



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, April 22, 2013

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 5 - Greg Hooper, Nathan Klomp, James Rosen, Mark Tisdel and Michael Webber

Absent 2 - Adam Kochenderfer and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Paul Davis, City Engineer/Deputy Director of DPS/Engineering
Jacqueline Markey, Rochester Hills Government Youth Council Representative
Pat McKay, Supervisor of Interpretive Services
Allan Schneck, Director of DPS/Engineering
Leanne Scott, City Council Coordinator
John Staran, City Attorney
Sue Thomasson, Museum Staff Assistant*

*Mr. Kochenderfer and Mr. Yalamanchi each provided prior notice that they would
not be in attendance.*

PLEDGE OF ALLEGIANCE

*Mr. Tisdel introduced Jacqueline Markey, Rochester Hills Government Youth
Council (RHGYC) Representative, and invited her to review the RHGYC's Safe
Driving Campaign activities.*

*Ms. Markey reported that as a part of the RHGYC's Strive For a Safe Drive
Campaign, the RHGYC members held a Safe Driving Art Contest in the local high
schools, encouraging students to submit artwork to promote safe driving*

and no texting activities. She introduced **Mrs. Deborah Bovio**, Art Teacher from Adams High School, and **Lance Schricke**, first place winner of the art contest at Adams. She commented that there were an outstanding number of participants in the contest from Adams High school and invited those attending to review the art submissions displayed in the back of the auditorium.

Mrs. Bovio, Ms. Markey and Mr. Schricke led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

PUBLIC COMMENT

Lee Zendel, 1575 Dutton Road, stated that former local resident Lawrence Ulrich received the 2013 Ken Purdy Award for excellence in automotive journalism. He noted that Mr. Ulrich was once a reporter from the Pontiac Press and is now the Chief Automotive Critic for the New York Times. He commented on the recent events in Watertown, Massachusetts, related to the capture of the Boston Marathon bombing suspects, and stated that Watertown has sixty police officers serving a population of approximately 32,000. He pointed out that Rochester Hills has 57 officers serving 71,000 residents.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper commented on the terrorist bombing at the Boston Marathon and stated that he was angered about the events that occurred and prayed for swift justice for those individuals responsible.

Mr. Webber announced that the Rochester Area Prayer Breakfast will be held on Thursday, May 2, 2013, at 7:00 a.m. at the Royal Park Hotel.

Jacqueline Markey, Rochester Hills Government Youth Council Representative (RHGYC), announced that the RHGYC is busy planning its annual 5K Run/Walk for Saturday, June 15, 2013. She noted that Beaumont Hospital will once again be a naming sponsor, and the Boys and Girls Club of Troy will be the recipient of the proceeds. She commented that the Boys and Girls Club of Troy serves many students of Rochester Hills as it is the closest location for them. She mentioned that activities are wrapping up for the group's Strive For a Safer Drive Campaign, and noted that the RHGYC's individual subcommittees are busy with volunteer activities.

Mayor Barnett commented on recent events in Boston, and noted that when things like this happen, the City's staff and law enforcement team reevaluate standards and processes. He mentioned that while no one can plan for some of these types of occurrences, the City continues to ready itself. He stated that the day after the bombing in Boston, the auditorium was filled with people as the Oakland County Sheriff's Department hosted a training class on procedures should an event like this happen in the city. He commented that thoughts and prayers are with those affected. He mentioned the following:

- The Rochester Area Prayer Breakfast, set for Thursday, May 2nd, is a great event. While the Royal Park is limited to 550 attendees for the breakfast and it usually sells out, those interested should call the Rochester Regional Chamber of Commerce to see if tickets are still available.
- The area has experienced a significant amount of rain and the City's DPS staff have been addressing some river flooding that has occurred. He asked everyone to avoid the rivers right now and not attempt to canoe or kayak until the dangerous river levels drop.
- TTI Global will be a primary sponsor of the City's Festival of the Hills. Fund raising efforts continue for the fireworks festival, set this year for Wednesday, June 26, 2013, at Borden Park.
- The City received \$52,000 through the Competitive Grant Assistance Program (CGAP) awarded by the Department of Treasury in recognition of collaboration efforts with other communities and organizations. Governor Rick Snyder recognized the community as one of only 11 in Michigan to receive this award, which highlighted successful collaborations for vehicle maintenance between the City and the Road Commission for Oakland County, Auburn Hills, the Rochester Community School District, the Rochester Hills Public Library and Older Persons' Commission.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

RECOGNITIONS

2013-0158 Proclamation in Recognition of the Older Persons' Commission (OPC) - Thirty Years as a Great Place to Be!

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

Mr. Webber introduced **Marye Miller**, Executive Director, **Dr. Pierre Atallah**, Chairman, and **Lucy Strand**, Secretary and of the Older Persons' Commission (OPC) and read a resolution recognizing October 16, 2013 as OPC's "Heart of the Community" Day.

Ms. Miller noted that the OPC was formed in 1983 and expressed her appreciation for the support of the City and the community over the years. She stated that the OPC has become a model center for senior facilities in the United States. She thanked the Board members and her staff for their efforts.

Dr. Atallah expressed his thanks, noting that the OPC has been an amazing institution, providing food, transportation, changes of lifestyle and health, and prevention of disease for seniors in the community. He expressed his appreciation to Council Members Webber and Yalamanchi for their contributions to the OPC Board and to the City for its support.

Mr. Webber noted that the same resolution language will be presented at the City of Rochester and at Oakland Township. He added that the Board has been working with County and State officials to offer similar resolutions.

Presented.

Whereas, the Charter Township of Avon, the City of Rochester, and the Charter Township of Oakland joined together on January 20, 1983, to establish the Older Persons' Commission (OPC) under the Urban Cooperation Act through an Interlocal Agreement; and

Whereas, the purpose of the OPC is to provide activities and services for older persons including transportation and actions directed toward the improvement of social, health, housing, educational, emotional, nutritional, recreational, and mobility status; and

Whereas, since 1988 the OPC has provided Meals on Wheels services to seven (7) additional communities, serving 112,500 meals annually and providing 51,540 transportation trips to seniors; and

Whereas, on October 16, 2013, the OPC will celebrate thirty years of providing great service to seniors. Services such as Adult Day Care, Computer Learning, Health and Fitness, Leisure Travel, Meals on Wheels, Nutrition, Transportation, and programs and activities with the vision:

To be the premier community resource for the changing needs of older adults and those who love and care for them; and

Whereas, the OPC is served by a dedicated staff and 2,200 volunteers every year, making the OPC a great place to be!

Therefore, Be It Resolved, that in recognition of the OPC for the services it provides to enhance the quality of life of individuals 50+ and all seniors, and for the successful completion of 30 years of service to the senior community, the City of Rochester Hills recognizes October 16, 2013, as OPC "Heart of the Community" Day; and

Be It Further Resolved, that each year, October 16th will be recognized as OPC "Heart of the Community" Day.

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.

2013-0113 Approval of Minutes - City Council Regular Meeting - March 18, 2013

Attachments: [CC Min 031813.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0080-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 18, 2013 be approved as presented.

- 2013-0137** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills and Legacy Rochester Hills Site Condominium Development, LLC

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0081-2013

Resolved, that the Rochester Hills City Council hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Legacy Rochester Hills Site Condominium Development, LLC, 1683 West Hamlin, Rochester Hills, MI 48309 for Legacy Site Condominiums.

- 2013-0159** Request for Approval of the Sedimentation Basin Agreement between the City of Rochester Hills and Legacy Rochester Hills Site Condominium Development, LLC

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0082-2013

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Sedimentation Basin Agreement, an agreement for the protection of adjacent and downstream properties, watercourses and wetlands for the Legacy Site Condominiums, City File #05-031, between the City of Rochester Hills and Legacy Rochester Hills Site Condominium Development, LLC, 1683 West Hamlin, Rochester Hills, MI 48309.

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

- 2013-0142** Request for Acceptance of a Watermain Easement granted by Flagstar Bank, F.S.B., for Bank of America Site

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0083-2013

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an off-site watermain easement granted by Flagstar Bank, F.S.B., a Federally Chartered Savings Bank of 5151 Corporate Drive, Troy, Michigan 48098, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through, and across land more particularly described as Parcel No. 15-30-326-016.

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

- 2013-0154** Request for Purchase Authorization - DPS/ENG: Standard Agreement for Municipal Street Lighting for the installation of three (3) public street lights within platted streets for Manchester Knolls Subdivision No. 2 in the amount of \$14,884.95; Detroit Edison Company, Clinton Township, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0084-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Standard Agreement for Municipal Street Lighting for the installation of three (3) public street lights within platted streets for Manchester Knolls Subdivision No. 2 to Detroit Edison Company, Clinton Township, Michigan in the amount of \$14,884.95.

Passed the Consent Agenda

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

ORDINANCE FOR INTRODUCTION

- 2013-0152** Acceptance for First Reading - an Ordinance to Amend Division 3 of Article II, City Parks, of Chapter 74, Parks and Recreation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations governing alcoholic beverages on Museum grounds, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations

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

Pat McKay, Supervisor of Interpretive Services, stated that the request to allow alcohol to be served on Museum grounds is a part of a two-year pilot program to gauge its effect on museum bookings and revenues. He explained that most weddings in 2013 have already been booked and 2014 will provide better information. He noted that parties would hire a caterer, and the caterer would carry the liability. The City would receive revenues through the catering service and these revenues would be used to offset the operating costs of the Museum. He pointed out that the Calf Barn is located within the City of Rochester boundaries and mentioned that the Rochester City Planning Commission gave unanimous approval to the proposal, with the caveat that all events end by 11:00 p.m. He mentioned that the parties will not supersede the Museum's regular hours or events and stated that these types of events are not predominantly attended by youth.

President Hooper questioned whether the catering service would be selected through a bidding process.

Mr. McKay stated that it would.

President Hooper questioned whether a patron could bring in their own caterer.

Mr. McKay responded that this would not be allowed and patrons would have to use the City's approved catering service to ensure that the necessary liability insurance was in place.

President Hooper questioned whether only one caterer would be approved.

Mr. McKay responded that caterer selection would be dependent upon how the bids come in. He noted that different caterers can provide different menus and stated that it is not intended to be an exclusive contract.

President Hooper commented that he would recommend more than one caterer.

Mr. Rosen questioned whether the City would hire the caterer or would the patron pay the caterer directly.

Mr. McKay noted that the patron would pay the caterer directly. He explained that the request for proposal would indicate that a percentage of the proceeds would be paid back to the Museum for use of the site. He stated that the City would be held harmless and the liability would fall to the caterer.

President Hooper questioned whether the program would be similar to the City's Single Trash Hauler program.

Mr. Rosen noted that a State License is required to sell liquor.

Mr. McKay responded that the sale of alcohol will not be allowed.

John Staran, City Attorney, explained that no cash bar events would be permitted. He noted that a liquor license is required if any consideration is given for the purchase of alcohol by individuals consuming the alcohol. He stated that the patron hosting the event will pay for the service, including beverages. The actual attendees consuming the alcohol will not be paying.

Mr. Rosen questioned whether that provision is clear in State Law.

Mr. Staran responded that it is.

Mr. Klomp questioned whether the City would have to grant a temporary liquor license for each event.

Mr. McKay responded that a temporary license will not be required as the caterer will be licensed in the State of Michigan.

Mr. Klomp questioned whether the City will be required to obtain additional insurance coverage.

Mr. Staran responded that as a part of the bidding prequalification, the caterer will be required to provide proof of coverage. He stated that the City will ensure that whomever is selected has gone through the screening process, meeting all requirements, indemnification, licensing and ability to comply with the City's and the Michigan Liquor Control Commission's rules. He commented that the City will have the maximum amount of protection and the least liability risk.

Mr. Klomp suggested that the Ordinance include the stipulation that events end at 11:00 p.m.

Mr. Staran responded that the Ordinance currently refers to the rules and policies that are established by the City. He stated that specific hours could be added to the Ordinance itself if Council desires.

Mr. McKay added that the City is very sensitive to the fact that it is located in a residential area.

Mayor Barnett expressed his appreciation to Mr. McKay and his team, noting that the Administration is on a three-year quest to have the Museum become self-supporting. He commented that Sue Thomasson, Museum Staff Assistant, acts as wedding and event coordinator. He pointed out that the City currently loses a good number of wedding bookings when those inquiring learn that alcohol cannot be served. He stated that allowing alcohol could garner new bookings.

Mr. Webber questioned how many receptions are held now.

Mr. McKay responded that wedding receptions are currently non-alcoholic. He explained that while 25 to 30 wedding ceremonies are held at the Museum each year, only one reception was held last year serving cider and donuts.

Mr. Webber expressed his support, noting that it is intended to be a pilot program.

Mr. McKay added that neighboring residents were notified through the Rochester Planning Commission.

Mr. Rosen commented that he is sensitive to the fact that an ending time of 11:00 p.m. may not avoid all complaints. He concurred with incorporating the time into the Ordinance to avoid any question or confusion.

Mr. McKay pointed out that events must be held inside the building and will not be allowed out on the lawn.

President Hooper concurred with the inclusion of a requirement that the caterer be licensed and insured, and all events end by 11:00 p.m.

A motion was made by Rosen, seconded by Klomp, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote:

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

Resolved, that an Ordinance to Amend Division 3 of Article II, City Parks, of Chapter 74, Parks and Recreation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations governing alcoholic beverages on Museum grounds, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations is hereby accepted for First Reading with the following addition: That the Ordinance be changed to add that the caterer shall be licensed and insured, and all events shall end at 11:00 p.m.

NOMINATIONS/APPOINTMENTS

2013-0088 Nomination/Appointment of one (1) Citizen Representative to the Police and Road Funding Technical Review Committee to fill the unexpired term of Linda Raschke ending December 31, 2013

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Suppl Blackstone CQ.pdf](#)
[Butler CQ.pdf](#)
[040813 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Atkinson CQ.pdf](#)
[Duda CQ.pdf](#)
[Ipina CQ.pdf](#)
[McCracken CQ.pdf](#)
[Marries CQ.pdf](#)
[Moore CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[030413 Agenda Summary.pdf](#)
[Raschke Resignation.pdf](#)
[030413 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Thomas Blackstone and Patrick Butler were nominated at the Monday, April 8, 2013, Regular City Council Meeting.

Public Comment:

Thomas Blackstone, 435 Hillview, stated that he is an 18-year resident of Rochester Hills and currently serves on the Advisory Traffic and Safety Board. He commented that he has a Bachelors Degree in Political Science with a focus on local government, and now retired, his previous career included 25 years as a police officer, followed by a position as an insurance investigator.

President Hooper instructed Council Members to vote for either Mr. Blackstone or Mr. Butler.

Mr. Blackstone received the unanimous vote of Council Members in attendance.

President Hooper announced that Mr. Blackstone would be appointed to the Police and Road Funding Technical Review Committee.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0085-2013

Resolved, that the Rochester Hills City Council appoints Thomas Blackstone as a Citizen Representative to the Police and Road Funding Technical Review Committee to fill the unexpired term of Linda Raschke ending December 31, 2013.

NEW BUSINESS

2010-0346 Request for Approval of the Final Plat - Vistas of Rochester Hills, a 47-lot

subdivision located on 22 acres on the south side of Avon between Rochester and John R, zoned R-3, One-Family Residential, Rochester Meadows Real Estate LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Final Plat.pdf](#)
[Memo Moore 041113.pdf](#)
[021113 Agenda Summary.pdf](#)
[FPP Plans.pdf](#)
[Minutes PC 011513.pdf](#)
[PHN FPP 011512.pdf](#)
[101810 Agenda Summary.pdf](#)
[Staff Report FPP Re-approval.pdf](#)
[Staff Report 100510.pdf](#)
[Landscape Plans.pdf](#)
[Back up Documents.pdf](#)
[Minutes PC 100510.pdf](#)
[Minutes PC 102009.pdf](#)
[Minutes PC 032106.pdf](#)
[101810 Resolution.pdf](#)
[021113 Resolution.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, introduced Roy Sera, representing the Applicant. He explained that Council approved the final preliminary plat in February and noted that conditions were added for extra landscaping. He pointed out that the plat is now finalized, the City's Surveyor has reviewed it, and it has been submitted for approval to the State, the County, and the Water Resources Commission. He mentioned that outstanding items include the various maintenance agreements, which he noted would most likely appear on Council's next Agenda. He commented that the heavy rains of the last couple of weeks have washed dirt into the adjoining subdivision, and noted that Mr. Sera worked with the Water Resources Commission to install extra silt jackets and contracted with a private street sweeper to remove the dirt and debris washed out by the storms.

President Hooper requested Mr. Anzek recap the discussions regarding landscape of the detention pond.

Mr. Anzek noted that neighbors were concerned with the look of the gabion wall detention basin. He explained that several alternatives were discussed with Staff and upon consultation with Gerry Lee, Forestry Manager, plans call for an arborvitae green wall to include 14 to 15 plants. He added that the rock base of the access drive would be covered with topsoil, smoothed and seeded.

Public Comment:

Stevie Morris, 1276 Pembroke Drive, requested that Council postpone approving the final plat until the drainage problems have been resolved. She explained that she has lived in the subdivision for 22 years and no drainage problems existed until the development activities began. She commented that the roadway has become a river bed during heavy rain.

President Hooper noted that fabric was placed over the storm drains to protect them from soil, and the problems will continue until the grass grows on the site.

Mr. Anzek concurred, noting that the best scenario would be to have the homes built and the yards sodded. He commented that the developer is responsible for cleaning the drainage basins when the development is 85 to 90 percent built out.

President Hooper commented that the City's Ordinance specifies that the right-of-way must be seeded.

Mr. Sera responded that DTE Energy's utility work should be completed within a week or so. After DTE is finished, a few days will be needed to grade, seed and mulch to establish growth.

Council Discussion:

Mr. Klomp stated that there is a sense of responsibility to ensure that the basin looks acceptable to the residents. He expressed his appreciation for the plans for arborvitae plantings. He mentioned that many detention basins fill with grass and commented that it will look more natural over time.

Mr. Rosen questioned whether grass will solve the flooding and erosion issues. He commented that it takes a month to six weeks to establish grass.

Mr. Sera responded that the rain events have been severe in the past few weeks and hopefully future rain will not be as harsh.

President Hooper stated that it is his opinion that grass will significantly reduce runoff.

Mr. Anzek added that the site is relatively flat. He mentioned drainage problems that recently occurred in the Summit Condominium Development and pointed out that there is a significant hill at that site, which caused erosion and runoff. He stated that it is his opinion that seeding will keep the dirt on this site.

Mr. Rosen commented that the drainage problems cannot continue without serious impact to the homeowners and they must be resolved.

President Hooper stated that the site should be seeded and mulched by May 6th to ensure grass by Memorial Day. He questioned whether an additional condition can be added to the plat approval regarding seeding.

John Staran, City Attorney, responded that this requirement is in the Ordinance. He commented that conditions are typically not attached to a Final Plat approval; however, in this instance, an inclusion could be made to state that Council's approval is at least induced in part by the applicant's representation that the soil in the right-of-way will be seeded on or before May 6th and growth will be established as soon thereafter as possible.

Mr. Webber expressed support, noting that he shares the same concerns. He stated that the City must be cognizant of how the building process affects the people around it.

Mr. Anzek noted that the Administration will provide a status update as the outstanding stormwater maintenance agreements are brought to Council.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdel and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0086-2013

Resolved, that the Rochester Hills City Council hereby approves the Final Plat for Vistas of Rochester Hills, a 47-lot subdivision on 22 acres, Parcel Nos. 15-23-201-006, 15-23-201-010, 15-23-201-011 and 15-23-201-012, located on the south side of Avon, east of Rochester Rd., zoned R-3, One-Family Residential, Rochester Meadows Real Estate LLC, Applicant, based on the Final Plat dated received by the Planning and Economic Development Department on April 9, 2013 and subject to submittal of all required performance guarantees, fees and other requirements that must be met prior to the Clerk's signature, in accordance with the provisions in the attached memo from Roger Moore, DPS/Engineering dated April 11, 2013, with the inclusion that the soil in the right-of-way will be seeded on or before May 6, 2013.

2013-0119 Request for Purchase Authorization - DPS/ENG: Contract for the construction of the DPS Salt Storage Facility in the amount of \$750,150.00 with a 10% contingency of \$75,015.00 for a total not-to-exceed amount of \$825,165.00; MJC Construction Management, Macomb, MI

Attachments: [Agenda Summary.pdf](#)
[Project Bid Summary.pdf](#)
[Salt Storage Presentation to PC.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, and Paul Davis, City Engineer/Deputy Director of DPS/Engineering were in attendance.

Mr. Schneck stated that it is proposed to award the contract for the construction of the salt storage facility to MJC Construction. He noted that the City received 18 bids, and MJC's bid is approximately 18 percent below the engineer's estimate. He mentioned that the site plan has been before the Planning Commission on two occasions, receiving approval. He noted that the Planning Commission's comments and concerns were addressed and 26 trees will be placed along the berm fronting the property in the next couple of weeks.

President Hooper requested that the reason for the facility be discussed.

Mr. Davis stated that the project is a number of years in the making, and the salt storage facility was wrapped in with the need for cold storage. The two facilities were included in the Capital Improvement Plan (CIP) as two separate projects as a part of the DPS campus plan. He pointed out that the \$15.5 million was originally proposed for the campus, with \$12.5 million approved. He explained that

while \$3 million was deducted from the total, including salt storage and additional work on the other side of the DPS campus, the need for the facilities still exists. He noted that the Michigan Department of Environmental Quality requires that any facility that stockpiles more than five tons of salt must either store it in an enclosed structure or tarp it. He explained that tarping is what the City is currently doing, pushing the salt into seven three-sided wooden bins that hold 300 tons of salt each, for a total storage capacity of 2,100 tons. He commented that the City uses more salt than its storage capacity in one year, and noted that the City must commit to a bulk purchase of salt at the beginning of each year. He mentioned that any salt over 2,100 tons is stored outside in the DPS yard covered with tarps held down by tires. He commented that the tarps are frequently out of place and the pile is stored in an unpaved area, with the potential for groundwater infiltration. He stated that the DEQ flagged the City's storage process as a weakness.

He stated that after reviewing structures that included a dome or high arch gambrel building, a rectangular structure was selected to accommodate 3,500 tons of salt. He mentioned that 18 bidders responded to the solicitation, which is the highest number of bidders on a project since he has been with the City. He commented that the project will improve operations, providing a safe and efficient travel pattern.

Public Comment:

Scot Beaton, 655 Bolinger, expressed his appreciation for the work of the DPS employees. He questioned what communication was undertaken with residents across the street and why there is a need to match the DPS building. He suggested that a package pre-fab salt storage building could be purchased at approximately one-third of the cost. He questioned why the Water and Sewer Capital Fund is to be used.

Lee Zendel, 1575 Dutton, suggested that the building is too extensive for the need, and questioned whether salt could be ordered as needed so less storage would be required. He commented that the catalog-type buildings were one-third of the cost of this project.

Mr. Schneck stated that the Fiscal Department was consulted regarding the use of Water and Sewer Capital to fund the project. He explained that the property is owned by Water and Sewer, and the DPS Facility construction in 2008 was funded through Water and Sewer Capital. He explained that Major and Local Roads will pay the fund back over the 20-year life of the building.

John Staran, City Attorney, noted that this arrangement has been done before and is appropriate.

President Hooper questioned whether there was a requirement for public notice for improvement to the DPS Facility.

Mr. Staran responded that there is not.

Mr. Schneck commented that the building will actually be further away from the residences at the northwest part of the campus than the current storage buildings.

President Hooper noted that the facility was discussed at the Planning Commission with public comments. He stated the process began in 2010 and discussions were held at five public meetings.

Mr. Davis concurred, noting that the project went before the Planning Commission at least two times, and before Council three times.

President Hooper questioned why the structure must match the new DPS building.

Mr. Davis responded that it does not have to match, noting that many facilities have domed structures. He commented that once the options were reviewed, it was determined that metal structures with a fabric skin may be cheaper, but are not as dependable. He pointed out that a domed structure with conveyor was originally estimated at \$405,000 to \$480,000 and he noted that the combined bid for salt storage and cold storage came in at \$747,500. He mentioned that the ten percent contingency is not always used.

President Hooper questioned what the cost split is between the cold and salt storage and if alternate size structures were considered.

Mr. Davis responded that the bid was handled more as a complete project of days and price, along with a price for any additions or deletions. He commented that there is a chance that poor soils could be encountered. He pointed out that the CIP included \$450,000 for salt storage and \$288,000 for cold storage, or a two-to-one cost ratio.

Mr. Schneck explained that an eight to nine year period of salt usage was reviewed to determine the optimum size facility. He stated that storage for 5,000 tons was originally planned; however, once actual usage and the use of brine was considered, 3,500 tons was selected.

Mr. Davis pointed out that if the City contracts for 5,500 tons of salt, it is obligated to take 70 percent of that amount. He noted that salt beyond what the current storage facility holds is covered with a tarp held down with tires. He mentioned that an employee was injured moving the tarp and tires.

President Hooper questioned what determines the optimum height of the building.

Mr. Schneck responded that ten feet clear to the ceiling is needed, and that distance determined the building footprint.

Mr. Davis added that the height of the salt pile must stay below a maximum of 20-feet to be manageable.

Mayor Barnett noted that a domed structure of that capacity would have to be between 70 and 80 feet tall.

President Hooper questioned if a pre-fab pole barn structure would be acceptable.

Mr. Davis responded that salt carries much weight, and it is not feasible to construct a pre-fab building in the parking lot as the lot cannot support the weight.

He noted that walls must be strong enough to hold the pressure of the salt and added that construction materials are important as truss plates could rust due to salt exposure.

Council Discussion:

Mr. Tisdell questioned the value of the current facility and the expected life for a storage building.

Mr. Schneck responded that the current facility has a value of approximately \$12.5 to \$13 million dollars. He suggested an additional six percent be added to the total value once constructed. He pointed out that the cost will be amortized over 20 years; however, the facility will last 30 to 40 years.

Mr. Webber commented that it is a good investment to make over the course of a 30 to 40 year lifespan and will satisfy the DEQ's concerns and afford economies of scale combining cold storage into the project.

Mr. Rosen questioned whether the salt storage building will be completely separated from the cold storage. He commented that if the City receives salt deliveries throughout the year, there might not be a need for such capacity.

Mr. Schneck responded that a driveway will be constructed between the buildings. He commented that the City determines the salt delivery schedule.

Mr. Davis added that it is more labor intensive to receive salt deliveries in the wintertime. He noted that salt shortages could be encountered if deliveries are delayed.

Mr. Rosen questioned whether there are additional projects planned for the complex.

Mr. Schneck noted that the proposed facility meets the same goals and objectives of safety and efficiency as existed when it was planned in 2003 and constructed in 2008. He stated that the current unused structure is a liability to the City.

Mr. Rosen commented that the total facility cost could be considered \$13.5 million, reduced from \$15.5 million, not \$12.5 million as originally thought. He questioned whether there has been any consideration to the possibility that salt will not be permissible on roads in the future.

President Hooper stated that the use of salt is projected for the foreseeable future. He pointed out that it was known for some time that salt storage had to be addressed. He commented that salt is a direct correlation to safety on the roads and it is not worth the gamble to replenish the supply when everyone else is competing for deliveries.

Mayor Barnett noted that he originally voted against the entire facility when he was on Council. He stated that he subsequently participated in a committee to cut costs. He commented that it was never mentioned that there would not be any additional monies spent on the DPS facility to improve its service to the residents.

He mentioned that an appropriate salt storage facility will satisfy the DEQ. He stated that if it is thought that salt might not be appropriate at a time in the future, it can also be considered inappropriate that the City currently stores it outside.

***Mr. Rosen** stated that he is suggesting that an analysis be completed to determine a minimum necessary storage size plus a process maximize number. He commented that he wants assurances that there will be no more additions to the facility than this one.*

***Mr. Klomp** stated that the objective is to maximize service to the residents while minimizing costs and ensuring safety.*

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

Aye 4 - Hooper, Klomp, Tisdell and Webber

Nay 1 - Rosen

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0089-2013

Resolved, that the Rochester Hills City Council hereby authorizes the contract for the construction of the DPS Salt Storage Facility to MJC Construction Management, Macomb, Michigan in the amount of \$750,150.00 with a 10% contingency of \$75,015.00 for a total not-to-exceed amount of \$825,165.00.

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.

(Mr. Klomp exited at 9:05 p.m. and re-entered at 9:07 p.m.)

2012-0116 Request for Purchase Authorization - DPS/ENG: Proposal for Construction Engineering Services for the DPS Salt Storage Facility Project in the amount of \$40,000.00 for a new not-to-exceed amount of \$104,000.00; Orchard, Hiltz & McCliment, Inc., Livonia, MI

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

Allan Schneck, Director of DPS/Engineering, stated that Orchard, Hiltz & McCliment, Inc., (OHM) is being recommended to provide construction oversight on the DPS Salt Storage Facility Project.

Public Comment:

Scot Beaton, 655 Bolinger, suggested that the City's Building Department provide construction oversight.

Lee Zendel, 1575 Dutton Road, commented that DPS will pay \$362,000 in rent to the Water and Sewer Capital Fund for the DPS Facility. He noted that the City has operated for over 20 years with storage for only 2,100 tons of salt. He stated that the cost of construction oversight services must be included in consideration of the cost of the project, making the total cost over \$900,000 with cost overruns. He suggested a pre-fab building be constructed instead.

President Hooper questioned whether the City's Building Department could provide construction oversight.

Paul Davis, City Engineer/Deputy Director of DPS/Engineering stated that while the City's Building Department does an excellent job, OHM has been involved in the design, and has extensive experience in doing projects for other communities. He commented that OHM's contract of \$40,000 will be expended as needed, and will include shop drawing submittals.

President Hooper added that the Building Department has seen its workload increase and would most likely not be able to provide manpower without hiring additional staff.

Council Discussion:

Mr. Rosen questioned whether OHM performed the original study for the facility in 2010.

Mr. Davis responded that they have been involved since the beginning of the project and prepared the drawings and specifications.

Mr. Tisdell questioned the capacity of the Building Department and whether this would be incremental to their basic mission to the City.

Mr. Schneck responded that while Building and safety have been involved since the beginning, OHM will carry the project to completion.

Mr. Tisdell questioned whether there is engineering liability exposure.

Mayor Barnett responded that there is, and noted that there is value in having individuals provide inspection services in their field of expertise. He commented that the Building Department reviews many plans; however, it does not generally prepare design plans.

John Staran, City Attorney, added that there would be a third party with professional responsibility to ensure that the design and construction is done properly.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0087-2013

Resolved, that the Rochester Hills City Council hereby authorizes the Proposal for Construction Engineering Services for the DPS Salt Storage Facility Project to Orchard, Hiltz & McCliment, Inc., Livonia, Michigan in the amount of \$40,000.00 for a new not-to-exceed amount of \$104,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

2013-0117 Request for Purchase Authorization - DPS/ENG: Contract for 2013 Asphalt Rehabilitation Program in the amount of \$963,636.10 and a 10% contingency of \$96,363.61 for a total not-to-exceed amount of \$1,059,999.70; Pro-Line Asphalt Paving Corp., Washington Twp, MI

Attachments: [Agenda Summary.pdf](#)
[Plan Cover Sheet w Location Map.pdf](#)
[Bid Tabs.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the 2013 Asphalt Rehabilitation Program will include the resurfacing and rehabilitation of a multitude of streets, parking lot rehabilitation at Fire Station #1, and the installation of traffic calming speed humps in Shadow Woods Subdivision.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0088-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Contract for 2013 Asphalt Rehabilitation Program to Pro-Line Asphalt Paving Corp., Washington Township, Michigan in the amount of \$963,636.10 and a 10% contingency of \$96,363.61 for a total not-to-exceed amount of \$1,059,999.70.

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.

2013-0144 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for rock salt in the not-to-exceed amount of \$162,785.00; Detroit Salt Company LLC, Detroit, MI

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

Allan Schneck, Director of DPS/Engineering, stated that 29 government entities participated in a cooperative bid with the Road Commission for Oakland County to purchase 214,200 tons of salt.

Mr. Webber commented that the City needs to take delivery of 70 percent of the salt it contracts for, and questioned what would happen if it is another mild winter.

Paul Davis, City Engineer/Deputy Director of DPS/Engineering, responded that if the City does not take delivery, it must pay storage fees.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdell and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0090-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Detroit Salt Company LLC, Detroit, Michigan for the purchase of rock salt in the not-to-exceed amount of \$162,785.00 through June 30, 2014.

2013-0148 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Water Meters and Equipment in the amount not-to-exceed \$155,000.00 through December 31, 2013; ETNA Supply Company, Grand Rapids, MI

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

Allan Schneck, Director of DPS/Engineering, explained that a new Federal mandate requires that starting in January of 2014, water meters installed or replaced in the City's system cannot have more than 0.025 percent lead. He commented that different types of meters have been considered for integration into the system; however, any meters must also be able to be read in a fashion that the system can handle the data and transfer it to the billing system. He explained that an alpha character is placed before the meter reading and various manufacturers each use a different character. Reprogramming the software to accommodate different meters could be challenging; therefore, Council is requested to approve ETNA Supply Company.

President Hooper questioned if the City planned to go out for bids for new billing software next year and whether new software would allow more flexibility.

Mr. Schneck responded that any request for proposals for software would include an open architecture to incorporate more products into the system. He noted that bids would be sought next year.

Mr. Rosen questioned whether the City's current meters contained lead.

Mr. Schneck read an excerpt from the Federal mandate, noting that the City will not be required to immediately replace 30,000 meters; however, any new product put into the system after January 1st of 2014 must meet the compliance of no lead.

Mr. Rosen questioned whether the meters purchased in the last couple of years comply.

Mr. Schneck responded that the meters purchased in years past comply. The meters currently being purchased comply with the January 2014 mandate.

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

Aye 5 - Hooper, Klomp, Rosen, Tisdel and Webber

Absent 2 - Kochenderfer and Yalamanchi

Enactment No: RES0091-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Water Meters and Equipment to ETNA Supply Company, Grand Rapids, Michigan in the amount not-to-exceed \$155,000.00 through December 31, 2013.

COUNCIL COMMITTEE REPORTS

Police and Road Funding Technical Review Committee (PRTRC):

Mr. Webber reported that the meeting of the PRTRC originally scheduled for Wednesday, April 24, 2013, has been moved to Wednesday, May 15, 2013.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Special Joint Meeting with the City of Auburn Hills - Monday, April 29, 2013 - 6:00 p.m.; Regular Meeting - Monday, May 6, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:24 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, Clerk
City of Rochester Hills*

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

Approved as presented at the June 24, 2013 Regular City Council Meeting.