



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

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

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

*Vision Statement: The Community of Choice for Families and Business*

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

---

Monday, December 13, 2010

7:00 PM

1000 Rochester Hills Drive

---

## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen  
and Michael Webber

**Absent** 1 - Ravi Yalamanchi

## Others Present:

*Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant  
Dan Casey, Manager of Economic Development  
Paul Davis, Acting Director of DPS/Engineering  
Eric LaRose, Rochester Hills Government Youth Council Representative  
Jane Leslie, City Clerk  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

**Aye** 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

**Absent** 1 - Yalamanchi

**(Mr. Yalamanchi entered at 7:06 p.m.)**

**Present** 7 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

## **PUBLIC COMMENT**

**Rochester Hills Government Youth Council Members** sang "We Wish You a Merry Christmas". RHGYC member **Trip Brennan** commented that the group would sing carols for residents at Mercy Bellbrook this coming Wednesday.

**Shawn Cooper**, 3014 Baypoint Drive, read a resolution that he requested Council consider adopting regarding suspending consideration of water reservoirs.

**David Tripp**, 960 East Tienken Road, stated that the current Road Commission for Oakland County (RCOC) plan to pave Washington Road ignores the wishes of Rochester Hills residents and has no regard for the City's historic resources. He commented that the proposal is completely against the findings of the recent historic study.

**Brian Ekis**, 3484 Wedgewood, expressed opposition to the construction of a water reservoir anywhere on residential land within the city. He stated that the proposed northwest site was purchased with tax money. He commented that the site would operate 24 hours a day, and be a fenced-in clear-cut area with bright security lighting that may violate the City's Zoning Ordinance. He noted that the reservoir is in violation of the City's Mission Statement.

**Dee Hilbert**, 3234 Quail Ridge Circle, questioned whether a public meeting on water reservoirs would be scheduled for January and whether a vote would be taken at that time. She commented that information should be available to the public prior to the meeting and enough notice provided.

**Scot Beaton**, 655 Bolinger, thanked the City workers who plow the streets. He requested that Council discuss Mr. Cooper's proposed resolution.

**Mike Maland**, 3569 Wedgewood Dr., stated that the proposed northwest reservoir location was purchased with the intent of green space or parks funds. He questioned what would occur if a catastrophic event happened on the site. He commented that he spends approximately \$900 annually on water and suggested a discount be given to those residents who water at night. He stated that the Detroit Water and Sewerage Department (DWSD) will raise rates to cover costs.

**Melinda Hill**, 1481 Mill Race, commented that the Washington Road paving proposal has not adhered to a resolution passed by City Council in 2007 regarding preliminary engineering and design and does not follow the plan for the Historic District. She stated that the RCOC cannot clear its roads of snow and ice from this weekend's storm, while Livernois, maintained by the City, is clear.

**Penny Lowes**, 5991 Winkler Mill Road, Oakland Township, commented that Dequindre is already a highway-type option and if paved, Washington Road should be kept to a 25-mile-per-hour limit with stop signs at cross streets.

**Pablo Fraccarolli**, 1263 Cobridge Drive, encouraged Council's adoption of the resolution presented by Mr. Cooper regarding reservoirs.

**Dean McMinn**, 5991 Winkler Mill Road, Oakland Township, commented that a raceway was created when the section of roadway was paved between Dequindre and 26 Mile Road. He stated that paving Washington Road will create another extension of that raceway, changing the landscape and ruining the area's rural feel.

**Alan Sheidler**, 1650 Washington Road, stated that the RCOC has not paid much attention to the Historic District Study and the proposed paving plan will ruin the entire nature of the area. He mentioned that the RCOC's plan would be to widen Washington and Tienken Roads to four lanes between 26 Mile Road and Squirrel Road to the west, commenting that the plan should be stopped now.

**Jeffrey Young**, 1740 Washington Road, stated that Washington Road is a historic residential neighborhood with no schools, gas stations, offices, hospitals or manufacturing plants and paving this section of road would turn their dream into a nightmare.

**Cindy Young**, 1740 Washington Road, commented that her home was once the Red Barn Nursery School. She stated that she previously lived on Silverbell where many unsafe driving conditions existed, noting that Washington Road is not like that. She pointed out that the proposed paving would destroy history forever.

**Mark Bookspan**, 1273 Chaffer Drive, stated that he is opposed to reservoirs for safety reasons, citing information he assembled about catastrophic tank failures. He commented that if it is in the City's best interests to have a reservoir, it should be built in a commercial area.

**Peggy Fisher**, 3508 Wedgewood Drive, commented that reservoirs should not be built in anyone's backyard and people will fight to stop water reservoirs in residential areas.

**Beth Bartos**, 1461 Mill Race, stated no one wants what the RCOC has planned for Washington Road and the City should tell the RCOC to go away.

**Deanna Hager**, 1841 Carter Road, questioned why the RCOC is not made to comply with historic preservation standards, while homes on Washington Road must be held to these standards. She stated that a poll taken in downtown Rochester during Lagniappe found that most wanted the Washington Road area to be kept historic and not change.

**Gary Uhl**, 3508 Wedgewood Drive, commented that he had misspoke during a previous meeting regarding the purchase of the Tienken Road park property, noting that although purchased with Parks bonds and not with Green Space monies, the property was purchased with the same intent. He stated that the proposed water reservoir would discredit the Master Land Use Plan, the City's Mission Statement and would affect property values. He commented that Auburn Hills should build the reservoir on high property north of Dutton and Rochester Hills should become their customer.

**Erin Howlett**, 3597 Aynsley Drive, stated that Residents Opposing All Reservoirs is a fact-based group formed in opposition to reservoirs and has 300 members. She mentioned she was surprised when she saw the Rochester Post article published December 2, 2010 which stated that water reservoirs are moving forward.

**Tom Hager**, 1841 Carter Road, mentioned a meeting scheduled for this coming Wednesday between the City of Rochester Hills, the City of Rochester and the RCOC regarding Washington Road and questioned why the Historic Districts Commission is not involved. He questioned whether the City would pull funding for the project if the RCOC does not modify the plan.

**Dr. M. Al-Ameri**, Rochester Hills, stated that he lives adjacent to Washington Road and the road's current condition is a safety and health-hazard and paving the road is an excellent idea. He noted that while he appreciates the residents' comments, as a medical professional practicing pulmonary medicine, he knows that inhaling the dust and chemicals sprayed on the dirt is damaging to health.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mayor Barnett** made the following announcements:

- A new video will be playing on Rochester Hills Television regarding the City's policy for snow plowing.
- DPS crews pre-salted the City's Major Roads in advance of the snowstorm. Crews worked from midnight until 4:00 today and were mandated to go off until midnight tonight. Residents are asked to keep cars off of roadways to facilitate clearing subdivision roads. The City's 37 drivers will clear 240 miles of City roads, including 620 cul-de-sacs and 100 miles of bike paths. Many of the drivers have been with the City for 25 to 30 years.
- City Hall will be closed for the holiday on December 24<sup>th</sup>, 27<sup>th</sup>, and 30<sup>th</sup>.
- The City will recognize a new company tonight coming into the community. This year, twenty-four new high-tech companies have made plans to move into City, with over 1,100 new jobs projected.

In response to Public Comment, he noted the following:

- Regarding the proposed water reservoir:
  - \* Properties adjacent to the Village of Rochester Hills were reviewed to ascertain the impact of the commercial development on home values. Increased traffic, dumpster removal, and other factors were considered; and it was found that a two-percent reduction in home values was experienced by properties directly adjacent. While commercial property is nothing similar to a reservoir, these factors can be considered when reviewing the business case for reservoirs.

\* The article appearing in *The Rochester Post* was dated December 2, 2010, while plans to revisit the business case for reservoirs was discussed at Council's meeting of December 6, 2010.

- Regarding the Washington Road Paving Proposal:

\* In 2007, Council unanimously voted to support a plan to pave Washington Road with the conditions included that the speed limit not exceed 35 miles-per-hour, the roadway have a similar cross-section to Dutton Road and the historic character of the community would not change.

\* While there is not much support for the project and residents would like to see the City tell the RCOC to go away, the City must still partner with the RCOC in other areas, such as plowing, deer removal and finding funding for other road projects such as the Avon Road Bridge. Upon review, the Tienken Bridge design was revised from what was initially proposed to an acceptable alternative.

\* The proposed paving plan does not protect the City's historic treasure.

\* The meeting scheduled for this coming Wednesday is a technical meeting to discuss the results of the public hearing.

\* The City Administration does not support this proposal, nor does the HDC or the City of Rochester's Administration. Rochester has this item on their agenda tonight as well.

**Eric LaRose**, Rochester Hills Government Youth Council (RHGYC)

Representative, reported that the group participated in the Rochester Hometown Christmas Parade and helped at the City's Holiday Family Fun Night. The RHGYC will carol this Wednesday at Mercy Bellbrook, and is working on completing a promotional video. Four RHGYC members have been hard at work filming the RHGYC's activities for the year. Today's RHGYC meeting included planning of the group's annual 5K Run to be held in June.

**Mr. Yalamanchi** encouraged residents to continue to attend meetings and stay involved. He expressed appreciation for the efforts of DPS staff. He agreed with the Mayor regarding the Washington Road Paving Proposal, noting that it appears that things are moving in the right direction and commenting that the City needs to continue to work with the RCOC to make sure the right result is obtained. He commented that he is not opposed to considering the resolution presented by Mr. Cooper regarding water reservoirs and questioned whether it could be taken up in discussion later in the meeting.

**President Hooper** responded that the resolution could be discussed under Any Other Business.

**Mr. Webber** wished everyone a Happy Holiday.

**Mr. Rosen** extended kudos to DPS staff for their efforts in clearing roads after the year's first good storm. He commented that few roads maintained by the RCOC were salted or plowed. He wished everyone a Happy Holiday season.

**Mr. Klomp** encouraged residents to stay engaged on both the water reservoir issue and the Washington Road paving proposal. He mentioned that the Holiday Helpers gifts would be collected tomorrow near the tree outside the Mayor's Office and announced a get-together fundraiser to collect unwrapped gifts tomorrow at Limelight Restaurant in Rochester.

**Mr. Brennan** wished everyone a Happy Holiday season and thanked the RHGYC for their caroling. He complimented DPS staff for their efforts in clearing snow. He questioned when a public meeting would be scheduled for a water reservoir discussion and whether the public is invited to Wednesday's meeting with the RCOC on Washington Road. He stated that he is not comfortable voting on Mr. Cooper's resolution tonight without time to adequately review it.

**Mayor Barnett** responded that the water reservoir topic would be scheduled for a meeting tentatively for January 24th or January 31st. He stated that Wednesday's meeting with the RCOC is a technical meeting to discuss feedback and no decisions would be made.

**Mr. Pixley** mentioned that he received calls regarding the DPS' excellent work on clearing the roadways. He commented that City employees were recognized today for length of service and outstanding work. He thanked Mr. LaRose for representing the RHGYC.

**President Hooper** wished everyone a Merry Christmas and Happy Holiday Season. He stated that interested individuals will be notified by mail when the Water Reservoir issue or Washington Road topics will be discussed. He commented that the City has no editorial control of what is printed in newspapers.

## ATTORNEY MATTERS

**City Attorney John Staran** had nothing to report.

## 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.

**2010-0522** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for heavy duty truck parts in the amount not-to-exceed \$45,000.00 through December 31, 2013; Van Horn Truck Parts, Inc., Rochester, MI and other auto parts vendors as required

**Attachments:** [Agenda Summary.pdf](#)  
[Pricing Tabulation.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0297-2010

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for heavy duty truck parts to Van Horn Truck Parts, Inc., Rochester, Michigan and

other auto parts vendors as required in the amount not-to-exceed \$45,000.00 through December 31, 2013.

- 2010-0537** Request for Purchase Authorization - DPS/ENG: Standard Agreement for Municipal Street Lighting between the City of Rochester Hills and the Detroit Edison Company for the installation of a street light within the Hazelwood Hills Subdivision at the boulevard island entrance at the intersection of Grand Park and Hazelton Avenue and approval of the payment of \$4,351.09

**Attachments:** [Agenda Summary.pdf](#)  
[Street Light Location Map.pdf](#)  
[Hazelton Hills HOA/CoRH Agreement.pdf](#)  
[DTE/CoRH Standard Agreement.pdf](#)  
[Suppl DTE/CoRH Agreement \(Revised\).pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0298-2010

**Resolved**, that the Rochester Hills City Council hereby approves the Standard Agreement of Municipal Street Lighting between the City of Rochester Hills and the Detroit Edison Company for the installation of a street light within the Hazelwood Hills Subdivision at the boulevard island entrance at the intersection of Grand Park and Hazelton Avenue, payment of \$4,351.09 and further authorizes the Mayor to execute the agreement on behalf of the City.

### Passed the Consent Agenda

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

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

### PUBLIC HEARINGS

- 2010-0495** Request for Approval of an Industrial Facilities Exemption Certificate by Otto Bock for a period of five (5) years

**Attachments:** [Agenda Summary.pdf](#)  
[Development Agreement Draft.pdf](#)  
[Suppl Development Agreement \(Revised\).pdf](#)  
[Suppl Presentation.pdf](#)  
[Exhibit A 2008 Tax Exemption Chart.pdf](#)  
[Application.pdf](#)  
[Application Question 6a.pdf](#)  
[Application Section 6b.pdf](#)  
[Otto Bock Brief History.pdf](#)  
[5 Year Analysis.pdf](#)  
[112210 Agenda Summary.pdf](#)  
[112210 Resolution.pdf](#)  
[Resolution.pdf](#)

**Dan Casey**, Manager of Economic Development, stated that Otto Bock

*Polyurethane Technologies, Inc., has applied for a five-year abatement of real and personal property. He explained that the German company produces molded polyurethane products to control noise and vibration in addition to products used in medical devices. He reported that the company plans to invest \$3.8 million in both real and personal property, with \$732,000 invested to reconstruct office areas and rebuild laboratory facilities. Thirty-nine new jobs are proposed for the first two years and up to 100 jobs over the five-year lease period. The location selected, 2923 Technology Drive, was previously occupied by ThyssenKrupp and is currently in an existing Industrial Development District located in the City's SmartZone. He explained that ThyssenKrupp's abatement was transferred from Energy Conversion Devices (ECD), which occupied the building for two years. Upon ECD's decision to vacate, ThyssenKrupp's Copper and Brass division agreed to sublease the property in 2008 and Council agreed to transfer the abatement at that time. Early this year, ThyssenKrupp contacted the City and explained that the company was attempting to eliminate some of their facilities and wished to find a company to sublease the Technology Drive location. In cooperation with the Michigan Economic Development Corporation (MEDC), Otto Bock was found to have interest. Early discussions with the MEDC centered around a transfer of the IFT; however, as the project progressed it became obvious that it would be more appropriate to request the State terminate the original abatement and allow Otto Bock to apply for a separate abatement. He pointed out that Otto Bock plans to gut the office area originally built out by ECD and covered by the IFT, which would take the improvement covered in the IFT down to zero value. Further, Otto Bock preferred a longer term than currently existing on the lease.*

**Thomas Matwiczuk**, Senior Technical Sales Representative, Otto Bock Polyurethane Technologies, Inc., gave the following presentation:

Otto Bock - History and Background:

- 1919 - Company founded as an Orthopedic Company in Berlin
  - 1953 - Otto Bock Kunststoff (Polyurethanes) Department
  - 1954 - Otto Bock USA Health Care
  - 1967 - Developed Chemicals for First PUR Steering Wheel
  - 2000 - Opening of OB Polyurethane Technologies, Inc., PGH, PA
  - 2005 - Production of Slabstock Polyurethane in China
  - 2011 - Opening of Rochester Hills, MI Production Facility
- 
- Family-Owned Company - Third Generation
  - Global Group Sales in 2009 - \$820 million
  - Employees Worldwide in 2009 - 4400

Global Activities:

- Represented in 40 different countries, with sales offices and production facilities.

Objectives for the New Facility:

- Introduce New Technology to Improve Noise, Vibration and Harshness
- Produce Foam Parts for Engine Compartments

- Create 18 new jobs in 2011 (40 in 2 years)
- Create 98 new jobs by the end of 2015
- Total Capital Investment in 2011 - \$3,760,000
- Total Capital Investment by 2015 - \$13,885,000

Mr. Matwiczuk noted that the company will help the Big-Three improve product quality. He stated that the company plans to sign a five-year lease with two five-year extensions. All jobs will be newly-created, with wages averaging \$25.00 per hour. The lowest wage proposed for unskilled labor positions would be \$15.00 per hour. These will not be contract jobs; each employee will receive full benefits, including ten paid holidays and paid vacation. Skilled labor needed would be brought in, and would potentially relocate to Rochester Hills.

Product Overview:

- Reduction in Engine Noise
- Temperature Insulation
- Cost Improvements
- Reduction in Part Numbers
- Global Support
- Weight Reduction
- Recyclable - All Polyurethane

He described the company's technological advantage of its products, showing a Polyurethane Cross Section:

- Elastomeric Skin
  - \* Micro Porosity Structure
  - \* Covering and Encapsulation Function
- Structural Transition
  - \* Elliptically-Open Cellular Structure
  - \* Sound Absorber Function
- Cellular Absorber Core Foam
  - \* Regular Open Cellular Structure
  - \* Sound Absorber Function

Mr. Matwiczuk noted that the product has been in production for four or five years in Europe and has been tested to 150 degrees Centigrade, is resistant to chemicals and meets all OEM Specifications. Various parts were passed around.

**Mr. Casey** reviewed the tax implications of the request:

Over a five-year period without Abatement:

- \$212,012 - All jurisdictions
- \$70,346 - City's portion

With Abatement:

- \$106,006 - All jurisdictions
- \$35,173 - City's portion

*He stated that no back taxes exist on the property, and as the Industrial Development District is currently in place, no Public Hearing is needed for the IDD. A Public Hearing is required for the Tax Abatement.*

**President Hooper Opened the Public Hearing at 8:43 p.m.**  
**Seeing No Public Input, President Hooper Closed the Public Hearing at 8:44 p.m.**

*John Staran, City Attorney, noted that the Development Agreement is a modernized version of the City's standard agreement, updated substantively to clarify and more directly state the provisions required.*

**Mr. Yalamanchi** requested the following information:

- *What vehicles would receive these parts and whether this is the first time the product will be available for the United States.*
- *Whether a clawback provision is included.*
- *Whether the proposed resolution releases ThyssenKrupp from the IFT.*
- *How the requirements of the IFT would be satisfied: Employment OR minimum investment; or employment AND minimum investment.*

**Mr. Matwiczuk** responded that the parts would be targeted to General Motors, Ford and European cars such as Mercedes, BMW, Volkswagen, Opel, and GM-Europe. He noted that it is the first time the products would be available in the United States.

**Mr. Casey** stated that there is no need for a clawback provision as the IFT is relatively small. He commented that only the State Tax Commission can release the IFT; the City can only request the release.

**Mr. Staran** noted that the company will have to meet both job creation and investment conditions.

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

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

Enactment No: RES0299-2010

**Whereas**, an Industrial Development District was established on September 6, 2006 at 2923 Technology Drive, also known as Parcel Number 15-30-477-012, and further described as:

THE SOUTH 133 FEET OF LOT 33 AND THE NORTH 142 FEET OF LOT 34, "ROCHESTER HILLS EXECUTIVE PARK" AS RECORDED IN LIBER 199, PAGES 26-30, OAKLAND COUNTY PUBLIC RECORDS. LYING IN THE SOUTHWEST 1/4 OF SECTION 29, AND THE SOUTHEAST 1/4 OF SECTION 30, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN. CONTAINING 132,000 SQUARE FEET, OR 3.03 ACRES; and

**Whereas**, IFT #2006-428 was transferred to ThyssenKrupp Materials NA, Inc. on September 15, 2008 for real property only located at the same facility; and

**Whereas**, ThyssenKrupp Materials NA, Inc. has vacated the building as of November 1, 2010; and

**Whereas**, Otto Bock Polyurethane Technologies, Inc. is proposing to lease the building at 2923 Technology Dr., and has applied for a State of Michigan MEGA tax credit which requires a local match, and the match is a proposed tax abatement of real and personal property; and

**Whereas**, the MEGA Board is proposed to act on the MEGA request on December 14, 2010; and

**Whereas**, Otto Bock Polyurethane Technologies Inc. filed an application for an Industrial Facilities Exemption Certificate for real and personal property on November 4, 2010; and

**Whereas**, in its application, Otto Bock Polyurethane Technologies, Inc. has indicated that it plans to significantly alter and reconstruct the portion of real property that is subject to Industrial Facilities Exemption Certificate #2006-428; and

**Whereas**, a Public Hearing regarding this request was held at City Council's Regular Meeting of December 13, 2010 in which the taxing authorities, applicant and public were given an opportunity to be heard; and

**Whereas**, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

**Resolved**, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Otto Bock Polyurethane Technologies, Inc. for an Industrial Facilities Exemption Certificate for a period of five (5) years for real and personal property; and

**Be It Further Resolved**, that the accompanying agreement between Otto Bock Polyurethane Technologies, Inc. and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution no later than January 31, 2011; and

**Be It Further Resolved**, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form; and

**Be It Finally Resolved**, that the City Council requests that the State Tax Commission terminate Industrial Facility Exemption Certificate #2006-428 for the reasons stated above and requests that City Administration submit this request in writing along with a copy of this resolution to the State Tax Commission no later than January 31, 2011.

## NOMINATIONS/APPOINTMENTS

**2010-0504** Nomination/Appointment of seven (7) Citizen Representatives to the Water and Sewer Technical Review Committee each for one-year terms expiring December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Allen CQ.pdf](#)  
[Borucki CQ.pdf](#)  
[Cheesman CQ.pdf](#)  
[Graham CQ.pdf](#)  
[Hurst CQ.pdf](#)  
[Jacobson CQ.pdf](#)  
[Karas CQ.pdf](#)  
[McDonald CQ.pdf](#)  
[Puscas CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[Woolf CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Kobylarz CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Verschueren CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Johanna Allen, Martin Borucki, Clare Cheesman, Richard Graham, Philip Hurst, Timothy Jacobson, George Karas, Thomas McDonald, Laurie Puscas, Tom Stephens and Murray Woolf were nominated to the Water and Sewer Technical Review Committee at the December 6, 2010 Regular City Council meeting.

### **Public Comment:**

**Philip Hurst**, 1741 Grandview Drive, commented that he would like to offer his involvement in this committee.

**President Hooper** instructed Council to vote for seven nominees. The nominees received the following votes:

**Johanna Allen:** Hooper, Pixley, Brennan, Klomp, Webber and Yalamanchi

**Martin Borucki:** Hooper, Pixley, Brennan, Klomp, Webber and Yalamanchi

**Clare Cheesman:** Rosen

**Richard Graham:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and

*Yalamanchi*

**Philip Hurst:** *Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi*

**Timothy Jacobson:** *Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi*

**George Karas:** *Hooper, Pixley, Brennan, Klomp, Rosen and Webber*

**Thomas McDonald:** *Pixley, Klomp, Rosen and Webber*

**Laurie Puscas:** *Rosen*

**Tom Stephens:** *Yalamanchi*

**Murray Woolf:** *Hooper and Brennan*

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

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

Enactment No: RES0304-2010

**Resolved**, that the Rochester Hills City Council appoints Johanna Allen, Martin Borucki, Richard Graham, Philip Hurst, Timothy Jacobson, George Karas and Thomas McDonald to the Water and Sewer Technical Review Committee to serve a term to expire December 31, 2011.

**2010-0505** Nomination/Appointment of two (2) Citizen Representatives to the Human Resources Technical Review Committee each for one-year terms to expire December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Atkinson CQ.pdf](#)  
[Cheesman CQ.pdf](#)  
[McDonald CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Nomination.pdf](#)  
[Cobb CQ.pdf](#)  
[Kingery CQ.pdf](#)  
[Martinez CQ.pdf](#)  
[Olson CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Donald Atkinson, Clare Cheesman and Thomas McDonald were nominated to the Human Resources Technical Review Committee at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for two nominees. The nominees received the following votes:

**Donald Atkinson:** *Rosen and Yalamanchi*

**Clare Cheesman:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Thomas McDonald:** Hooper, Pixley, Brennan, Klomp and Webber

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

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

Enactment No: RES0305-2010

**Resolved**, that the Rochester Hills City Council appoints Clare Cheesman and Thomas McDonald to the Human Resources Technical Review Committee to serve a term to expire December 31, 2011.

**2010-0506** Nomination/Appointment of four (4) Citizen Representatives to the Historic Districts Commission each for a term to expire December 31, 2013

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Carlson CQ.pdf](#)  
[Cobb CQ.pdf](#)  
[Dunphy CQ.pdf](#)  
[Dziurman CQ.pdf](#)  
[Eastman CQ.pdf](#)  
[Hill CQ.pdf](#)  
[Miller CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Puscas CQ.pdf](#)  
[Winters CQ.pdf](#)  
[Woolf CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[HDC Appt Memo.pdf](#)  
[Nomination Form.pdf](#)  
[Suppl Myers CQ.pdf](#)  
[Rogers CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**Public Comment:**

**David Tripp**, 960 E. Tienken, requested that Mr. Miller, Mr. Dziurman and Mr. Dunphy be reappointed, noting that Mr. Dziurman has been involved in the City's Historic District Commission (HDC) since its inception and is an Architect certified in Historic Preservation.

**Melinda Hill**, 1481 Mill Race, commented that those individuals who have asked to serve again deserve to be reappointed and have demonstrated clearly that they have a knowledge and interest in preservation. She noted that this is a critical time for the City's Winkler Mill and Stoney Creek Historic District with the proposal for paving Washington Road.

**Lois Golden**, 645 Apple Hill, commented that she was a former Council Member and HDC Chair, and stated that in the early 1990s, the City was plagued with lawsuits and misunderstandings of the City's Historic Ordinance. She noted

*that owners should be made aware of Historic District properties and understand the requirements and benefits of ownership. She stated that the HDC should have an even hand and be fair. She commented that she would support Mr. Miller as a representative of a non-contiguous district.*

**Scot Beaton**, 655 Bolinger, stated that Council has a difficult decision when bombarded with residents who want to serve. He commented that the three HDC representatives who wish to continue to serve should be retained.

**Don MacDonald**, 1850 Washington Road, requested Council support the retention of Mr. Dziurman, Mr. Dunphy and Mr. Miller, noting that these individuals have the interests of the community at heart and the City stands to lose greatly if the two historic districts are affected by the Washington Road Paving Proposal.

**Paul Miller**, 1021 Harding, asked to be reappointed to the HDC and appointed to the Historic Districts Study Committee, and the reappointment of Mr. Dziurman and Mr. Dunphy to the HDC noting that the HDC is one of only a few commissions where there are expressed qualifications for those who should be appointed.

**Deanna Hager**, 1841 Carter Road, stated that the incumbents, Mr. Dziurman, Mr. Dunphy and Mr. Miller should be reappointed. She commented that after reviewing the additional nominations, she recommends Suzanne Carlson be appointed to fill the fourth opening.

**President Hooper** stated that Suzanne Carlson, Christopher Cobb, Brian Dunphy, John Dziurman, Dr. Jay Eastman, Melinda Hill, Paul Miller, Alexios Pathenos, Laurie Puscas, Nicholas Winters and Murray Woolf were nominated to the Historic Districts Commission at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for four nominees. The nominees received the following votes:

Vote #1:

**Brian Dunphy:** Hooper, Pixley, Brennan, Rosen, Webber and Yalamanchi

**John Dziurman:** Brennan, Rosen and Yalamanchi

**Dr. Jay Eastman:** Hooper, Pixley, Brennan, Klomp and Webber

**Melinda Hill:** Klomp, Rosen and Yalamanchi

**Paul Miller:** Klomp, Rosen and Yalamanchi

**Nicholas Winters:** Hooper, Pixley and Webber

**Murray Woolf:** Hooper, Pixley, Brennan, Klomp and Webber

Mr. Dunphy, Dr. Eastman and Mr. Woolf received a majority number of votes.

*A second vote was taken between Mr. Dziurman, Ms. Hill, Mr. Miller and Mr. Winters to determine the fourth appointment.*

Vote #2:

**John Dziurman:** Brennan, Rosen and Yalamanchi

**Paul Miller:** Klomp

**Nicholas Winters:** Hooper, Pixley and Webber

*As the vote resulted in a tie, a third vote was taken between Mr. Dziurman and Mr. Winters to determine the fourth appointment.*

Vote #3:

**John Dziurman:** Brennan, Rosen and Yalamanchi

**Nicholas Winters:** Hooper, Pixley, Klomp and Webber

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

**Aye** 6 - Brennan, Hooper, Klomp, Pixley, Webber and Yalamanchi

**Nay** 1 - Rosen

Enactment No: RES0306-2010

**Resolved,** that the Rochester Hills City Council appoints Brian Dunphy, Dr. Jay Eastman, Nicholas Winters and Murray Woolf to the Historic Districts Commission to serve a term to expire December 31, 2013.

**2010-0507** Nomination/Appointment of three (3) Citizen Representatives to the Historic Districts Study Committee each for a term to expire December 31, 2012

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Carlson CQ.pdf](#)  
[Cobb CQ.pdf](#)  
[Dziurman CQ.pdf](#)  
[Kochenderfer CQ.pdf](#)  
[Miller CQ.pdf](#)  
[Rogers CQ.pdf](#)  
[Thompson CQ.pdf](#)  
[Woolf CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[HDSC Cmte Appt Memo.pdf](#)  
[Nomination Form.pdf](#)  
[Cockey CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Suzanne Carlson, Christopher Cobb, John Dziurman, Adam Kochenderfer, Paul Miller, LeAnne Rogers, Jason Thompson

and Murray Woolf were nominated to the Historic Districts Study Committee at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for three nominees. The nominees received the following votes:

Vote #1:

**Suzanne Carlson:** Hooper, Pixley, Brennan, Webber and Yalamanchi

**John Dziurman:** Pixley, Rosen and Yalamanchi

**Adam Kochenderfer:** Klomp

**Paul Miller:** Klomp and Rosen

**Jason Thompson:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Murray Woolf:** Hooper, Brennan and Webber

Ms. Carlson and Mr. Thompson received a majority number of votes. A second vote was taken between Mr. Dziurman, Mr. Miller and Mr. Woolf to determine the third appointment.

Vote #2:

**John Dziurman:** Pixley, Rosen and Yalamanchi

**Paul Miller:** Klomp

**Murray Woolf:** Hooper, Brennan and Webber

As the vote resulted in a tie, a third vote was taken between Mr. Dziurman and Mr. Woolf to determine the third appointment.

Vote #3:

**John Dziurman:** Pixley, Rosen and Yalamanchi

**Murray Woolf:** Hooper, Brennan, Klomp and Webber

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

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

Enactment No: RES0307-2010

**Resolved**, that the Rochester Hills City Council appoints Suzanne Carlson, Jason Thompson and Murray Woolf to the Historic Districts Study Committee to serve a term to expire December 31, 2012.

Road Funding Technical Review Committee each for a term to expire December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Cline, Jr CQ.pdf](#)  
[Dalton CQ.pdf](#)  
[Hetrick CQ.pdf](#)  
[Johnson CQ.pdf](#)  
[Rogers CQ.pdf](#)  
[Soisson CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[Woolf CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Hooper Memo.pdf](#)  
[Nomination Form.pdf](#)  
[Pathenos CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Donald Cline Jr., John Dalton, Dale Hetrick, Walter Johnson, LeAnne Rogers, Nancy Soisson, Tom Stephens and Murray Woolf were nominated to the Police and Road Funding Technical Review Committee at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for seven nominees. The nominees received the following votes:

**Donald Cline Jr. :** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**John Dalton:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Dale Hetrick:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Walter Johnson:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**LeAnne Rogers:** Hooper, Pixley, Brennan, Klomp and Webber

**Nancy Soisson:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Tom Stephens:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Murray Woolf:** Rosen

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

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

Enactment No: RES0308-2010

**Resolved,** that the Rochester Hills City Council appoints Donald Cline Jr., John Dalton, Dale Hetrick, Walter Johnson, LeAnne Rogers, Nancy Soisson and Tom Stephens to the Police and Road Funding Technical Review Committee to serve a term to expire December 31, 2011.

**2010-0509** Nomination/Appointment of two (2) Citizen Representatives to the Older Persons' Commission each for a term to expire December 31, 2013

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Dalton CQ.pdf](#)  
[Hill CQ.pdf](#)  
[Hoksch CQ.pdf](#)  
[Sommers CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Nomination.pdf](#)  
[Akhtar CQ.pdf](#)  
[Kingery CQ.pdf](#)  
[Kubicina CQ.pdf](#)  
[Waid CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that John Dalton, Melinda Hill, Orville Hoksch and Micheline Sommers were nominated to the Older Persons' Commission at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for two nominees. The nominees received the following votes:

**John Dalton:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Melinda Hill:** Rosen

**Orville Hoksch:** Yalamanchi

**Micheline Sommers:** Hooper, Pixley, Brennan, Klomp and Webber

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

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

Enactment No: RES0309-2010

**Resolved**, that the Rochester Hills City Council appoints John Dalton and Micheline Sommers to the Older Persons Commission to serve a term to expire December 31, 2013.

**2010-0510** Nomination/Appointment of six (6) Citizen Representatives to the Green Space Advisory Board each for three-year terms expiring December 31, 2013

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Dohr CQ.pdf](#)  
[Graham CQ.pdf](#)  
[Hunter CQ.pdf](#)  
[Kochenderfer CQ.pdf](#)  
[Kubicina CQ.pdf](#)  
[Loebs CQ.pdf](#)  
[Peterson CQ.pdf](#)  
[Phillips CQ.pdf](#)  
[Tilove CQ.pdf](#)  
[Windscheif CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Hooper Memo.pdf](#)  
[Nomination.pdf](#)  
[Cobb CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Rogers CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

*Council members discussed the manner that the voting should be undertaken to select members for two-year or three-year terms.*

**John Staran**, City Attorney, suggested Council first vote for the six appointments, and then vote from that list to select three for three-year terms.

**President Hooper** stated that Thomas Dohr, Richard Graham, Scott Hunter, Adam Kochenderfer, Jim Kubicina, Lynn Loebs, Dahlvin Peterson, Samantha Phillips, Elizabeth Tilove and William Windscheif were nominated to the Green Space Advisory Board at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for six nominees. The nominees received the following votes:

Vote #1:

**Thomas Dohr:** Pixley and Rosen

**Richard Graham:** Hooper, Rosen and Yalamanchi

**Scott Hunter:** Pixley and Webber

**Adam Kochenderfer:** Hooper, Pixley, Brennan, Klomp and Webber

**Jim Kubicina:** Brennan and Klomp

**Lynn Loebs:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Dahlvin Peterson:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Samantha Phillips:** Hooper, Brennan and Webber

**Elizabeth Tilove:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**William Windscheif:** Klomp, Rosen and Yalamanchi

Mr. Kochenderfer, Ms. Loeb, Mr. Peterson and Ms. Tilove received a majority number of votes. A second vote was taken between Mr. Graham, Ms. Phillips and Mr. Windscheif to determine the fifth and sixth appointments.

Vote #2:

**Richard Graham:** Hooper, Pixley, Brennan, Rosen, Webber and Yalamanchi

**Samantha Phillips:** Hooper, Pixley, Brennan, Klomp and Webber

**William Windscheif:** Klomp, Rosen and Yalamanchi

**President Hooper** instructed Council to vote between Mr. Graham, Mr. Kochenderfer, Ms. Loeb, Mr. Peterson, Ms. Phillips and Ms. Tilove to determine which three individuals would receive three-year terms. The remaining three would receive two-year terms. These individuals received the following votes:

**Lynn Loeb:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Dahlvin Peterson:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Elizabeth Tilove:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

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

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

Enactment No: RES0310-2010

**Resolved,** that the Rochester Hills City Council appoints Lynn Loeb, Dahlvin Peterson and Elizabeth Tilove to the Green Space Advisory Board, each for three-year terms expiring December 31, 2013; and Richard Graham, Adam Kochenderfer and Samantha Phillips to the Green Space Advisory Board, each for two-year terms expiring December 31, 2012.

**2010-0530** Nomination/Appointment of seven (7) Citizen Representatives to the Deer Management Advisory Committee each to serve a one-year term to expire December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Bain CQ.pdf](#)  
[Balaban CQ.pdf](#)  
[Black CQ.pdf](#)  
[Booth CQ.pdf](#)  
[Cobb CQ.pdf](#)  
[Decker CQ.pdf](#)  
[Kubicina CQ.pdf](#)  
[McDonald CQ.pdf](#)  
[Pathenos CQ.pdf](#)  
[Podvin CQ.pdf](#)  
[120610 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Resolution.pdf](#)

**Mr. Yalamanchi** offered a motion which was suggested at the last meeting by Mr. Bain that the DMAC appointments should be for two-years. The motion was not supported.

**President Hooper** stated that Terry Scott Bain, Monique Balaban, Martha Black, Don Booth, Christopher Cobb, Allen Decker, Jim Kubicina, Thomas McDonald, Alexios Pathenos and Joseph Podvin were nominated to the Deer Management Advisory Committee at the December 6, 2010 Regular City Council meeting. He instructed Council to vote for seven nominees. The nominees received the following votes:

**Terry Scott Bain:** Hooper, Pixley, Brennan, Klomp, Webber and Yalamanchi

**Monique Balaban:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Martha Black:** Rosen and Yalamanchi

**Don Booth:** Rosen

**Christopher Cobb:** Hooper, Pixley, Brennan, Klomp, Rosen and Webber

**Allen Decker:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Jim Kubicina:** Hooper, Pixley, Brennan, Klomp, Webber and Yalamanchi

**Thomas McDonald:** Hooper, Pixley, Brennan, Klomp, Rosen, Webber and Yalamanchi

**Alexios Pathenos:** Pixley and Klomp

**Joseph Podvin:** Hooper, Brennan, Rosen, Webber and Yalamanchi

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

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

Enactment No: RES0311-2010

**Resolved**, that the Rochester Hills City Council appoints Terry Scott Bain, Monique Balaban, Christopher Cobb, Allen Decker, Jim Kubicina, Thomas McDonald and Joseph Podvin to the Deer Management Advisory Committee each to serve a one-year term to expire December 31, 2011.

## NEW BUSINESS

(Mr. Webber exited at 9:34 p.m. and re-entered at 9:37 p.m.)

**2010-0516** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Animal Aid Foundation

**Attachments:** [Agenda Summary.pdf](#)  
[Animal Aid Foundation Letter.pdf](#)  
[IRS Nonprofit.pdf](#)  
[Board of Directors Consent Resolution.pdf](#)  
[Articles of Incorporation.pdf](#)  
[Bylaws.pdf](#)  
[Animal Aid Foundation Statement.pdf](#)  
[Resolution.pdf](#)

**President Hooper** requested the applicant provide information on his organization, noting that it is newly-formed.

**Aaron Bambach**, representative for the Animal Aid Foundation, stated that the organization was formed primarily for animal rescue. He noted that fundraising efforts for 2011 include a car raffle. He explained that animal rescue has been his wife's and his passion for over 13 years, and they currently work with Paws For Life, a Troy-based 501(c)3 organization. He commented that a reason for formation of the Animal Aid Foundation is to be able to raise funds for multiple organizations, such as the Michigan Animal Rescue League, Paws For Life and Wags and Wishes. He stated that the goal is for animals to continue to be cared for in no-kill shelters.

**Mr. Klomp** questioned how the organization will reach out to the community and how the raffle will be conducted.

**Mr. Bambach** stated that fundraising will be accomplished throughout the city and on the organization's website. He stated that a five-year goal for the organization is to get to the point where a housing facility could be opened. He noted that the organization currently provides volunteer-based rescue services, and houses up to 56 cats and up to 30 dogs in foster care with over 100 volunteers. He stated that Paws For Life will help in selling raffle tickets.

**Mr. Klomp** commented that he hoped the organization would consider Rochester Hills when it looks for a site for its facility.

**Mr. Yalamanchi** thanked Leanne Scott, City Council Coordinator, for assembling the information to put into a Council policy for use when approving these requests.

*He commented that he would like to require that an organization be in operation for one to two years; however, he noted that City Attorney Staran had determined this was not possible.*

**John Staran**, City Attorney, commented that specifying a requirement such as this does become subjective. He noted that the difficulty for Council is that there is a requirement in the law for a resolution by Council, stating, at least in theory, that the community will vouch for the entity. He stated that this is difficult to do when the organization is a start-up.

**Mr. Rosen** stated that the concerns have merit and while he is not opposed to the efforts of the Animal Aid Foundation, Council is being asked to vouch for an organization it is not familiar with. He questioned whether the organization has raised any funds to date.

**Mr. Bambach** responded that he has been involved individually in fundraising activities through Paws For Life for the past six years, such as small Euchre parties, car drives and solicitation of donations. He commented that when an organization like Paws For Life runs a consistent \$8,000 bill up at multiple veterinarians, a bigger step must be taken to help raise more significant funds. He stated that another goal of the organization is to set up hardship funds for individuals who would most likely have to put an animal down because they could not afford surgery.

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

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

Enactment No: RES0300-2010

**Resolved**, that the request from the Animal Aid Foundation located at 1698 Alsdorf Ave., Rochester Hills, Michigan 48309, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

**2010-0545** Request for Approval of the seventh amendment to golf course lease

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

**Mr. Pixley** stated that the Pine Trace Golf Committee is bringing forward the Seventh Amendment to a lease that began back in 1987.

**Mike Bylen**, Golf Concepts, stated that he was in attendance to represent Pine Trace Golf Club, noting that the facility has been open in the City since 1989.

**Mr. Pixley** noted that the primary changes are outlined as they relate to looking at the organization as a concession, and the addition of rental income to the City of \$8,000. He commented that the golf course continues to benefit the City from a revenue standpoint, and the lease amendment is consistent with other leases of its kind with other municipalities that have golf courses.

**Mr. Yalamanchi** questioned how the \$8,000 in additional revenue was determined.

**John Staran**, City Attorney, stated that the changes outlined include Section 5.5 of the Seventh Amended Lease, pertaining to non-taxation of buildings and improvements on leased land. He explained that by characterizing the use and occupancy of the property as a concession, the tax would be eliminated. He noted that right now, Golf Concepts is paying a tax on the buildings and improvements on leased land, equivalent to roughly \$8,000 each year. By adding the additional rent, the Amendment becomes cost-neutral to the City, as \$8,000 is removed from the tax bill and \$8,000 is added back in as rent revenue. He noted one other change, less significant to the City, will require Golf Concepts to supply an audited statement of revenues to the City annually. A full audited financial statement would not be required until the last five years of the lease. A provision in the lease requires Golf Concepts to maintain the same level of expenditures and maintenance throughout the lease, and the last five years will be important to provide the City with both the revenue and expense side.

**Mr. Yalamanchi** questioned whether business has been steady or if there has been a significant drop.

**Mr. Bylen** responded that business has followed the economy, noting that there has been a significant drop.

**Mr. Pixley** noted that revenues to the City increased both in 2008 and 2009, and are projected to be flat for 2010.

**Mr. Bylen** pointed out that revenues to the City have increased due to an increase in the percentage of rent. He noted that the City has been receiving a larger percentage of less revenue, and what they are hoping to do is give a larger percentage of more revenue.

**President Hooper** requested a clarification on minimum hours of operation.

**Mr. Staran** responded that the Lessee User Tax Act comes into play, which provides for taxation of lessees of what is otherwise tax-exempt public property, unless the entity qualifies as a concession. In order to be considered a concession there must be a certain degree of specificity of hours of operation and a degree of oversight by the public entity. He noted that the intent is to make sure what is being done in name and legal substance will fit within what the courts have recognized as legal concessions.

**Mr. Webber** noted that the Pine Trace Committee has been working on this lease amendment for the last year or so. He expressed optimism that Pine Trace's relationship with the City will continue to grow as the partners look to the future for more banquets, weddings and events. He commented that the committee also reviewed other municipalities that have golf courses, noting that some of the courses are actually within city budgets and have city employees working there, and many of them are losing money. He stated that by having a private company manage and run day-to-day operations, the course is not a part of the City's General Fund and does not affect the City's taxpayers.

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

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

Enactment No: RES0301-2010

**Resolved**, that the Rochester Hills City Council hereby approves the seventh amendment to golf course lease agreement with Golf Concepts, Inc. and authorizes the Mayor to execute the agreement on behalf of the City.

**(Mr. Rosen exited at 9:59 p.m. and re-entered at 10:01 p.m.)**

2010-0447 Request for Approval of the Exemption Agreement for Bright Automotive

Attachments: [Agenda Summary.pdf](#)  
[Development Agreement Draft.pdf](#)  
[Suppl Development Agreement \(Revised\).pdf](#)  
[112210 Agenda Summary.pdf](#)  
[Application.pdf](#)  
[5 Year Analysis.pdf](#)  
[Public Hearing Notice.pdf](#)  
[110810 Agenda Summary.pdf](#)  
[110810 Resolution.pdf](#)  
[112210 Resolution.pdf](#)  
[Resolution.pdf](#)

**Dan Casey**, Manager of Economic Development, noted that the Development Agreement for Bright Automotive was prepared following Council's approval of the tax exemption for the company at the November 22, 2010 Council meeting. The revised Development Agreement presented tonight for approval includes a revision to the City's standard clawback provision and provides a formula mechanism to gauge the company's progress in meeting the requirements of the exemption. The company will be required to provide the City with an annual report, which the City will use to monitor the company's progress over five years. If Bright Automotive falls below 50 percent compliance in job creation or investment, City Council can claw back the full amount of the exemption. If Bright provides more than 50 percent but less than 100 percent compliance, Council can claw back a portion of the exemption based on a formula. He stressed that the City is fully covered in case the company opts to leave the building early.

**John Staran**, City Attorney, stated that the Agreement presented is protective of the City when a situation is encountered where a company is granted tax relief and does not fulfill its agreement. He noted that in this particular instance, the agreement recognizes the various scenarios that might occur over the next five years. He commented that hopefully the company can meet its goal of 204 projected jobs; however, if it falls shy by 10 percent, a formula exists where the company would be required to pay the City back 10 percent of the abated taxes.

**President Hooper** questioned who would provide the audit to the City.

**Mr. Casey** responded that the City submits a form to all companies receiving tax abatements and exemptions in December of each year. The companies

have one month to report back on their cumulative job creation and investments versus their target amounts. He noted that investment amounts are easy to track as the Assessing Department tracks Personal Property. He noted that the City also monitors the companies and will drive by to count cars and look for activity.

**Mr. Yalamanchi** requested further explanation of how the formula for the clawback of taxes would apply.

**Mr. Staran** explained that at a bare minimum the company must provide at least 50 percent of the proposed jobs and investment and noted that if the company comes in at less than 50 percent, Council can require a 100 percent clawback. Between 51 percent and 100 percent the company would be required to repay the abated or exempted taxes by whatever percentage they are short. He pointed out that the provision included blends the two criteria together to arrive at a formula.

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

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

Enactment No: RES0302-2010

**Whereas**, the Rochester Hills City Council approved a tax exemption under Public Act 328 of 1998 for Bright Automotive on November 22, 2010; and

**Whereas**, the Resolution approving the tax exemption is contingent upon the City and applicant entering into a Development Agreement which indicates the conditions under which the exemption is granted and certain penalties should Bright Automotive not abide by the conditions, also known as a "clawback."

**Resolved**, that the Development Agreement between Bright Automotive and the City of Rochester Hills is hereby approved; and

**Be It Further Resolved**, that the Mayor is authorized to sign the agreement on behalf of the City after review by the City Attorney as to form.

**(Mr. Pixley exited at 10:11 p.m. and re-entered at 10:14 p.m.)**

2010-0543 Branding and Marketing Campaign Update

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

**Dan Casey**, Manager of Economic Development, presented an overview of the Branding Project, noting the following:

The Challenge:

- Positioning the City to compete globally
- Inconsistent identity and messages

He explained that some communities have done a better job than others to

position their identity to compete globally and stated that the Administration began the process to establish an image and position for the City to allow it to be more successful. He pointed out that the City has had a good year, bringing much economic development and seeing the housing market improve. He showed examples of printed pieces prepared by other communities such as Novi, Southfield and Kalamazoo, along with a folder that Rochester Hills developed years ago. He explained that the City has been inconsistent in its development of materials, with different departments using the various logos developed over the years.

Branding and Marketing Plan - The Goal:

- "To conduct a complete and comprehensive effort to identify the characteristics of our community that are unique and determine how best to represent them through all of our communication devices."

Branding and Marketing Plan - The Process:

- Mayor's Business Council Survey
- Local Development Finance Authority (LDFA) initiated CIP Project approved by the Planning Commission in 2008
- City Council's Approval
- Consultant Selection - Skidmore Studios

Mr. Casey explained that the LDFA was interested in participating in projects that could be used to market the LDFA District. A Request for Proposal was submitted on the Michigan Intergovernmental Trade Network (MITN) website, which resulted in 43 proposals. Of the proposals, Skidmore Studio was selected.

**Tim Smith**, Skidmore Studio, stated that the firm was founded in Southeast Michigan in 1959. He explained that the company does not respond to many RFPs; however, what attracted them to Rochester Hills was the City's forward-looking approach as it relates to branding. He gave the following presentation to introduce the results of the Branding Campaign:

Agenda:

- Introductions
- The challenge you gave us
- The process we utilized to solve it
- Community involvement/steering committees
- First visuals

Our Challenge:

- The City of Rochester Hills understands that competition to attract and retain residents and businesses is growing more fierce. To compete it is critical that your positioning, messaging and communications are authentic and very focused.

- Our job was to take the great brand Rochester Hills already had, enhance the best aspects, bring forward the lesser known and present the City to our audience in a way that is both familiar and true, yet also fresh and unique.

Our Process:

- Seek input - cast a wide net
- We ask questions - then listen
- Document and recommend
- Create the right message
- Create the right visual

We Involved:

- Key City officials
- Key business executives from the city
- Community leaders and opinion holders (100)

The Result:

- Messaging document
- New identity

Mr. Smith stated that a living, breathing document was developed to articulate the City's strengths and weaknesses and develop a brand to attract certain segments. He displayed various logos developed by surrounding communities, and noted the City's prior logos. He pointed out that these identities were created when social media was young and noted that the City does not currently have the tools that lend themselves to today's world. He commented that in its investigations, the company heard that the tree had a strong individual presence in the City's identity.

Messaging:

- The City of Rochester Hills brings residents and business owners together in the building of a mutually beneficial and prosperous community in which to live and do business.
- "Innovative by Nature"

Mr. Smith noted that when the tag line "innovative by nature" was presented to each of the different faction groups, it was agreed that it is authentic to who the City of Rochester Hills is. He explained that the next phase was to develop a visual identity. He displayed the City's current stationery and business card design. He unveiled the new identity, incorporated into various pieces such as letterhead, business cards, and a newsletter format; and noted that it is focused on creating a more contemporary visual that stands out immediately.

Public Comment:

**Scot Beaton**, 655 Bolinger Street, commented that 75 to 78 percent of the dollars that Rochester Hills receives are from single family residences and

*commented that the new logo appears geared to attract industrial development rather than represent an upscale residential community.*

**Council Discussion:**

**Mr. Yalamanchi** questioned whether the logo was finalized or if the Administration was open to suggestions. He commented that he really liked the new tag line.

**Ed Anzek**, Director of Planning and Development, stated that the branding process included much tugging and pulling over the past year to hone all opinions and bring them down to one. He commented that in his opinion, the logo is more residential than it is industrial; and he mentioned that nine of the steering committee members were residents. He stated that he would like to say that the branding process is complete.

**Mr. Webber** commented that it takes time to get used to a new logo and stated that he liked it.

**Mr. Pixley** stated that the tag line speaks volumes to who the City is.

**President Hooper** requested Council be provided with a copy of the full branding report.

**Mr. Klomp** stated that as a marketer, he appreciates the process that was undertaken to develop the new identity and commented that it is very classy.

**Mr. Casey** commented that part of the branding project research was to review what other communities do for branding identity and the new logo is different than all other communities. He stated that it is a good blend between residential and industrial.

**Mr. Brennan** stated that a messaging and branding project is long overdue and commented that he was happy to see this take place. He mentioned that he was impressed by the slogan and stated that the logo will take time to get used to.

**Mr. Smith** stated that change does take time to get used to and the goal is to communicate efficiently and effectively with the City's audience. He commented that while there will be people who love it and people who will hate it; he would rather have that than to have people forget it.

**President Hooper** commented that he was glad the City was not chasing the latest fad colors and he was all for moving forward and being progressive.

**Mr. Yalamanchi** questioned whether the City's letterhead would change.

**Mayor Barnett** responded that the MIS Department is involved in setting up the new letterhead format and that some preprinted materials would be developed.

**Mr. Smith** stated that a standards guide has been developed, so that anyone internally and externally can consistently and effectively utilize these elements.

**Mr. Casey** commented on the different pieces in development and stated that once the contract with Skidmore Studio is concluded, the Administration will evaluate what remains that was not a part of the original scope of work.

**Presented.**

**2010-0538** Request for Purchase Authorization - DPS/ENG: Contract between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the reconstruction work on the interchange of Highway M-59 and reconstruction of Crooks Road north and south of the bridge in the estimated amount of the City's share of \$293,050.00 and approves any additional funds that may be owing which are identified in the final audit

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

**President Hooper** stated that although he works in the construction industry and knows the firms involved, he has no interest in and no involvement or participation in the project or bid process.

**Paul Davis**, Acting Director of DPS/Engineering, stated that if approved, the City will enter into the contract with the Michigan Department of Transportation (MDOT) for reconstruction of the Crooks Road Interchange. He mentioned that November 18, 2010 was the bid opening for the project, and noted that four firms were prequalified and able to submit proposals on the design/build project. He explained that the project utilized a maximum price/variable scope bid with a not-to-exceed price of \$9.3 million. Out of the four prequalified bidders, only Dan's Excavating was able to meet the not-to-exceed price. Tonight Council is being requested to approve the cost participation contract.

**Mr. Webber** commented that the Interchange Project is long-overdue and questioned whether there is any news on the potential grant for reconstruction of Crooks Road north of the interchange.

**Mr. Davis** responded that the City would most likely not hear the results of the grant application until close to the end of the year.

**Mr. Brennan** expressed appreciation for the efforts of the Mayor and the Administration.

**President Hooper** questioned whether traffic will be maintained on Crooks Road noting that it is the City's desire to keep the road open for its businesses.

**Mr. Davis** responded that the current plan is to maintain traffic; however, he noted that the contractor always has the right to propose alternative traffic control. He stated that it will be up to MDOT to make that determination, and commented that MDOT is aware of the City's desire to maintain two-way traffic. He mentioned that there could be brief total ramp closures during construction.

**Mr. Rosen** questioned whether the merchants have been informed of the plans so they can ready themselves for the construction.

**Mr. Davis** stated that it is not proposed to be closed. He commented that there was a pre-construction meeting this morning with contractor; however, due to the snowstorm affecting traffic, no one from the City could attend. He stated that he would follow up with MDOT on this meeting.

**Mayor Barnett** noted that he has received several different messages on exactly when the project will begin and stated that as soon as the Administration knows, they will pass the information on.

**Mr. Davis** commented that with this being a design/build project, the schedule will be dynamic. He reported that the current projected start date is March 14, 2011, with a completion date of October 1, 2011. He stated that the contractor typically provides a schedule and milestones at the preconstruction meeting and this information will be provided to the business owners.

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

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

Enactment No: RES0303-2010

**Resolved**, that the Rochester Hills City Council hereby approves the contract between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the reconstruction work on the interchange of Highway M-59 and reconstruction of Crooks Road north and south of the bridge in the estimated amount of the City's share of \$293,050.00 and approves any additional funds that may be owing which are identified in the final audit and further authorizes the Mayor and City Clerk to execute a contract on behalf of the City.

## COUNCIL COMMITTEE REPORTS

*None.*

## ANY OTHER BUSINESS

**Mr. Yalamanchi** questioned whether it would be helpful for Council to express its position on the proposed Washington Road Paving Project.

**Mayor Barnett** responded that a formal resolution by Council would not be necessary.

**Mr. Yalamanchi** questioned whether the proposed water reservoirs will be discussed on Council's agenda in January and requested that the proposed resolution from Shawn Cooper be included for discussion when it is.

**President Hooper** responded that the water reservoir issue will be on a January agenda and agreed that the information could be included.

**Mr. Webber** noted that Council Member appointments were not made last week to the Pine Trace Committee.

*President Hooper responded that appointments could be made at the next meeting.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, January 10, 2011 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 11:05 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 (insert date, or dates) Regular City Council Meeting.*