year 2013

Attachments: [Agenda Summary.pdf](#)
[Budget Straw Poll Results.pdf](#)
[Suppl 2013 Budget CC Response to Admin Considerations.pdf](#)
[Public Hearing Notice.pdf](#)
[081312 Agenda Summary.pdf](#)
[081312 Resolution.pdf](#)

President Hooper Opened the Public Hearing at 7:24 p.m.

Sakis Pechlivanidis, 1250 North Livernois Road, requested Council consider adding funding for additional chloride applications to Livernois Road. He commented that when the Road Commission for Oakland County (RCOC) grades the road and does not immediately apply chloride, it is like living in the desert in the middle of a sandstorm. He noted that he heard additional chloride applications would only be \$500 to \$1,000 per application, and would lead to a great improvement in the conditions for residents on that road.

Lee Zendel, 1575 Dutton Road, noted that Straw Poll Question 5C adding funding for Special Assessment Districts (SAD) for paving should not be undertaken until the City's SAD policy is reviewed and revised. He commented that prior policies for the City's share varied, and assessments for vacant lots and homes adjoining multiple streets should be addressed for both cost and what share of a vote they have in requesting the paving. He suggested that Council request a review of all previous Council minutes where SAD petitions were considered prior to proceeding.

Seeing No Further Comment, President Hooper Closed the Public Hearing at 7:30 p.m.

President Hooper addressed Mr. Pechlivandis' request for additional chloride applications on Livernois Road, noting that Council's Straw Poll question of whether to increase chloride applications on City gravel streets from three to four per year received a vote of five affirmative, and two negative. He questioned whether the City applies chloride to Livernois Road or roads north of Tienken.

Paul Davis, Deputy Director of DPS/City Engineer, responded that the City does not apply chloride to roads north of Tienken. He noted that that the City is not responsible for that section of Livernois.

President Hooper questioned how many chloride applications are undertaken for County roads, what the cost per mile would be, and whether the City could work with the RCOC to determine if an additional application could be undertaken for the County-owned gravel roads.

Mr. Davis responded that an additional application could be requested as long as the City would cover the cost. He commented that the Administration's position is for the City's road monies to be used on City roads rather than County-owned roads. He noted that the City has requested additional maintenance in the past for roads such as Winkler Mill, Mead, Dutton and Livernois; and stated that the RCOC could be contacted to determine whether an additional chloride application could be feasible. He stated that four applications are budgeted yearly. He pointed out that as Washington Road is considered a County Primary Road, the County covers its maintenance. He noted that Oakland Township takes the lead on Dutton and Mead Roads and contracts applications out to a private firm for approximately six cents per gallon. He explained that the County's cost is approximately nine cents per gallon. He stated that Livernois is approximately 5,500 feet and the cost for four applications for that road is approximately \$2,000. He suggested that if Council would like to add an application to Dutton, Mead, Winkler Mill and Livernois Roads, it should budget \$7,000 for four applications.

President Hooper noted that it would be approximately \$500 to apply an additional mile of chloride on Livernois Road, and between \$3,000 and \$4,000 would cover an additional application for all County roads.

Mr. Yalamanchi stated that Council should consider an additional application if the cost would be \$3,000.

Mr. Kochenderfer stated that he would support including the County roads discussed for additional chloride applications. He mentioned that he hears many complaints in connection with the speed limits on local roads. He commented that given the small cost combined with the extreme frustration of the residents, an additional application would be worth it.

President Hooper continued, addressing Mr. Zendel's comment regarding

Council's Straw Poll question for the establishment of funding for a gravel-to-asphalt SAD Local Street Program. He noted that this was included in the Straw Poll per Mr. Yalamanchi's request; and part of Council's discussion included comments that the SAD Policy be reviewed and vetted out first. The money placed into the budget would be considered as a placeholder until a complete, up-to-date SAD policy was developed. He suggested that the Police and Road Funding Technical Review Committee (PRTRC) would be the best forum to review the SAD Policy.

Mr. Rosen stated that over the last 15 to 20 years, Council has held numerous discussions about using SADs for paving gravel roads. He commented that when most subdivisions were developed from the 1960s on, the developers put in the roads, the individuals who purchased the homes paid for those roads, and the roads were given to the City with the idea that the City would own them and take care of them. The fundamental idea behind a paving assessment is that there is an increase in the value of the home after paving. He mentioned that there was a controversy in the Brooklands Subdivision area in the late 1980s where residents wanted their roads paved; however, they did not want to bear the cost. He suggested that a specialized committee be formed to review the previous history of SADs in the City rather than placing the review and development of a Policy with the PRTRC.

Mr. Webber commented that the proposed Budget will not begin until January 1, 2013, and noted that the PRTRC has already held meetings where SADs were reviewed. He stated that the PRTRC is a committee already in place that has dealt with complex issues and they have done a good job. He stated that the proposed funding level would be a placeholder and could be set aside or added to by a Budget Amendment. He commented that he does not agree with past practice of changing the SAD policy based on individual situations and need.

President Hooper concurred, stating that the PRTRC is an excellent committee already in place. He reviewed Council's Straw Poll questions and answers, and noted that there were additional questions raised by the Administration that Council also were polled on.

- Council's Straw Poll, including results:

1. Include funding for the upcoming FY 2013 to 2015 Budget for four changeable message boards to be used at eight locations in the Fall season per the Deer Management Advisory Committee (DMAC) recommendation: Seven affirmative, zero negative.
2. Include funding in the upcoming FY 2013 to 2015 Budget for an annual Aerial Deer Survey per the DMAC recommendation: Seven affirmative, zero negative.
3. Increase the number of Local Street calcium chloride applications from three per year to four per year: Five affirmative, two negative.
4. Local Roads - Transfer out an additional \$250,000 from the General Fund to the Local Street Fund to provide additional funding for reconstruction of Local Streets: Two affirmative, five negative.
5. Two separate options regarding the establishment of SAD programs for gravel to paved roads: Four votes to increase the General Fund transfer-out to Local Streets by an additional \$200,000 to provide a funding source for a gravel-to-asphalt SAD program; three votes to not include any funding.

6. Proposal to add one additional Detective Sergeant officer to the Special Police Budget at a cost of \$154,780 for FY 2013, funded by increasing the General Fund transfer out for FY 2013, and funded in the future by the recently-passed Special Police levy: One affirmative vote, six negative.

He called for any Council discussion of the Straw Poll items noting that Items 1, 2, and 3 would be added to the Budget. Number 5 warrants more discussion, based on the establishment of a revised SAD Policy. He stated that items 4 and 6 did not receive a majority of Council's support.

Mr. Webber commented that the DMAC will be happy to see both of their recommendations placed back into the Budget. He stated that the aerial flyover will provide data and benchmarks on deer population; and he expressed his hopes that sponsorship can be found for the moveable signs for this Fall season. He suggested it be viewed similar to the Festival of the Hills Fireworks, where funding is budgeted for the signs; and a search for sponsorship would still be undertaken. He stated that the signs have made an impact on deer-vehicle crash numbers.

President Hooper noted that if Council desired, the budget could be increased by an additional \$2,000 to provide an extra chloride application on County gravel roads as well.

Mr. Yalamanchi stated that an SAD Policy should be established, and commented that allocating \$200,000 in the budget is not much, but it would be a starting point.

Additional discussion ensued regarding the overall cost for an additional chloride application on gravel roads and how costs are allocated to the various communities. It was noted that Local roads receive three applications and it is proposed to move to four. County roads receive four applications and it could be proposed to move to five. It was suggested, to be conservative, to allocate \$35,000 for an additional application for all dirt roads.

Mr. Rosen stated that he initially voted no on this item; however, if the cost would be only \$35,000 for all the dirt roads in the City, he would change his vote to a yes.

Mr. Yalamanchi commented that he initially voted no; however, he would change his vote to support this item as well.

President Hooper noted that barring any additional discussion, \$35,000 would be added to the FY 2013 Budget for calcium chloride applications.

Council members concurred.

President Hooper noted that the item regarding the establishment of funding for SADs received a four-three vote to place \$200,000 into the Budget as a placeholder. He questioned whether Council would consider not adding funds and instead adding them later in a Budget Amendment.

Mr. Yalamanchi responded that Council should begin addressing this issue and while he knows \$200,000 is not much, it would spur Council to move ahead.

Mr. Kochenderfer concurred, stating that while he would like to see funding included as a placeholder, he does have reservations of voting for an appropriation where there is no clear policy in place. He concurred with the PRTRC reviewing the SAD Policy.

President Hooper noted that the affirmative votes were by himself, Mr. Tisdell, Mr. Webber and Mr. Yalamanchi.

Mr. Webber stated that there are three months to come up with a policy and including funding will keep the issue at the forefront. He noted that additional funding can be allocated through a Budget Amendment, or should Council decide not to proceed in 2013, it can be removed by Amendment as well.

President Hooper expressed his disappointment that no other Council members supported the addition of a Detective Sergeant to the Special Police funding.

He continued, noting that six additional items were brought forward by the Administration for consideration.

- Administration Item One - Include \$250,000 for a Tri-Party match for major road improvements. Due to other municipalities not being able to meet their match requirement, the City was notified by Oakland County that it will have additional monies available for the Tri-Party program. The Tri-Party match can leverage \$250,000 in City funds to receive \$750,000 in Major Roads improvements, with projects to be determined later. Seven Council members voted affirmative, zero negative. He stated that his only comment is that it would depend on the projects.

Mr. Yalamanchi questioned whether the Administration had any projects in mind.

Mayor Barnett responded that this opportunity came up in the last two weeks as the City was approached to see if it might be interested. The actual amount available is \$2.9 million in total and the amount available for each community is dependent on what other communities are interested in participating. There are currently no specific projects in mind. He stated that in order to move forward, allocating this funding would show the RCOC that the City is supportive of participating.

President Hooper noted that this amount will be added to the budget. He continued:

- Administration Item Two - \$100,000 match for a significant pledge to develop River Bend Park. Lawrence Technological University (LTU) students presented a concept plan for future park development, consistent with the Parks and Recreation Master Plan. Efforts to seek private funding have been potentially rewarded, and a pledge has been offered on the understanding to preserve and showcase the natural elements of the park. The \$100,000 is for site plan development. Six Council members supported this request, one negative.

Mr. Rosen stated that the reason he voted no is that River Bend Park is one of the more scenic open spaces in the community and he would question whether

it should be developed or instead be considered as a Green Space property to be purchased with Green Space Funds and converted to permanent green space. He commented that he realizes that there is a temptation to jump in on something like this, but there are more possibilities for the property than just a park.

President Hooper commented that he had the opportunity to see what the LTU students put together. He stated that the plans presented showed the park's natural elements, trail enhancement, natural habitat and viewing of natural features. It was not planned as an active development, but more of a trail and passive-related development. He commented that he was amazed by the plan's creativity and ingenuity.

Mayor Barnett explained that the plan was developed as part of a semester-long class at LTU in conjunction with the City's Planning and Parks Departments. He stated that the documents are upstairs at City Hall for review and are consistent with the Master Recreation Plan. He pointed out that there are no plans for soccer or ball fields and the concept plan includes a semblance of a parking lot, signage and trails. He commented that as more concrete plans are developed, they will be brought to Council. He mentioned that the plan is consistent with the intent of leveraging City dollars.

President Hooper noted that this item will be added to the budget as well. He continued with the next Administration request.

- Administration Item Three - Have General Fund provide approximately 50 percent of the Water Resources expenditure budget. One Council Member supported this request; six voted negative.

Mr. Yalamanchi commented that he would like more information on the pros and cons of this request.

Mr. Sawdon responded that the Water Resource Fund will exhaust its fund balance in 2018. He commented that previously, General Fund provided a funding source for maintenance; however, currently the Water Resource Fund is providing the funding. The request for General Fund support for the Water Resource budget is an attempt to slow down the fund balance depletion.

Mr. Yalamanchi stated that he supported this request as it would extend the life of the Water Resource Fund by approximately six years or so.

Mr. Sawdon responded that it would preserve the fund through 2022.

President Hooper commented that he would like to see a separate entity developed to fund Chapter 20 Drain Maintenance. He likened it to an unfunded liability, noting that the drains have been built with no money to maintain them.

- Administration Request Four - Convert all microfilm to imaged records. Three Council members voted to support this request, four negative.

Mr. Rosen stated that he supported this request. He explained that a resident wanted to get a copy of the Area Maintenance Meter Agreement for his home which was built in the 1980s. Engineering found the agreement on microfilm;

however, it could not be read. He commented that the City is the repository of all public records, and the records should be available forever.

Mr. Webber concurred, stating that a plan should be in place to address this. He commented that the State should become engaged in these efforts, noting that these records are important and this type of problem happens in other communities as well.

President Hooper commented that unless a Council member wishes to change his vote, this item will be deferred.

- Administration Request Five - Create a pool of \$25,000 for a 50/50 match for neighborhood beautification efforts. Three Council members supported this request, four voted no.

He commented that he supported the request; however, as there is no majority support, it will not be placed in the Budget.

- Administration Request Six - Replace recording equipment in the Police interview rooms. Four Council members voted affirmative; three voted no. He noted that the City is responsible for the building lease and the capital equipment.

Mr. Sawdon responded that was correct.

Mr. Yalamanchi questioned whether the Capital Improvement Plan (CIP) could be used to fund this request.

Mr. Sawdon responded that while CIP funds could be used, the General Fund supports Police operations through 2014. He pointed out that the General Fund is a large funding source for the CIP; and he suggested that funding be left as proposed, as this would leave more money in the CIP for larger initiatives.

Mr. Kochenderfer questioned what problems the current system is experiencing.

Captain Michael Johnson, Oakland County Sheriff's Office, explained that the current system is older and new systems are computer-based with many advancements. He pointed out that the Department is at a loss for storage space for interviews, and officers have to get rid of interviews in order to store more. He stated that the new equipment will allow interviews to be downloaded onto thumb drives and incorporated into digital police reports sent to the Prosecutor's Office.

Mr. Kochenderfer stated that he would change his vote to support the request.

President Hooper noted that the changes to the Proposed Budget based on the Straw Poll and the Administrations Additional Considerations will be brought forward at the next meeting. He requested any final Council comments before closing the discussion.

Mr. Rosen stated that in the past five to six years he advocated for significant spending reductions. He stated that spending was pared back as much as possible so that the City would come out favorably. He commented that he is fairly pleased. Now that Police Funding is secure and assessments are close to the

bottom, he would caution not to allow runaway spending. He commented that so far it hasn't and that is to be applauded. He stated that he can support this Budget, unlike a couple in the past.

Mr. Yalamanchi requested that the transition toward privatization of the Museum be included as an agenda item at the next meeting.

President Hooper questioned whether Pat McKay, Supervisor of Interpretive Services is available for the next meeting.

Mayor Barnett responded that the Administration hears this as a priority.

President Hooper commented that it would be reviewed for one of the next two or three meetings.

Discussed.

2012-0323 Public Hearing for the 2012 Millage Rates (for FY 2013)

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

President Hooper Opened the Public Hearing at 8:21 p.m.
Seeing No Public Comment, President Hooper Closed the Public Hearing at 8:22 p.m.

President Hooper noted that it is proposed to maintain the same millage rate of 9.7060.

Keith Sawdon, Director of Finance, noted that the City must submit the millage rates to Oakland County by October 1st.

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

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

Absent 1 - Klomp

Enactment No: RES0178-2012

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 13, 2012 meeting City Council acknowledged receipt from the Mayor of the Proposed 2013 Proposed Budget and 2014 and 2015 Projected Budgets and set a Public Hearing for September 10, 2012 at 7:00 p.m. to hear comments on the proposed budget plan; and

Whereas, at its September 10, 2012 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 2012 to provide the tax revenues included in the Fiscal Year 2013 Proposed Budget:

Operating Millage(s)	FY 2013
General Fund (Charter)	3.9132
Local Street (Voted)	0.3545
Fire Fund (Charter)	1.9564
Special Police I (Voted)	0.7823
Special Police II (Voted)	0.4260
Pathway (Voted)	0.1858
RARA Operating (Voted)	0.1950
OPC Operating (Voted)	0.0891
OPC Transportation (Voted)	0.2403
Green Space (Voted)	0.2972
Library Operating (Charter)	0.7823
Operating - Subtotal	9.2221
Debt Millage (s)	
Chapter 20 Drain Debt	0.2354
OPC Building (Voted)	0.2485
Debt - Subtotal	0.4839
TOTAL MILLAGE	9.7060

The Total Millage rate of 9.7060 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 \$16.25 per lot or description; and for the Denison Acres Subdivision at the rate of \$4.45 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 2012 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 2012 to provide the tax revenues included in the Fiscal Year 2013 Proposed Budget.

NOMINATIONS/APPOINTMENTS

2012-0312 Acceptance of Resignation from Frank Cosenza from the Building Authority

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

President Hooper noted that Mr. Cosenza has moved from the City.

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

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

Absent 1 - Klomp

Enactment No: RES0179-2012

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Frank Cosenza as a member of the Building Authority effective August 13, 2012.

2012-0290 Nomination/Appointment to the Deer Management Advisory Committee to fill the unexpired term of Terry Scott Bain ending December 31, 2012

Attachments: [Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Barno CQ.pdf](#)
[Dieters-Williams CQ.pdf](#)
[Marries CQ.pdf](#)
[Moore CQ.pdf](#)
[Olson CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Pawlowicz CQ.pdf](#)
[Shurkus CQ.pdf](#)
[Suppl Austin CQ.pdf](#)
[Suppl Denno CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[081312 Agenda Summary.pdf](#)
[Bain Resignation.pdf](#)
[081312 Resolution.pdf](#)
[Resolution.pdf](#)

Public Comment:

Danielle Shurkus, 2362 Wiltshire Court, stated that she recently moved to the city from the downriver area; and commented that she loves the parks, trails and amenities. She stated that she would like to get involved and contribute; and being new, she would provide a good outside perspective to improve Rochester Hills.

President Hooper Opened the Floor for Nominations.

Mr. Yalamanchi nominated Bruce Austin.

Mr. Kochenderfer nominated Danielle Shurkus.

Mr. Rosen nominated Deborah Barno.

Seeing no further nominations, President Hooper Closed the Floor for Nominations. He noted that as there were three nominations, this item would be brought back to the next Regular meeting for a vote.

Discussed.

NEW BUSINESS

2010-0106 Request for Approval of the modified Preliminary Planned Unit Development (PUD) Plan - Harvard Place PUD, a 168-unit housing development, located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038, and -040, zoned R-4 with a PUD overlay, One Family Residential, MJC Harvard Place, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Minutes PC 082112.pdf](#)
[Staff Report Pre PUD 081012.pdf](#)
[Back Up Staff Report.pdf](#)
[Memo Anzek 120111.pdf](#)
[Resolution.pdf](#)

*In attendance for the applicant were **Lou Chirco**, MJC Harvard Place LLC, and his project engineer **Shamik Tripathy**, Land Development Consulting Services.*

***Jim Breuckman**, Manager of Planning, explained that this request is for a modification of the previously-approved development, Oakville Estates. He noted that while this was put forward as a modification to the existing Planned Unit Development (PUD), the modification was extensive enough to restart the PUD process. He noted that the Planning Commission reviews site layout and number of units. If approved by Council, the developer will move on to submit full site plans and a PUD agreement. He pointed out that all applicable City Ordinances must be met, and commented that the Planning Commission has recommended approval with a series of findings and recommendations. He mentioned that most conditions from the previous PUD are to remain.*

***Mr. Chirco** said his company has spent approximately nine months working with the Planning Department to design this change. He mentioned that the buildings are similar to a development in Rochester near the Onyx Ice Skating Arena, and will consist of twelve-plex buildings, including condominiums which will initially be leased out as higher-end apartments. Each 12-unit building will have individual entranceways and garages for each unit. He pointed out that because of the compactness of the development, it is proposed to maintain over 700 trees on the site, more than originally designated to be preserved in the previous PUD. He displayed renderings of the proposed buildings, which are to be full brick with vinyl siding for accents. There will be no backyards to collect residents' personal effects. He stated that rents are estimated to be between \$1,300 and \$1,500.*

***Mr. Kochenderfer** thanked Mr. Chirco for his company's investment in the City and questioned whether there were any studies of the potential traffic impacts.*

***Mr. Breuckman** responded that there were not as the development has not triggered any of the thresholds warranting review. He stated that the City's engineers have looked at the proposed plans and have not expressed concerns. He commented that while neighbors have expressed an interest for speed bumps, the 85th percentile speed is only 25 miles per hour on that stretch of roadway.*

Mr. Tisdell noted the Planning Department's previous presentation to Council on value-per-acre and stated that a key to that value is conservation development. He questioned whether the amount of tree preservation here is more than what is seen in other developments.

Mr. Breuckman responded that one of the nice things about this layout is that the buildings are more efficient. Instead of scraping the site clean, the building layout has allowed the development to tuck into areas of the site that are less treed. He stated that he did not know the exact percentage of open space; however, saving over 50 percent of the trees is considered high.

Mr. Chirco commented that he did not have a specific percentage called out. He stated that there are currently 1,200 trees on the site and over 700 will remain.

Mr. Breuckman stated that it is typical for an open space development to have 25 to 30 percent of the trees saved and commented that this is because it is not planned as a single-family development.

Mr. Tripathy stated that 56 percent of the trees will remain.

Mr. Yalamanchi questioned whether the idea is to lease these units rather than sell them.

Mr. Chirco responded that the average square footage of each unit is higher than a typical apartment. He stated that his company has sold thousands of them when the economy was good in several different communities; however, there currently is no market right now and banks are not providing financing for condominiums. He mentioned that they currently have a project at Dequindre and Hamlin Roads in Shelby that rent for \$1,250. The units are smaller and have a single garage.

Mr. Yalamanchi noted condition number 4 was added to protect adjacent water supplies. He commented that he would like to see a more attractive exterior, noting that the features seemed to be flat.

Mr. Chirco displayed additional renderings showing jogs and setbacks in the overhangs and balconies; and he pointed out that all garages will be on the sides.

Mr. Rosen questioned how the innermost units will access their garage space.

Mr. Chirco responded that units will either have direct access or will have stairway access into their garage.

Mr. Rosen expressed concern whether ultimately these units will be a viable product for the community as condominiums, and questioned whether they will be developed under condominium rules.

Mr. Breuckman responded that the PUD was developed as a Residential Multiple development. He explained that if a condominium association is formed, they would have to have a Master Deed and Bylaws for ownership.

Mr. Rosen questioned how multiple residential units can be converted to single family.

Mr. Breuckman responded that the configuration of the building is considered multiple. He stated that condominium would be the form of ownership once converted.

Public Comment:

Carl Moore, 2091 Rochelle Park Drive, stated that some of the residents of Gravel Ridge have expressed concerns to him that School Road is gravel and generates dust after grading. He questioned how the roadway will be protected from the additional traffic.

Mr. Breuckman responded that the proposal in the previous PUD was to gate the School Road entrance until the road is paved, with a Knox Box on the gate for a Fire Department access.

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

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

Absent 1 - Klomp

Enactment No: RES0180-2012

Resolved, that the Rochester Hills City Council hereby approves the request for a modified Preliminary Planned Unit Development Plan for Harvard Place, a 168-unit apartment complex on approximately 26 acres located east of John R and north of School Rd., zoned R-3, One Family Residential with a PUD Overlay, Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038 and -040 with the following findings and conditions:

Findings:

1. The revised PUD significantly increases the amount of preserved natural features.
2. The PUD as proposed provides a transitional use between industrial and landfill uses to single-family residential uses.
3. The PUD represents an aesthetic improvement over the previously approved PUD for the site.

Conditions:

1. Conceptual plan approval is for up to 168 units, with the understanding that a reduction in units may be necessary to meet engineering design requirements.
2. Address all comments in City Department review letters in the PUD Agreement and/or Site Plan, whichever is most appropriate.
3. The developer and the City will investigate the need for headlight screening on both School Rd. and John R.

4. The development, including underground construction, installation of utilities and dewatering, shall not cause damage to nor interfere with the neighbor's well and water supply at 1247 John R., Rochester Hills, MI 48307. The developer shall be responsible for repairing or restoring the neighbor's well or water supply or costs associated with the neighbor connecting to the public watermain, if that becomes necessary due to any such damage or interference occurring during or within one year after completion of the project's underground development activities.

2011-0476 Request for Purchase Authorization - DPS/GAR: Increase to Blanket Purchase Order for calcium chloride in the amount of \$20,000.00 for a new not-to-exceed total of \$110,000.00; Liquid Calcium Chloride Sales, Kawkawlin, MI

Attachments: [Agenda Summary.pdf](#)
[111411 Agenda Summary.pdf](#)
[BID Tabulation.pdf](#)
[111411 Resolution.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the City has spent \$63,000 of its \$90,000 budgeted for calcium chloride to date this year. He stated that this is a precautionary request as DPS prepares for the third chloride application.

Mr. Yalamanchi questioned whether a motion should be considered for an additional application for this year.

Mr. Kochenderfer questioned whether there was still an additional chloride application to be done for Livernois Road in 2012.

Allan Schneck, Director of DPS/Engineering, responded that he would verify if another application remained to be done and will report back to Council.

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

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

Absent 1 - Klomp

Enactment No: RES0181-2012

Resolved, that the Rochester Hills City Council authorizes an increase to the Blanket Purchase Order for calcium chloride to Liquid Calcium Chloride Sales, Kawkawlin, Michigan in the amount of \$20,000.00 for a new not-to-exceed total of \$110,000.00 through December 31, 2012.

2012-0321 Request for Purchase Authorization - DPS/ENG: Contract for the 2012 Asphalt Rehabilitation Program in the amount of \$1,147,353.38 with a 10% contingency of \$114,735.34 for a total not-to-exceed amount of \$1,262,088.72; Pro-Line Asphalt Paving Corp, Washington Township, MI

Attachments: [Agenda Summary.pdf](#)
[City Wide Project Map.pdf](#)
[Lakeridge Speed Hump Map.pdf](#)
[Clinton Trailway Map.pdf](#)
[Grosse Pines Ltr 031212.pdf](#)
[Bid Tabs.pdf](#)
[Resolution.pdf](#)

President Hooper stated that while he works in the construction industry, he does not know any individuals from this firm, he has had no involvement in the bid process and has no financial interest in the firm or bid. Therefore, he sees no reason to recuse himself from this item.

Paul Davis, Deputy Director of DPS/City Engineer, explained that there are five components to the 2012 Asphalt Rehabilitation Program, including three subdivisions to be overlaid along with Hazelton Avenue, two speed humps proposed for construction on Lake Ridge Drive, a parking lot improvement for handicap parking at the Clinton River Trailway, the repaving of Rochester Hills Drive, and work on the pathway along Walton near Grosse Pines Subdivision. He noted that of the three bids, the lowest one was four percent below the Engineer's estimate. He mentioned that Pro-Line Asphalt Paving has done work in the City in the past.

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

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

Absent 1 - Klomp

Enactment No: RES0182-2012

Resolved, that the Rochester Hills City Council hereby authorizes a contract for the 2012 Asphalt Rehabilitation Program to Pro-Line Asphalt Paving Corp, Washington Township, Michigan in the amount of \$1,147,353.38 with a 10% contingency of \$114,735.34 for a total not-to-exceed amount of \$1,262,088.72 and further authorizes the Mayor to execute a contract on behalf of the City.

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

2012-0326 Request for Approval to amend the City's non-union benefit plans to provide the same health care program as that provided to AFSCME Local 2491 and AFSCME Local 1917.28 members for benefit plan year 2013

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

Pam Gordon, Director of Human Resources, stated this would extend the current exemption for the non-union employee group for the same health care plans for 2013 as in place for the two AFSCME Locals through the end of 2013. She explained that this is a part of the City's cost savings for its health care strategies in lieu of the requirements of Public Act 152.

President Hooper noted that this is essentially an "opt out" of the requirements of Public Act 152.

Ms. Gordon responded that it is.

Mr. Rosen questioned whether a supermajority vote is required.

Ms. Gordon responded that five votes will be required per the State Law.

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

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

Absent 1 - Klomp

Enactment No: RES0183-2012

Whereas, Public Act 152 mandates specified health care premium contributions by City employees unless the governing body elects to exempt employees by a two-thirds majority vote; and

Whereas, contract settlements between the City and its two AFSCME unions resulted in significant health care savings to the City, which will impact contract costs through December 2013, when current contracts expire; and

Whereas, the City administration intends to maintain the same cost-saving health care strategy for the City's non-union employees in 2013.

Resolved, the City of Rochester Hills shall be exempt from the requirements of Public Act 152 of 2011 to the extent necessary to maintain the same health care program with the same terms and contributions as that provided to AFSCME Local 2491 and AFSCME Local 1917.28 unit members for the plan year beginning January 1, 2013.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber noted that the OPC Board discussed the Interlocal Agreement changes at their September Board Meeting. He stated that a subcommittee consisting of Mr. Webber, Mr. Yalamanchi, Supervisor Joan Fogler from Oakland Township and Mayor Stuart Bikson from the City of Rochester will work to capture areas that were agreed upon between the three communities. He stated that a draft agreement will come before the communities sometime in November.

ANY OTHER BUSINESS

Mayor Barnett expressed his appreciation to Mr. Kochenderfer for taking the lead regarding power outage concerns in District 2. He read a response he received from DTE Energy (DTE) this afternoon, explaining that one outage was due to a tree limb that fell on an overhead power line, and another was due to the failure of an underground cable. He added that two circuit-level outages were experienced over Labor Day Weekend, as one was a 40 minute emergency circuit shut-down and another was due to a flashover caused by an animal. He stated that DTE attempts to place telephone calls to affected customers. He noted that the City

acts as the middleman between DTE and the residents and its job is to push DTE to perform better and provide information to the residents.

***Mr. Kochenderfer** thanked Mayor Barnett and the Administration for keeping up on this issue. He pointed out that there has been a failure of an underground cable two years in a row; and suggested that the Administration dig deeper to find out if this is an unusual occurrence. He stated that the outages are frustrating to the residents.*

NEXT MEETING DATE

Regular Meeting - Monday, September 24, 2012 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:03 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 8, 2012 Regular City Council Meeting.