



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, September 8, 2014

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, Stephanie Morita, Mark A. Tisdell, Michael Webber and Thomas
W. Wiggins

Absent 2 - Kevin S. Brown and Adam Kochenderfer

Others Present:

Ed Anzek, Director of Planning and Economic Development

Bryan Barnett, Mayor

Sean Canto, Chief of Fire and Emergency Services

Scott Cope, Director of Building/Ordinance Compliance

Paul Davis, City Engineer/Deputy Director of DPS

Pamela Gordon, Director of Human Resources

Mike Hartner, Director of Parks and Forestry

Captain Michael Johnson, Oakland County Sheriff's Office

Tara Presta, Chief Assistant

Keith Sawdon, Director of Finance

Leanne Scott, Deputy Clerk

Alexis Smith, Rochester Hills Government Youth Council Representative

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Morita, that the Agenda be Approved as Amended to Add Legislative File 2014-0384 - Proclamation recognizing September 11-17, 2014 as "Patriot Week" in the City of Rochester Hills under Presentations. The motion carried by the following vote:

Aye 5 - Hooper, Morita, Tisdell, Webber and Wiggins

Absent 2 - Brown and Kochenderfer

(Mr. Kochenderfer entered at 7:07 p.m.)

Present 6 - Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell, Michael Webber and Thomas W. Wiggins

Absent 1 - Kevin S. Brown

PUBLIC COMMENT

Hana Lewis, 1908 East Hamlin, stated that she lives across from the property at the corner of Dequindre and Hamlin Roads where a trucking facility is proposed. She commented that she is a retired civil engineer and now a retired realtor, and it is her opinion that the development will make the area undesirable and property values will go down. She added that there is already too much traffic in that area.

Eric Schertzing, 236 Kelzie Street, East Lansing, introduced himself to Council and stated that he is the Ingham County Treasurer and is a Congressional Candidate for the 14th District.

Jeannie Morris, 1398 Burhaven Drive, stated that she is concerned about the process Council is using to communicate with its residents. She mentioned that 18 hours is not sufficient notice for a meeting.

Melinda Hill, 1481 Mill Race, expressed her appreciation to DPS and Engineering staff for the limestone application on Washington Road. She commented that Rochester Hills does not need a trucking operation at Hamlin and Dequindre and pointed out that Dequindre is a two-lane road in poor condition. She stated that this type of business does not belong in the community.

Suzanne White, 1598 Parke, stated that a 64-truck terminal does not belong in the area, as over 100 children live nearby, including those that live in a manufactured home park just across the border in Shelby. She commented that the terminal will affect the residents' way of life and property values. She pointed out that several years ago, despite Department of Environmental Quality testing, methane gas from the previous landfill caused a home on Parke Street to explode. She suggested an ad hoc committee be formed under the Brownfield Redevelopment and Green Space committees to find appropriate solutions for brownfield properties.

Helene Billock, 1919 Willowood, stated that she lives one block south of the proposed truck terminal and noted that it will affect the area's home values and their ability to be sold. She commented that the roads cannot take the burden of that much additional truck traffic.

William Daniels, 538 Timberlea Drive, requested that Rochester Hills recognize Dr. Martin Luther King Jr. and rename a street in his honor. He suggested that

Juengel be renamed in honor of Dr. King. He added that he supports the addition of 12 firefighters in Rochester Hills.

***Erin Howlett**, 3597 Aynsley, read an email she had sent to Council Members regarding the governmental process. She offered her view that a trucking facility is inappropriate industrial activity for a premier residential community where there is no infrastructure to support it.*

***Lisa Winarski**, 194 Bedlington, expressed her thanks on behalf of the Eddington Farms Homeowners Association to DPS Director, Allan Schneck, and DPS Staff Member, Jeff Fox, for their assistance on the road replacement work in their subdivision, noting that the residents were kept informed during the project. She added that Florence Cement Company was very professional, and was accommodating of the residents' needs.*

***Lorraine McGoldrick**, 709 Essex, stated that she is a member of the ad hoc Eddington Boulevard Committee. She commented that four different plans were presented by G&V at the workshop meeting, each of which was less desirable than the previous. She stated that while she respects private ownership and encourages the developer to do something, it almost seems like the City recognizes that G&V is going to be inept in developing the property, and has an agenda to vacate Eddington Boulevard and give it to the developer.*

LEGISLATIVE & ADMINISTRATIVE COMMENTS

***President Hooper** stated that while a Public Hearing was originally scheduled this evening regarding the proposal by General Trucking, the item was pulled from the agenda after the Planning Commission's consideration of the facility resulted in a four-four tie vote and a failed motion to proceed. He explained that until a recommendation is provided to City Council, that item will stay at the Planning Commission level. He commented that the site was a landfill for 30-plus years and is zoned as industrial property; and all the issues raised by commenters this evening are valid discussion items for any development in the city. In response to public comment, he suggested that staff consider Mr. Daniel's suggestion to rename a city street to honor Dr. Martin Luther King Jr. He commented that he sets the order of the agenda and stated that while there is always someone who might not be happy of where something is placed, all members of the public wishing to speak will be given an opportunity. He expressed his thanks to Mr. Schneck and his DPS staff for their efforts in coordinating a limestone application on Washington Road. He noted that he would let Mr. Tisdell and Mr. Wiggins weigh in regarding comments made relative to Eddington Boulevard.*

***Mr. Webber** stated that he has received some resident emails and has a draft of the Planning Commission minutes to review regarding the proposed trucking facility. He noted that no decisions have been made at the Council level. He mentioned that a successful 49th Art and Apples Festival was hosted this past weekend in downtown Rochester by the Paint Creek Center for the Arts, as well as the Spotlights Art Show hosted by the Meadow Brook Theater Guild.*

Ms. Morita commented that she was unable to attend the Special Council Meeting held on August 26th and expressed her appreciation to resident Erin Howlett for her kind words at that meeting. She stated that last Friday night she had to call 911; and she noted that when something like this happens, every minute that passes feels like an hour and shows the need for a fast and efficient ambulance service. She requested voters become informed about the upcoming ballot proposal and offered any information she could provide. She noted that although it was a scary evening, everyone should be fine; and she offered her appreciation to the following individuals: Deputy Ricardo Mezza; Firefighter-Paramedic, Paul Wright; Firefighter-Paramedic, Mike Reamer; Firefighter-EMT, Paul Terback; Firefighter-EMT, Lori Peterson; Fire Chief Sean Canto, and Oakland County Sheriff's Office Captain Michael Johnson. She expressed her thanks to all the firefighters and EMTs that provide emergency services.

Mr. Tisdell noted that he had volunteered for the ad hoc steering committee relative to Eddington Boulevard; and he explained that his objective was to provide all the residents and the community at-large with all of the written information the City received from the Michigan Department of Transportation (MDOT) and the developer as to what each party was willing to approve or move forward with. He commented that the meeting was approximately two hours in length, and it is his belief that many questions were answered. In response to a resident's comment made at the August 11th Council meeting relative to driver's obligations at trail crossings, he displayed an excerpt of the State Law regarding pedestrian crossings. He noted that contrary to what was expressed at the last meeting, the law states that the driver of a vehicle must stop when there is a pedestrian or cyclist in any marked crosswalk or safety zone; however, where crossing signals are not in place, pedestrians and bicycles must not enter the crosswalk and must yield right-of-way to all vehicles approaching the roadway, unless they are already in the crosswalk. He stated that individuals should enjoy the trails; however, they need to be mindful of their safety.

Mr. Wiggins expressed his thanks to the members of the public speaking regarding the proposed truck terminal. He noted that several individuals have contacted him and provided him with a wealth of information. In response to public comment regarding the forum scheduled for Eddington Boulevard, he explained that the goal was to communicate the information that the City had from the developer and from MDOT. He commented that the City will keep moving forward in an attempt to get this issue resolved in a manner acceptable to everyone.

Alexis Smith, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC held its first monthly meeting of the 2014-2015 year this evening. She stated they will be electing a Chairperson, Vice Chairperson and Secretary, and are currently planning their calendar of events. She noted that the RHGYC will be volunteering at the Brookside Way on September 28th.

Mayor Barnett responded to public comment noting that City employees function in a professional manner, following a legal process for submission of the

items that come before the City. He explained that an item appears on tonight's agenda where the Planning Commission and the residents have spoken, and the applicants will have their opportunity to make their case heard before the City Council for Council to make a determination. He pointed out that it is likely that half of the City Council Members have not yet had any presentation regarding the truck terminal being considered. He stated any proposal submitted to the City is reviewed as to whether it meets the current zoning; and if zoned appropriately, the Council and the Administration must at least go through the process of evaluating an application. He pointed out that the truck terminal proposal went through a Public Hearing process at the Planning Commission and a vote there yielded a four-four tie. He commented that additional discussion will be held at the Planning Commission level, yielding a recommendation that Council would consider. He mentioned that the Eddington Farms committee was an additional venue for an information exchange. He encouraged residents to continue coming forward to comment and express their views.

He expressed his appreciation to Ms. Winarski and Ms. Hill regarding their comments complimenting City staff. He noted that coordinating DPS and construction activities is a challenging job; and he stated that the City has 75 professionals out there every day who take pride in their jobs.

Mayor Barnett noted the following regarding activities and events:

- Various road construction activities in the city are beginning to wrap up for the season. Paving activities on Bloomer and Sheldon Roads are complete and Avon Road is almost finished. The intersection of Avon and Crooks Road is expected to open on September 19th. Rehabilitation activities are almost complete in many subdivisions as well.
- Operation Safe Start is a program designed to promote continued driver awareness around schools zones.
- The Annual Art and Apples Festival was a success. The festival is named the 14th best art festival in the country.
- Work is beginning on several new developments, including a new Tim Horton's, the Holiday Inn Express, and three senior developments. New businesses are coming into the City, including Fresh Time Market and Stein Mart. Dunhams is moving into the Hampton Plaza complex. The vacancy rate is the lowest in the history of the city.
- The 10th Clinton River Trail Fall Classic will be held on Saturday, September 27th, with courses from five to 40 miles beginning in Auburn Hills. Registration for the event is \$25 for individuals and \$60 for families.
- The City will hold a 9-11 Memorial Ceremony on Thursday, September 11th at 8:30 a.m. at Fire Station 1.

ATTORNEY MATTERS

None.

PRESENTATIONS

2014-0384 Proclamation recognizing September 11-17, 2014 as "Patriot Week" in the City of Rochester Hills

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

Mayor Barnett stated that September 11th through September 17th is Patriot Week. He explained that Patriot Week is a relatively new celebration throughout the country, and he noted that September 17th is the day in 1787 that the Delegates to the Constitutional Convention signed the Constitution. He read the proclamation.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0191-2014

Whereas, in reverence to the victims of the 9/11 attacks, we acknowledge that American citizens must take time to honor the principles, founders, documents, and symbols of their history; and

Whereas, the events that led to the signing of The Constitution of the United States of America by the delegates of the Constitutional Convention on September 17, 1787 have significance for every American; and

Whereas, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the First Principles upon which America was founded and flourishes; and

Whereas, we recognize with great respect the exceptional, visionary, and indispensable Americans who founded and advanced the United States; and

Whereas, we honor and respect the physical symbols of American history that should be studied and remembered by each American citizen.

Now, Therefore, Be It Resolved, that the Mayor and City Council of the City of Rochester Hills hereby recognize September 11-17, 2014 as Michigan Patriot Week.

Be It Further Resolved, that in observing Patriot Week, we appreciate the renewal of America's spirit by celebrating the First Principles, persons, documents, and flags that make America the greatest nation in world history.

CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2014-0349 Approval of Minutes - City Council Special Meeting - July 21, 2014

Attachments: [CC Special Mtg Min 072114.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0192-2014

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on July 21, 2014 be approved as presented.

2014-0350 Approval of Minutes - City Council Regular Meeting - July 21, 2014

Attachments: [CC Min 072114.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0193-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 21, 2014 be approved as presented.

2014-0337 Request for Acceptance of a Highway Easement for Sunoco Pump Station granted by Sunoco Pipeline, L.P., a Texas Limited Partnership

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0194-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a highway easement granted by Sunoco Pipeline, L.P., a Texas Limited Partnership, whose address is 525 Fritztown Road, Sinking Spring, PA 19608, over, on, under, through and across land more particularly described as Parcel No. 15-24-100-049.

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

The following two (2) Legislative Files are related to the Sheldon Road Paving Project.

2014-0366 Request for Acceptance of Pedestrian-Pathway Easement granted by Upmanyu Bajpai and Natalia Kostylev, husband and wife, 6175 Sheldon Road, Rochester

Hills, Michigan and authorization of payment to landowners in the amount of \$1,620.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0195-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-02-200-010 granted by Upmanyu Bajpai and Natalia Kostylev, husband and wife, 6175 Sheldon Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$1,620.00.

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

2014-0367 Request for Acceptance of Pedestrian-Pathway Easement granted by Susan Terbrueggen, Trust, 5512 St. Andrew Drive, Clarkston, Michigan and authorization of payment to landowner in the amount of \$3,132.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0196-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-02-200-011 granted by Susan Terbrueggen, Trust, 5512 St. Andrew Drive, Clarkston, Michigan and authorizes payment to the landowner in the amount of \$3,132.00.

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

2014-0347 Request for Purchase Authorization - FACILITIES: Purchase and Installation of Uninterruptable Power Supply (UPS) System in the amount of \$69,750.00; Centerline Electric, Center Line, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0197-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase and installation of an Uninterruptable Power Supply (UPS) System to Centerline Electric, Inc, Center Line, Michigan in the amount of \$69,750.00.

2014-0373 Request for Approval of an Amendment to the City's Pension Plan Document to incorporate changes requested by the Internal Revenue Service

Attachments: [Agenda Summary.pdf](#)
[Proposed DC Plan Document 090814.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0198-2014

Resolved, that the Rochester Hills City Council hereby adopts the September 8, 2014 amendment to the City of Rochester Hills Group Pension Plan as presented, attached hereto and incorporated by reference.

- 2014-0381** Request for Approval of FY 2015 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$69,806.00

Attachments: [Agenda Summary.pdf](#)
[2015 SMART Municipal Credit Contract.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0199-2014

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal Year 2015 Municipal Credits to the Older Persons' Commission as presented.

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

Passed the Consent Agenda

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

PUBLIC HEARINGS

- 2014-0320** Public Hearing for the City of Rochester Hills Proposed Fiscal Year 2015 Budget

Attachments: [Agenda Summary.pdf](#)
[Straw Poll Results.pdf](#)
[090814 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[081814 Agenda Summary.pdf](#)
[081814 Budget Presentation Schedule.pdf](#)
[Suppl General Budget Overview.pdf](#)
[081114 Agenda Summary.pdf](#)
[081114 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper Opened the Public Hearing at 7:59 p.m.

Melinda Hill, 1481 Mill Race, noted that the Rochester Hills portion of the Clinton River Trail is badly in need of maintenance. She explained that the current surface has two tracks, and bikers who swerve from the track to pass other riders or runners could potentially fall. She stated that at a minimum, the surface should be graded; and she commented that the City should allocate a specific line item in the Budget for Clinton River Trail Maintenance either from Pathways or General Fund.

Lorraine McGoldrick, 709 Essex, commented that during the budget presentations on August 18th, there were no dollar figures presented. She stated that each Department's budget seems to be increased by approximately \$100,000. She noted that it mentioned that departments rarely use their entire budgets; therefore, instead of allocating additional funds now, they should come back to Council as needed. She commented that the City should allocate more monies from the General Fund to repair roads.

Lee Zendel, 1575 Dutton, stated that the Sheriff's Department is understaffed under national standards and he urged Council to allocate monies to add more than one police officer.

Seeing No Further Public Comment, President Hooper Closed the Public Hearing at 8:04 p.m.

President Hooper questioned whether any monies were allocated in the Budget for the Clinton River Trail.

Keith Sawdon, Director of Finance, responded that even though there is no line item for the Clinton River Trail, staff members work on the trail throughout the year. He noted that he reviewed the Parks Budget and did not see any allocation for resurfacing or grading the Trail.

President Hooper suggested that a Clinton River Trail line item be broken out within the Parks Budget.

Mayor Barnett responded that there is \$100,000 allocated for maintenance, and he stated that some of that goes toward the Paint Creek and Clinton River Trails. He explained that staff will be undertaking a test of maintenance on a portion of the Clinton River Trail.

Mike Hartner, Director of Parks and Forestry, stated that the City has maintenance needs throughout every park. He commented that he would prefer not to break

this out as an individual line item in the budget, and instead would recommend it be kept under the general maintenance for all parks. Should an area need extra attention, he would prefer to be able to use the entire Parks Budget in a manner that is appropriate, rather than tie it down to individual areas. He noted that there is no clear consensus as to what the trail surface should consist of. He explained that the City ensures that the trail is a safe environment; and he noted that all bridges are inspected and all crossings have proper road signage. He explained that the City will try to address the larger pieces of aggregate that have worked their way up on the trail surface. Test maintenance will be undertaken on the trail portion between Industrial Drive and Leach Road to broom off these larger pieces. He commented that if this proves successful, the City could do this for the entire length of trail. He mentioned that the answer lies within the Capital Improvement Plan; and a long-term resolution will be sought.

President Hooper noted that public comment was made regarding the increase of Department budgets by \$100,000.

Mr. Sawdon responded that the funding requested by each department is at the level of need and was discussed with the Mayor. He stated that the presentations were made to Council with the idea of reaching goals and objectives.

President Hooper commented that last year, City Council allocated \$15 million of the City's Fund Balance toward Local Roads, \$5 million per year for this year and the next two years. He noted that it is the Department of Public Services opinion that it cannot feasibly manage more than \$5 million a year in road projects.

Mr. Sawdon responded that \$5 million pushes them right to the limit, along with the residents of the subdivisions that are being worked on.

President Hooper noted the maintenance activities have been undertaken in nearly 25 different subs affecting 10,000 residents; and he commented that while this is a large task, it still does not solve the need. He stated that as maintenance needs were ignored for a number of years, the solution will be long-term.

He explained that Council's Straw Poll included two questions. The first being whether the City should add one Deputy 2 Officer to the Special Police Fund Budget for Fiscal Year 2015-2017 Budget. He noted that five Council Members were in favor, and two were opposed. He explained that the second question was whether \$100,000 should be added to the 2015 Major Road Preservation Budget Item to provide one additional year of improvements to gravel Major Roads in the city. He noted that question received six yes votes and one no vote.

Council Comments:

Mr. Webber stated that the Police and Road Funding Technical Review Committee, now the Public Safety and Infrastructure Technical Review Committee, did a

deep-dive into Local Roads needs, and realized that their recommendations would be a starting point. He commented that the City was only able to do maintenance and winter snow and ice removal activities for quite some time. He stated that he is happy that the City is able to do more going forward without raising the overall tax rate, and he credited the successful repurposing of expiring millages for roads. He stated that he has always been a proponent of securing police funding and supports the addition of an officer. He pointed out that the ballot proposal to fund police services garnered community support. He noted that while not benchmarked to national standards, it provides a solution to police issues.

Mayor Barnett noted that when reviewing budgets year by year, actual numbers should be considered. He explained that budgets are developed for the highest end for each department. He commented that one of the largest costs for a department is personnel. He explained that as retirements occur, replacements are budgeted to account for the highest possible expense from a benefits and insurance standpoint. He noted that often the actual costs are lower. He mentioned that the City is not proposing to add employees, and some of the increase in the personnel line item in the departments is due to the cost of insurance and health care. He noted that thus far this year, nearly 20 employees have announced their retirement.

President Hooper noted that based on the results of the Straw Poll, one police officer will be added to the Budget along with \$100,000 to the Major Road Preservation Fund. He pointed out that initial funding of the Green Space Trust is not yet included as Council will be discussing this item later this evening.

Discussed.

2014-0332 Adoption of the 2014 Millage Rates (for Fiscal Year 2015)

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

Keith Sawdon, Director of Finance, explained that the Millage Rates presented for consideration recognize the results of Council's Straw Poll. He noted that one adjustment made was to increase the Police Millage and reduce General Fund to accommodate the addition of one officer.

President Hooper noted that if successful this will be the 13th year holding the same millage rate.

President Hooper Opened the Public Hearing at 8:18 p.m.
Seeing No Public Comment, President Hooper Closed the Public Hearing at 8:19 p.m.

A motion was made by Webber, seconded by Tisdell, that the proposed 2014 Millage Rates be Adopted by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0200-2014

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

Whereas, at its August 11, 2014 meeting City Council acknowledged receipt from the Mayor of the Proposed 2015 Proposed Budget and 2016 and 2017 Projected Budgets and set a Public Hearing for September 8, 2014 at 7:00 p.m. to hear comments on the proposed budget plan; and

Whereas, at its September 8, 2014 meeting City Council held said Public Hearing and heard comments on the proposed budget and related millage rates.

Now, Therefore, Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2014 to provide the tax revenues included in the Fiscal Year 2015 Proposed Budget:

PROPOSED MILLAGE RATES

Operating Millages:	2014
General Fund (Charter)	1.9636
Local Street I (Voted)	0.3545
Local Street II (Voted)	0.4855
Fire Fund (Charter)	1.9564
Special Police I (Voted)	1.2083
Special Police II (Voted)	1.6585
Pathway (Voted)	0.1858
RARA Operating (Voted)	0.195
OPC Operating (Voted)	0.2403
OPC Transportation (Voted)	0.0891
Green Space (Voted)	0.2972
Library Operating (Charter)	<u>0.7823</u>
Operating - Subtotal	9.4165
Debt Millages:	
Chapter 20 Drain Debt	0.0422
OPC Building (Voted)	<u>0.2473</u>
Debt - Subtotal	<u>0.2895</u>
TOTAL MILLAGES	9.706

The Total Millage rate of 9.7060 is per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and

Be it Further Resolved, the City Council hereby adopts the following Special Lighting Levies for the Christian Hills Subdivision at the rate of \$16.09 per lot or description; and for the Denison Acres Subdivision at the rate of \$4.36 per lot or description; and

Be It Further Resolved, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2014 Tax Rolls.

Be It Further Resolved, that the City Council hereby adopts the following proposed tax rate in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2014 to provide the tax revenues included in the Fiscal Year 2015 Proposed Budget.

ORDINANCE FOR INTRODUCTION

2014-0371 Acceptance for First Reading - An Ordinance to add new Division 4, E-Cigarettes, to Article VI of Chapter 70, Offenses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit the selling, giving or furnishing of e-cigarettes to minors and prohibit the purchase, possession, or use of e-cigarettes by minors; repeal conflicting or inconsistent Ordinances; and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance \(Revised\).pdf](#)
[Staran Letter 091614.pdf](#)
[Ordinance.pdf](#)
[090814 Agenda Summary.pdf](#)
[Attorney General Letter.pdf](#)
[E-Cigarettes and Michigan's Smoke Free Air Law Fact Sheet.pdf](#)
[FDA E-Cigarette Health Risks.pdf](#)
[US Food and Drug Administration.pdf](#)
[Resolution.pdf](#)

Mayor Barnett explained that the Administration is bringing an Ordinance for consideration to treat E-Cigarettes similar to regular cigarettes as they relate to minors. He commented that currently, E-Cigarettes are sold out in the open similar to candy. The proposed Ordinance specifies that points of sale would incur penalties if selling to minors. He stated that the Ordinance does not have any effect relative to the possession, use or sale to those over the age of 17. He noted that those who support the use of E-Cigarettes say that it is a helpful tool to quit smoking, and that it consists of a vapor that does not contain many of the harmful ingredients in conventional cigarettes. Opponents of E-Cigarettes say they are marketed to a younger generation in an attempt to get them to start smoking. The Ordinance would prohibit the selling, giving or furnishing of E-Cigarettes to minors, and prohibit the purchase, possession or use of E-Cigarettes by minors. He stated that if adopted, Captain Michael Johnson, Oakland County Sheriff's Office, and his team would inform the points of purchase of the new Ordinance. He added that the Ordinance is similar to those in neighboring communities.

Public Comment:

Lorraine McGoldrick, 709 Essex, expressed her appreciation that this item is being brought forward. She stated that it is a marketing and role modeling issue; and she expressed concern that while they are not as hazardous as cigarettes, they are still hazardous to health. She encouraged the involvement of the local Youth Coalition to spread the message regarding their use. She questioned where the City stands on the local moratorium on selling marijuana in storefronts.

President Hooper noted that the Medical Marijuana Moratorium is on dispensaries within Rochester Hills. He commented that the last extension was for a one-year period and he stated that he will request an update on the status from City Attorney John Staran.

Council Discussion:

Ms. Morita noted that the proposed Ordinance specifies that it is a misdemeanor for a minor to possess E-Cigarettes, and prescribes a penalty of up to 90 days in jail for possession. She questioned whether the Administration looked into a two-tiered system where it would be a misdemeanor for adults and a civil infraction for minors. She commented that she has trouble with prescribing a criminal penalty for possession of E-Cigarettes for a 16-year old that will follow them throughout their entire life.

Mayor Barnett stated that he was unaware if a two-tiered system was investigated, and noted that City Attorney Staran did not present this in his report. He stated that the legislation was modeled after those in surrounding communities along with one that Oakland County is considering. He requested Captain Johnson address whether the infraction would be similar to a Minor-In-Possession (MIP).

Captain Michael Johnson, Oakland County Sheriff's Office, responded that it would be similar to a MIP. He noted that if it is a juvenile misdemeanor, it would be adjudicated in Juvenile Court and not in District Court. He stated that it would not be something that would have a record attachment.

Ms. Morita stated that she would disagree, and expressed concern that it is a misdemeanor. She noted that it often depends on the type of record a juvenile has as to whether it moves to adult court. She pointed out that if the juvenile is 17, it would go to adult court. She commented that it is troubling to her to criminalize possession for minors. She questioned whether the District Court judges were consulted to determine whether they would actually choose to enforce the 90-day misdemeanor prescribed penalty against a 17-year-old for an E-Cigarette possession. She stated that possession should be made a civil infraction.

Mayor Barnett suggested that this item be considered for First Reading and he would have City Attorney Staran opine on the two-tiered system. He stated that the Administration contacted individuals in the industry and noted that the industry is not opposed to these sort of measures relative to minors. He explained that language was taken consistent with what was found in neighboring communities and with what other District Court judges are doing.

Ms. Morita stated that the City is innovative and does not need to do what everyone else is doing. She stated that kids make mistakes and she wants something like this to remain a mistake.

Mayor Barnett responded that he will welcome City Attorney Staran's opinion on this and Council can consider the penalty options further.

President Hooper commented that he shares Ms. Morita's concern and would question why the infraction needs to be a misdemeanor as it should not be put into the same category as marijuana or alcohol. He noted that this item would be deferred to a future meeting.

Discussed.

- 2014-0325** Acceptance for First Reading - An Ordinance to Amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone approximately 77.7 acres of land, located east of John R, north of Hamlin, from R-4, One Family Residential to RMH, Manufactured Housing Park district, Six Star Investments, LLC and DNL Property Holding, LLC, Applicants

Attachments: [Agenda Summary.pdf](#)
[Rezoning Staff Report 081514.pdf](#)
[Rezoning Application.pdf](#)
[Map Aerial.pdf](#)
[Minutes PC 081914.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, explained that at its August 19th meeting, the Planning Commission heard a request to rezone 77.7 acres on School Road, previously known as the Six Star Landfill and B&B Landfill for a Manufactured Housing Development. He introduced Kenneth Frantz, representing Six Star Investments, LLC, the Applicant. He noted that approximately 80 individuals attended the Planning Commission meeting, with 16 individuals speaking to express their opposition to the request. He explained that the recommendation of the Administration and the Planning Commission is that the request be denied. He noted that the use is not supported by the Master Land Use Plan, would put an inordinate amount of traffic on School Road, and raises questions of the economic viability and feasibility of the development.

Mr. Frantz stated that he spent over an hour at the Planning Commission Meeting, and he would not repeat the entire presentation. He commented that it was discussed that manufactured housing has a negative image. He noted that it was suggested that a separate contract or arrangement, or conditional rezoning be developed to ensure that whatever is developed on the property would be a benefit and add to the city. He stated that the Planning Commission was under the belief that a separate agreement cannot be made due to the laws of the State which govern manufactured housing. He commented that this is not true, and conditional rezoning is a viable option. He suggested including conditions that the housing units located cannot be older than a certain age or smaller than a certain size, or only sectional homes will be permitted, in keeping with the architectural character of the neighborhood and meeting all building codes. He stated that this would be a positive thing for the city, cleaning up a landfill that closed 32 years ago and a brownfield property that has no other use. He commented that the owner of the property pays taxes every year; and his investigation suggests that there is no other use. He stated that every problem has an engineering solution, and the

manufactured housing density would allow a solution for the City, the neighborhood, and the surrounding community. He commented that while Mr. Anzek suggested a Planned Unit Development be proposed, it does not appear viable and feasible to him. He stated that this would be a development that the city would be proud of.

President Hooper stated that Council's consideration is that for a rezoning from R-4 to RMH, not a conditional rezoning.

Mr. Anzek responded that this is correct. He noted that the options that could be considered were reviewed with Mr. Frantz, and were rezoning, conditional rezoning, or Planned Unit Development.

Mr. Frantz stated that at the time, he did not have an appreciation for what conditional rezoning meant and how it could apply to the developer's plans. He commented that he was not aware of the limitations that are placed on the City with manufactured housing zoning. He pointed out that the City has preliminary site approval; however, the State then steps in and has more control than it would with other developments.

Public Comment:

Kathie Troshynski, 2138 London Bridge, stated that a mobile home park should not be permitted on a previous landfill where a methane gas explosion occurred on a nearby street. She commented that the property has been unlivable for 32 years for a good reason.

Lisa Winarski, 194 Bedlington, questioned why the item was offered to Council as a First Reading when the Planning Commission voted unanimously against the development. She commented that the owner should have known that this was a landfill when he purchased the property. She stated that nothing should be built on this brownfield due to the methane gas underneath.

President Hooper explained the rezoning process, noting that any property owner can request a rezoning. The rezoning request is considered at the Planning Commission during a Public Hearing, and a recommendation is provided to Council. He stated that the property owner has the right to appear before Council, regardless of the Planning Commission's recommendation. He noted that any rezoning issue is at a minimum a three-step process; first to the Planning Commission and then at least two meetings before Council with the first time being a First Reading.

Mr. Anzek noted that if the request is denied on Council's First Reading, it does not come back for a Second Reading.

Mr. Frantz noted that both public commenters mentioned methane gas; and he pointed out that the development would require the approval of the Michigan Department of Environmental Quality, with methane addressed in a much more vigorous fashion than it is currently. He explained that if the development proceeds, methane would be drawn out and sold to Landfill Energy Systems of Novi, Michigan. He noted that the remediation efforts would be guaranteed by a

bond. He pointed out that a similar development nearby is full, and the developer believes the project is economically viable.

Council Discussion:

President Hooper stated that he serves on the Planning Commission, and noted that the recommendation for denial was unanimous. He commented that he does not support this request as rezoning to RMH is not appropriate for the property or for the residents surrounding it. He stated that the City has a landfill legacy in Rochester Hills, and has a Brownfield Redevelopment Authority to try to find ways to redevelop the 660 acres of previous landfill properties in the city. He noted that the property owner has a huge hurdle and millions of dollars will be required to effectuate a clean property for a future development. He stated that while he wants to see something developed there to reduce the leachate runoff and methane gas, this is not the right vehicle to do so.

Mr. Wiggins commented that he does not see the development's merit from an economic standpoint. He noted that costs are unknown and it is not appropriate for the neighborhood.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0201-2014

Resolved, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone two parcels of land totaling approximately 77 acres, located east of John R and north of Hamlin, Parcel Nos. 15-24-326-008 and 15-24-302-007 from R-4, One Family Residential to RMH, Manufactured Housing Park and to prescribe penalties for the violation thereof, is hereby denied for First Reading.

NEW BUSINESS

- 2013-0264** Request for Approval of a Final Planned Unit Development Agreement - Villas at Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, Shadow Pines, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Letter Polyzois 071814.pdf](#)
[Memo Anzek 081514.pdf](#)
[PUD Shadow Pines 072214.pdf](#)
[Map.pdf](#)
[Final PUD Plans.pdf](#)
[Final PUD Staff Report 051214.pdf](#)
[Minutes PC 081914.pdf](#)
[Minutes PC 061714.pdf](#)
[Minutes PC 052014.pdf](#)
[Email Breuckman 060214.pdf](#)
[Memo Anzek 061314.pdf](#)
[Letter Pine Trace 051414.pdf](#)
[Letter Pine Trace 061214.pdf](#)
[Letter Forrest 061114.pdf](#)
[Backup Docs.pdf](#)
[072913 Agenda Summary.pdf](#)
[Site Plans.pdf](#)
[Staff Report 071013.pdf](#)
[Minutes PC 071613.pdf](#)
[Public Hearing Notice 071613.pdf](#)
[072913 Resolution.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the request to approve a Planned Unit Development for 28 duplex units was scrutinized by the Planning Commission in June, with changes reviewed in August, and is recommended for approval. He mentioned that Council approved the preliminary PUD last July. He displayed a rendering showing the general layout of the proposed development.

Jim Polyzois, representing Shadow Pines LLC, explained that two different styles of elevations are proposed, with price points in excess of \$400,000. He noted that the developers have been working with the various neighbors to seek input on how to proceed without impacting any neighboring properties. He mentioned that discussions were held with Mike Bylen, Pine Trace Golf Course Manager, regarding concerns related to Hole 11 of the golf course. The discussions included setting aside a certain dollar amount to plant trees along the property line or reconfigure Hole 11. Further discussions noted the possible installation of a net. He stated that if a net were proposed, there would be no need for monies to be set aside to plant trees or reconfigure the course.

Mr. Anzek noted that Mr. Polyzois advised that any further discussion of netting versus reconfiguration of the hole would be treated as a private contract between the developer and the operator of the golf course.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0202-2014

Resolved, that the Rochester Hills City Council hereby approves the Final Planned Unit Development (PUD) Agreement dated received July 22, 2014 for the Villas at Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard between Adams and Crooks, zoned R-4, One-Family Residential, Parcel No. 15-31-400-018, Shadow Pines, LLC, with the following findings and conditions:

Findings:

1. The proposed Final Planned Unit Development (PUD) is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD concept plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as it relates to providing varied housing for the residents of the City.
5. The proposed PUD Plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved Final Plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the Agreement shall be met prior to Final Approval by Staff.
3. The PUD Agreement with attachments shall be recorded at the County Clerk's office once approved by the City Council.
4. The PUD Agreement shall be executed by the Mayor prior to its recording by the County.

2014-0179 Request for Approval of a Wetland Use Permit - Villas at Shadow Pines, for impacts to approximately .47 acres for a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard between Adams and Crooks, zoned R-4, One Family Residential, Shadow Pines, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Final PUD Staff Report 051214.pdf](#)
[ASTI Letter 042114 #2.pdf](#)
[Minutes PC 061714 WUP.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0203-2014

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for the Villas at Shadow Pines, a proposed 28-unit residential development on 9.8 acres, located on South Boulevard, between Adams and Crooks, zoned R-4, One Family Residential, Parcel No. 15-31-400-018, for impacts to approximately .476 acres for the construction of several units, the detention pond and a portion of the roadway and its utilities, based on plans dated received by the Planning and Economic Development Department on April 8, 2014, with the following findings and conditions:

Findings:

1. Of the approximately 2.4 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately .476 acres.
2. The impacted areas consist of two narrow fingers which extend off the main body of the wetland, and areas at the perimeter of the wetland. Wetland Fill Area 2 is proposed to accommodate a forebay, which is part of the stormwater management system.
3. The applicant has minimized potential wetland impact by incorporating a retaining wall to the north of units 9-11A and along the east side of Trace View Drive.

Conditions:

1. That the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
3. Investigate the possibility with Staff regarding further reduction of wetland impact by means of constructing a permanent barrier at the limits of the impacts, such as a fieldstone/boulder wall or other decorative and highly visible barrier, prior to Final Approval by Staff.
4. Verification by ASTI that conditions from the April 21, 2014 letter are addressed on revised site plans prior to final approval by Staff.

2014-0210 Request for Final Site Plan Approval - Villas at Shadow Pines PUD, a proposed 28-unit residential development on 9.8 acres, located on South Boulevard, Shadow Pines, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Final PUD Plans.pdf](#)
[Final PUD Staff Report 051214.pdf](#)
[Minutes PC 061714 FSP.pdf](#)
[Resolution.pdf](#)

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0204-2014

Resolved, that the Rochester Hills City Council hereby approves the Final Site Plans for Villas at Shadow Pines, a proposed 28-unit residential condominium development on 9.8 acres, located on South Boulevard, between Adams and Crooks Rd., zoned R-4, One Family Residential, Parcel No. 15-31-400-018, based on plans dated received by the Planning and Economic Development Department on April 8, 2014 with the following findings and conditions:

Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Site Plans promote the goals and objectives of the Master Plan that the City provides a variety of housing.

Conditions:

1. All remaining engineering issues identified in the memo dated April 28, 2014 be addressed prior to issuance of a Land Improvement Permit.
2. All comments from Fire Department memo dated April 23, 2014 to be addressed prior to final Staff approval of the plans.
3. Addressing all remaining site plan items in comments 1 and 3 under Review Considerations in the Staff Report dated May 12, 2014 to final site plan approval being granted.
4. Provision of a performance guarantee in the amount to be determined based on the landscaping cost estimate to be submitted, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.

2014-0305 Request for Approval of the initial funding of the Green Space Perpetual Care Trust

Attachments: [Agenda Summary.pdf](#)
[Worksheet of Available Fund Balance for Trust.pdf](#)
[GSPCT draft resolution.pdf](#)
[GSAB Resolution adopted 072214.pdf](#)
[Resolution.pdf](#)

Gerald Carvey, Chairperson of the Green Space Advisory Board (GSAB), stated that the GSAB looked at how stewardship should be approached; and noted that a Request for Proposal for a consultant was issued, and the top two responders interviewed today. He commented that Council should be presented with the GSAB's recommendation for a consultant shortly. He explained that the GSAB is suggesting that \$4 million be placed into trust, based on a projection of the funding to come into Green Space over the life of that millage, and would allow \$3 million left for the purchase of additional property.

Keith Sawdon, Director of Finance, noted that he cautioned the GSAB that the monies placed into the trust are intended to be placed forever. He pointed out that a worksheet has been included, and stated that he is comfortable with the recommendation of \$4 million.

President Hooper questioned that besides the consultant, what the work plan would be for the properties.

Mr. Carvey responded that the consultant will review each property and develop a master plan for that property including a review of invasives, delicate plants, and how to proceed with restoring the property to a pre-settlement landscape.

Mr. Kochenderfer commented that the GSAB has taken a deliberative approach, and the consultant services will provide a first step to develop a viable plan.

Mr. Wiggins questioned whether \$3 million remaining for acquisition reflects an estimate of the property available for purchase, whether a certain rate of return is anticipated, and if monies can be removed from the Trust.

Mr. Carvey responded that the GSAB felt comfortable with \$3 million as it was originally thought that the properties would cost more to acquire. He commented that as stewardship moves forward, the GSAB may suggest that more be moved into the Trust.

Mr. Sawdon explained that the purpose of the Trust is to invest with a long-term perspective. He noted that pension funds typically use a seven percent rate of return over time, and this fund is conservatively estimating five percent, to protect principal and provide a revenue stream for stewardship activity forever. He commented that the Trust does have a mechanism for principal to be used in the future for Green Space related activities beyond stewardship.

Public Comment:

Melinda Hill, 1481 Mill Race, stated that it is difficult for Council to make a decision this evening as there is no information on a potential cost for annual stewardship. She commented that the GSAB should have assembled budget numbers on

stewardship prior to proceeding. She suggested that \$4 million should not be moved; noting that a smaller amount of money should be moved now.

Council Discussion:

President Hooper requested the following questions be addressed:

- Has a work plan been developed.
- Whether the monies placed into the Trust can be moved back.
- Whether money needs to be placed into the Trust to spend \$50,000 on a consultant.

Mr. Carvey responded that the GSAB wanted to get the process started, noting that the Trust will not start producing funds for some time. The stewardship program will be started with monies not in the trust and the consultant will begin development of a master plan.

Mr. Sawdon noted that money can be removed from the Trust; however, the intent is not to remove it. He pointed out that the current Green Space Fund is earning 0.3 percent on its investments; while inflation is 2.5 percent. He commented that the longer funding of the Trust is delayed, the longer it will take to begin earning. Funds expended now are coming from principal. He encouraged Council to act as purchasing power is eroding each day.

President Hooper commented that with a prediction of five percent, if \$1 million was moved, earnings would be \$50,000 for 2015.

Mr. Sawdon noted that the earnings would be realized at the end of 2015. He noted that the Trust would generate returns for 2016 and 2017.

Mr. Tisdell pointed out that the target is for \$200,000 per year in earnings. He requested information on the following:

- How much is currently being spent on stewardship.
- It is his understanding that monies will not be spent until accrued from the Trust.
- With \$3 million remaining, what the potential costs are of any properties that the GSAB has been looking at.

Mr. Carvey responded that nothing has been spent on stewardship to date.

Mr. Sawdon stated that only earnings from the Trust can be used for stewardship activities.

Mayor Barnett noted that no properties are being reviewed that would encompass over \$3 million for acquisition.

Mr. Tisdell commented that he would support moving \$4 million.

Mr. Wiggins questioned what services the consultant will provide.

Mr. Carvey responded that the GSAB does not have the expertise to identify invasive plants and determine best methods to get rid of them and a consultant will define the needs for those properties.

Mr. Wiggins commented that if it is not known what will be spent, it is difficult to determine what will be needed. He stated that Council could wait until the consultant's report is received or only place a minimal amount in the Trust. He suggested \$1 million.

Mr. Carvey pointed out that the City of Ann Arbor currently spends \$700,000 on stewardship. He commented \$200,000 is the minimum that the GSAB would want to move forward with in the community; and if the money is not generated, it will not be there to spend.

Mr. Kochenderfer commented that there is no right or wrong answer; it would not materially harm anything long-term if Council decided to delay a decision. He noted that there are two purposes that the Green Space monies can be used for, either the purchase of properties or stewardship. He pointed out that the GSAB has a good inventory of potential properties and it is not lengthy.

President Hooper questioned whether the GSAB could provide some specifics on stewardship activities.

Mr. Carvey responded that it would take six months to a year to develop specifics. He stressed that \$3 million would be kept for the purchase of a number of properties.

President Hooper stated that he supports the creation of the Trust, maintenance activities, and repurposing Green Space funds for stewardship. He commented that he wished he had some specifics to review regarding this line item. He mentioned that he supported Mr. Wiggins' suggestion for \$1 million to address what would be spent in 2015.

Mr. Tisdell commented that there is a cost in not moving the money.

Mr. Sawdon concurred, noting that with general inflation running at 2.5 percent and closer to five percent when considering energy and food, the longer Council waits, the less buying power the money will have. He commented that it is his opinion that once the consultant's report is received, \$200,000 will not be enough in the long-run for activities and support will be needed from General Fund for stewardship activities.

Mr. Kochenderfer commented that it is a monetary decision from Council; and if it wants to wait to see additional information regarding stewardship, it would cost "x" to wait a year. He stated that it is Council's decision whether it is willing to forego earnings to wait for this information.

Mr. Wiggins commented that it is his thought from an investment perspective that anything less than one year would not be an issue for the long-term. He recommended \$1 million be moved, or Council should wait for the consultant's

report. Once the information is received, Council could then move the remainder of the funds.

Mayor Barnett stated that he did not wish to see Council divided on the amount to place in the Trust and suggested that it might be appropriate to move a smaller amount that it is comfortable with. He commented that he would prefer to see Council agree unanimously on a figure that everyone can be comfortable with now and wait for the consultant's report for the remainder.

Mr. Tisdell suggested that \$2 million be moved. There was no support for that amount.

Ms. Morita stated that she would prefer \$1 million.

Mr. Wiggins agreed with that amount. He stated that once the information is received, Council could again consider \$4 million.

Mr. Tisdell agreed that he would support \$1 million.

Mr. Sawdon questioned whether the amount should be included in a Budget Amendment for 2014, or placed in the 2015 Budget.

President Hooper responded that it should be moved for the 2015 Budget; and the \$50,000 estimate of cost for 2015 be paid from cash funds.

A motion was made by Tisdell, seconded by Kochenderfer, that this matter be Adopted by Resolution to approve an initial funding of \$1 million dollars to the Green Space Perpetual Care Trust. The motion carried by the following vote:

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0205-2014

Resolved, that the Rochester Hills City Council hereby approves an initial funding of \$1 million dollars to the Green Space Perpetual Care Trust.

2014-0368 Update on Oil and Gas Drilling Topics

Attachments: [Agenda Summary.pdf](#)
[082614 Agenda Summary.pdf](#)
[082614 Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, noted that since Council's Special Meeting on August 26th, a Special Meeting has been scheduled for the Planning Commission for October 14th to consider an Oil and Gas Ordinance. He stated that appropriate notification will be made, with everyone speaking to date receiving a copy of the agenda. He noted that the City's Governmental Affairs team reports that proposed Senate Bill 1026 has been referred to the Senate Committee on Natural Resources, which is chaired by Senator Tom Casperson. He noted that team members are meeting with the bill's sponsor, Senator Brandenburg, and working with him to form a coalition and committee to push any hearing on the bill and get things moving. The team has

also met with State Senator Marleau and gained his pledged support.

President Hooper noted that a copy was received today of a resolution from Shelby Township directed to Governor Snyder requesting support for enabling legislation to give communities more control over local zoning relative to oil and gas drilling activities. He commented that he would direct City Attorney Staran to weigh on the specifics of this resolution.

Public Comment:

Kristen Kennedy, 750 Panorama, questioned where the City stands on the development of proposed Ordinances.

President Hooper responded that Ordinances are scheduled for consideration during a Public Hearing at a Special Planning Commission Meeting scheduled for October 14th. He noted that everyone who has turned a card in at City Council will be notified.

Chris Morris, 1398 Burhaven, expressed his thanks for the six month moratorium; however, he noted that something permanent must be done. He stated that Senate Bill 1026 cannot be relied on to solve the problem for the city entirely, as it specifies that an oil company can still be granted a permit by the State if it can prove that there will be no waste if a well is drilled and no other reasonable place for its location. He added that the bill does not help in terms of drilling under the City. He stated that the City should back out of the lease it signed.

Jeannie Morris, 1398 Burhaven, commented that she didn't know the city had 660 acres of brownfield land, and noted that three park properties have been signed over for drilling that are not brownfield. She mentioned that the City is far behind on taking action on oil and gas issues and looks forward to Ordinance discussions on October 14th. She stated that the proposed State legislation has too many loopholes and the lease needs to be rescinded.

Nancy Major, 1545 Colony, stated that oil and gas drilling has no business operating in a densely populated area. She commented that actions by public officials should not compromise the health, safety and welfare of the community; and noted that if oil and gas drilling activities cannot be stopped, ordinances should be enacted to minimize risks and negative impacts.

Melinda Hill, 1481 Mill Race, stated that the northeast section of the city has the most potential for drilling to take place. She mentioned that she could hear activities from the Shelby Township drilling site and commented that West Bay's drilling path should have been made available for review. She commented that the City should also produce the quarter/quarter maps of the eastern section of the City and the Tienken corridor.

Robert Kendig, 2484 Wortham Drive, commented that the proposed Senate Bill is very short and only deals with changing one page of the 1,300-page legislation regarding oil and gas exploration. He stated that the City should have acted sooner.

Mike Powers, 3632 Aynsley Drive, stated that during a question and answer session by Governor Snyder on NPR Radio this past Friday, the Governor appeared to agree that urban drilling is a serious issue and communities should work things out with the oil companies. Mr. Powers recommended that a team of citizens and individuals from the private sector be assembled to use the available technical expertise to assist the City.

Gail Hammill, 1434 Burhaven, stated that the proposed State legislation has large loopholes; and commented that the City must enact ordinances to protect its residents before the moratorium expires. She stated that Rochester Hills should have a drilling setback of 1,500 feet to residences, and pointed out that Texas has laws specifying 900 to 1,500 foot setbacks.

Lorraine McGoldrick, 709 Essex, stated that there are positives and negatives to any decision, and commented that oil and gas drilling should not be an experiment for this residential high-density community. She stated resident participation should be increased.

Council Discussion:

President Hooper noted that the Planning Commission would hold a Public Hearing on October 14th and questioned what was envisioned for that meeting.

Mr. Anzek responded that there is much information to absorb and he would find it hard to say whether the Planning Commission will be ready to vote that evening. He commented that they understand the urgency; and if they are comfortable that evening, they will make a recommendation.

President Hooper noted that the moratorium is in place through next March which should provide enough time for an Ordinance to be developed and reviewed at City Council. He commented that any proposed State legislation can change as it works through committees; and he noted that Mayor Barnett will work with the State Legislators to share Rochester Hills' intent regarding the passage of Senate Bill 1026 in a form that aids Rochester Hills. He pointed out that the legislation was proposed by Macomb County legislators, and no Oakland County legislators were persuaded to propose something. He questioned whether information could be obtained regarding the direction of the Shelby Township well drilling activities.

Mr. Anzek responded that the Shelby Township well was drilled 1,000 feet and then turned. He explained that he was told by the Michigan Department of Environmental Quality (MDEQ) representative that was on site that they could not get closer than 330 feet to any major road. He noted that the unit that was under lease was all contained within Shelby Township.

Mayor Barnett mentioned that they could not cross Dequindre and never had permission in Oakland County.

President Hooper requested that the City obtain information on the configuration of the extraction area and permitted acreage.

Mr. Webber noted that an article which appeared in the Oakland Press over the weekend quoted Senator Brandenburg with regard to the changes that he wants to see made to the proposed Senate Bill. Mr. Webber explained that bills are introduced as placeholders to initiate action and begin the process to ask for a hearing, and he stated that it is his belief that the bill will be changed over the next couple of months. He mentioned a non-partisan organization, the Legislative Service Bureau, works to draft much legislation that is introduced. He stated that Mayor Barnett sent a letter urging legislators to work with Senator Casperson to schedule a hearing. He mentioned that much legislation dies in Lansing because of the inability to schedule an initial hearing.

Mayor Barnett stated that he sent a letter to all the State Representatives and State Senators urging support for Senate Bill 1026. He commented that there will be much debate on this legislation, and noted that Senator Brandenburg chose a population of 70,000 for the legislation as this is the population level he thought would not incur as much pushback from the oil companies or communities that receive solid revenues from oil and gas exploration. He mentioned that his letter referenced three trains of thought for control of exploration activities, including zoning, population, and distance from a well site. He commented that it would take a heroic effort to eliminate exploration activities from any area and would not garner support state-wide. He stated that his letter suggested a population density benchmark; and noted that all communities deserve some protection and representation, as Senate Bill 1026 as introduced helps Rochester Hills, but does nothing for Auburn Hills, Rochester or many other communities. He stated that it is his opinion that not all of the control should be in the local communities as they do not have the expertise to manage activities; however, there should be a checkpoint before it goes to the State as to where activities should be considered appropriate. He commented that the City is hopeful that the State will provide a solution, as the activities are clearly governed by State Law.

Discussed.

2014-0352 Request for Approval of the Mutual Aid and Assistance Agreement with the Michigan Water and Wastewater Agency Response Network (MiWARN)

Attachments: [Agenda Summary.pdf](#)
[MiWARN By-Laws.pdf](#)
[MiWarn Mutual Aid Agreement.pdf](#)
[MiWARN Resolution for City to Join.pdf](#)
[Resolution.pdf](#)

Paul Davis, City Engineer/Deputy Director of DPS, explained that the Michigan Water and Wastewater Agency Response Network is a state-wide organization where communities voluntarily have made listings of any equipment and personnel available in the event that they can provide assistance during a natural or man-made emergency event adversarial to a utility system. He commented that it is important that utilities are kept in service, providing quality of life to communities. He explained that while the City has an emergency response plan if something were to happen within its system, it is a part of a larger system, and emergencies

elsewhere can affect the City's systems. He stated that the City's membership in this group will function as a public works mutual-aid agreement and provide an emergency response plan to supplement the City's own.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0206-2014

Whereas, certain Michigan water, wastewater and public works agencies have formed the "Michigan Water/Wastewater Agency Response Network," (MiWARN), to share resources and to assist each other in the form of personnel, equipment, material and supplies in the event of emergencies that disrupt utility services, and

Whereas, the Urban Cooperative Act of 1967, (MCL 124.501 et seq.) authorizes public bodies and private entities to work together to provide mutual aid and assistance to both public and private water and wastewater utilities and public works agencies in need of emergency assistance caused by natural or man-made disasters, and

Whereas, the features of the proposed Mutual Aid and Assistance Agreement under consideration gives sole discretion to Members whether or not to respond to a request for assistance, or to what extent to respond to a request for assistance from a requesting Member, and provides for cost reimbursement by the requesting Member to the responding Member, and

Whereas, the City of Rochester Hills will retain complete discretion and authority to withdraw some or all of its resources furnished to a requesting Member at any time, and may withdraw from MiWARN, for any reason, upon seven (7) days notice to the Steering Committee, and

Whereas, legal counsel for the City of Rochester Hills has reviewed the draft Mutual Aid and Assistance Agreement, in conjunction with the Director Public Services and recommend the proposed Agreement, and

Whereas, the Members have agreed to enter into this "Michigan Water/Wastewater Agency Response Network Mutual Aid Agreement," to describe the terms and conditions under which emergency assistance may be requested and provided, and

Whereas, by executing the Agreement, the Parties express their intent to participate in a program of Mutual Aid and Assistance within the State of Michigan.

Now Therefore, Be It Resolved, that the City of Rochester Hills does hereby authorize entering into the Mutual Aid and Assistance Agreement with the Michigan Water/Wastewater Agency Response Network, and the authorizes the execution of the Agreement by Bryan K. Barnett, Mayor.

2014-0353 Request for Purchase Authorization: FACILITIES - Contract/Blanket Purchase Order for Architectural Services for Fire Station Renovations/Construction in the amount not-to-exceed \$420,000.00; CHMP, Inc., Grand Blanc, MI

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

Scott Cope, Director of Building and Ordinance Compliance, explained that the amount requested for approval is based on preliminary cost estimates. He noted that the actual cost for services will be 7.5 percent of the actual project cost. Any cost changes from the \$5.6 million estimate for the total project cost in the Architect's contract will be brought back to Council for adjustment.

President Hooper questioned whether CHMP was being proposed based on qualifications.

Mr. Cope responded that CHMP is the architectural firm that went through the bid process, and were reviewed on the basis of their hourly rates and the services they are able to provide.

President Hooper questioned what other firms went through the request for proposal process and were shortlisted.

Mr. Cope responded that this occurred in 2011 and he would have to research who was short listed at that time.

President Hooper commented that obviously Council supports the fire station renovations; however, it must be a proper steward of the City's money.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0207-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to CHMP, Inc., of Grand Blanc, Michigan, for architectural services, including design, construction drawings, and specifications for Fire Stations 1, 2, 3 and 5 Renovations and Fire Station 4 Construction for a not-to-exceed amount of \$420,000.00 through January 31, 2016 and authorizes the Mayor to execute the contract(s) on behalf of the City.

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

2014-0362 Request for Approval to exempt AFSCME and IAFF union, as well as non-union employees from Public Act 152 for benefit plan year 2015

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

Pamela Gordon, Director of Human Resources, explained that contracts are currently in force with all full-time bargaining units, and all unions are now on health care plans that are consistent with strategy approved by City Council in closed session discussions in 2013 and 2014. These contracts have one more

year and will be up at the end of 2015. In compliance with Public Act 152 for the year 2015, Council is requested to approve the continuation of the current opt-out as it relates to full-time employee health care plans.

***President Hooper** noted that it is a better deal for both the employees and the City to opt-out.*

***Ms. Gordon** agreed.*

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0208-2014

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

Whereas, recent contract settlements between the City and IAFF Local 3472 will continue to hold the City's projected health care cost increases for 2014 and 2015 to an amount consistent with the City Council's objectives.

Whereas, the City administration intends to maintain the same health care strategy for the City's non-union employees in 2015,

Resolved, the City of Rochester Hills shall be exempt from the requirements of Public Act 152 of 2011 to the extent necessary to maintain the same health plans and contributions consistent with those identified in the ratified agreements between the City and AFSCME Locals 2491 and 1917.28 and IAFF Local 3472 for the plan year beginning January 1, 2015.

COUNCIL COMMITTEE REPORTS

Avondale Youth Assistance:

***Ms. Morita** reported that she had the pleasure of going shopping at Meijer with the Avondale Youth Assistance, and she stated that Meijer is a great community asset, going above board supporting the children, providing each of them with a backpack full of school supplies and a head-to-toe new outfit.*

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, September 22, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:14 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*LEANNE L. SCOTT, CMC, Deputy Clerk
City of Rochester Hills*

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

Approved as presented at the (insert date, or dates) Regular City Council Meeting.