



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, November 11, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, Mark A. Tisdel, Michael Webber and Ravi Yalamanchi

Absent 1 - James Rosen

Others Present:

Ed Anzek, Director of Planning and Economic Development

Bryan Barnett, Mayor

Tina Barton, City Clerk

Jim Breuckman, Manager of Planning

Scott Cope, Director of Building/Ordinance Compliance

Ron Crowell, Acting Fire Chief

Jason Dale, Media Production Technician

Kurt Dawson, Director of Assessing/Treasury

Pamela Gordon, Director of Human Resources

Bob Grace, Director of MIS

Tara Presta, Chief Assistant

Keith Sawdon, Director of Finance

Allan Schneck, Director of DPS/Engineering

Leanne Scott, Deputy Clerk

Paul Shumejko, Transportation Engineer

Michelle Zabat, Rochester Hills Government Youth Council Representative

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

PLEDGE OF ALLEGIANCE

Mr. Tisdel introduced Ainsley Klomp, age five. He noted that Ainsley attends Kindergarten in the Rochester Community Schools and is an accomplished

ballet, tap and jazz dancer through the Rochester-Avon Recreation Authority. He mentioned that her accomplishments include being able to swim underwater, ride a two-wheeler without training wheels, and winning the Meadow Brook Hall 2012 Coloring Contest. He stated that she is big sister to her two siblings, Kiernan and Gavin.

Ainsley Klomp led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

Absent 1 - Rosen

PUBLIC COMMENT

Jeff Matis, Oakland County Commissioner, stated that he would like to recognize all Veterans for their service to the country on this Veteran's Day. He provided the following County updates:

- *County Commissioners approved an annual budget totaling approximately \$800 million.*
- *The County was advised by Moody's and Standard and Poors that the County has maintained its AAA Bond Rating.*
- *The County is undertaking a refinancing of bond debt, which will result in a savings of approximately \$13 million each year, and \$100 million over the life of the bonds.*
- *November is Men's Health Month. Men are encouraged to have annual physicals and tests which will allow for early treatment of any health problems that may arise. County workers have shown their support and commitment to men's health issues by donating funds for men's health initiatives and by not shaving their moustaches for the next month.*

Scot Beaton, 655 Bolinger Street, expressed his sentiments on Veteran's Day. He noted that the City has the world's best snowplow drivers and requested motorists give them space to do their jobs.

Lee Zendel, 1575 Dutton Road, stated that on this Veteran's Day, everyone should reverently thank all who have served. He expressed his kudos to City Clerk Tina Barton for a well-run election. He commented that only four residents out of 53,100 were interested in becoming part of this City's Council. He mentioned that another bidder that should have been considered in the Single Waste Hauler Contract was Veolia Environmental Services.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper expressed his appreciation to all Veterans on this Veteran's Day. He congratulated Clerk Barton on a successful election, and thanked voters

for their support in passing the ballot proposal to repurpose the Green Space Millage to include stewardship activities. He commented that he wished that there had been a larger turnout for the election, noting that only 13 percent of the city's voters chose to cast their ballots. He congratulated incoming Council Members Thomas Wiggins, Kevin Brown and Stephanie Morita, noting that the Oath of Office Ceremony for the new Council will be held on Monday, November 18th.

Mr. Webber expressed his thanks to all Veterans, and noted that the City's Veteran's Day Ceremony was held this morning at 11:00 a.m. at Veterans Memorial Pointe. He commented that he is looking forward to attending the Oath of Office Ceremony next Monday. He wished everyone a happy and safe Thanksgiving.

Mr. Klomp expressed his appreciation to all Veterans, and stated that both of his grandfathers fought in World War II. He congratulated the incoming Council Members.

Mr. Kochenderfer echoed the congratulations to the incoming Council Members.

Mr. Tisdell thanked Ed Leafdale, General Foreman, for his efforts at Veterans Memorial Pointe. He wished everyone a Happy Thanksgiving.

Mr. Yalamanchi thanked the country's Veterans for their service, and welcomed and congratulated the incoming Council Members.

Michelle Zabat, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC members are gearing up for their participation in the Rochester Hometown Christmas Parade, will be helping at the City's Holiday Family Fun Night, and are in the process of brainstorming new projects. She announced that the RHGYC once again received a \$2,000 grant from Ford and AAA for the Strive 4 A Safer Drive program, and will be using the funding to promote driving safety.

Mayor Barnett congratulated the incoming Council Members, and noted that the ballot proposal to repurpose the Green Space Millage passed by almost a four-to-one margin. He added his congratulations to City Clerk Tina Barton, Deputy Clerk Leanne Scott, and the entire Clerk's team for their efforts in conducting a successful election. He commented that the election staffing requirements remain the same no matter what the turnout is. He added that Rochester Hills was one of the first communities to report. He announced the following:

- The Oath of Office Ceremony is set for Monday, November 18th, at 6:30 p.m.
- There are over 5,000 Veterans in Rochester Hills. Today's ceremony was attended by Council Members Tisdell and Webber and incoming Council Member Brown. Now in its 16th year of operation, Veterans Memorial Pointe has been recognized by a Keep Michigan Beautiful Award.

- *The Giving Tree is up in front of the Mayor's Office. Cards are available to take to provide gifts for needy individuals.*
- *The Village of Rochester Hills' Tree Lighting Ceremony is set for Friday, November 22nd from 5:30 p.m. to 9:00 p.m. The Ceremony will feature a Caribbean theme, with a steel drum band providing entertainment. Over 850,000 lights will decorate the Village.*
- *Local schools will have an opportunity to Paint the Plow, and decorate the front of a City snow plow to show school pride.*

ATTORNEY MATTERS

None.

PRESENTATIONS

2013-0413 Presentation on the Department of Public Services Winter Operations; Allan Schneck, Director of DPS/Engineering, presenter

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

Allan Schneck, Director of DPS/Engineering, gave a presentation on how City Staff address winter operations and clear snow and ice from city roadways. He explained that no two storms are alike as differences in temperature, precipitation and pavement conditions affect clearing operations.

The presentation highlighted the following:

- *The City has 38 miles of Major Roads, 242 miles of Local Roads, 620 cul-de-sacs and eyebrows, and 88 miles of pathway.*
- *The City clears snow in six routes beginning from north to south, and from the borders inward. Clearing activities are broken down by Major Roads, Critical Roads and Local Roads.*
- *Clearing equipment inventories include 16 plow trucks, 2 road graders, and 14 4x4 pickups. Pickups are used for instances of tight plowing and intersections. The City's 16 large trucks maximize efficiency, the goal is to keep them moving.*
- *Suggestions were presented for driveway maintenance to help minimize the chances of snow plows blocking driveways.*
- *Residents are asked to avoid throwing snow back out into the streets after the plows have come through and not to park vehicles on the streets during storm events.*

He explained that storms are categorized into two levels:

- *Category 1 - Snowfall less than 4 inches.*
- *Category 2 - Snowfall of 4 or more inches.*

He described anti-icing activities, noting that the drivers treat the surfaces before the snow event. He commented that the average seniority of the City's snowplow drivers is 20 years. Drivers are placed in routes that do not change from year to year to allow them to become familiar with them.

Presented.

2013-0414 Presentation on Radar Speed Display Signs; Paul Shumejko, Transportation Engineer, presenter

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

Mayor Barnett, stated that the radar speed signs were funded as a part of a Federal grant, with a focus on how to maximize the City's limited police patrol staff along with increasing safety around school zones.

Paul Shumejko, Transportation Engineer, explained that this project was a collaborative effort between the Oakland County Sheriff's Office, the Road Commission for Oakland County, the Michigan Department of Transportation, the Rochester Community School District and the Avondale School District. He noted that the entire project budget was 100 percent funded by the Federal government, with no local match of funds required. He stated that signs were placed in 13 locations near elementary and middle schools, with a total of 26 fixed signs. He added that two portable radar speed units were funded, which can also be placed in construction areas and are utilized during the "Don't Veer for Deer" campaign. He stated that the fixed signs operate from 6:00 a.m. to 9:00 p.m., and are programmed for both normal and school zone speed limits. The signs flash at one mile over the limit, and include a strobe that flashes at six miles over the limit.

He stated that a pre-study evaluation, a first post-study evaluation at six weeks after installation, and a second post-study evaluation at six months after installation were undertaken. The study showed a nearly 10 percent decrease in speeds; several locations actually showed a 20 percent decrease. He added that a public outreach campaign including brochures, posters, and promotional videos were developed to raise motorist awareness; and the signs were discussed during the elementary school tours at City Hall. He pointed out that public feedback has been positive, and noted that it has allowed the City to modify several school zone limits. He mentioned that other communities, including Grand Rapids, have been impressed by the City's innovative method of leveraging grant dollars for the program.

Council Discussion:

Mr. Yalamanchi questioned whether the data has been used to determine police staffing.

Mr. Shumejko responded that a summary report has identified peak times for enforcement to better utilize staffing resources.

Mayor Barnett stated that a significant amount of information has been gathered. He noted that the Sheriff's Department works in conjunction with the City's DPS Department to monitor data.

Presented.

RECOGNITIONS

2013-0427 Recognition of outgoing Council Members Nathan Klomp, James Rosen and Ravi Yalamanchi

President Hooper invited members of the public to extend their wishes to the outgoing Council Members:

Public Comment:

Jeff Matis, Oakland County Commissioner, expressed his appreciation to the three outgoing Council Members, noting that before he was first elected, he had no idea how much time being in office would take. He stated that he has had the privilege and honor to serve with all three outgoing Council Members and commented that all three came fully-prepared, bringing much to the table and being true assets to the City.

Scot Beaton, 655 Bolinger, expressed his appreciation for Mr. Rosen's years of service to the City, noting that he served with him for many years on the Planning Commission.

Council Discussion:

Mr. Webber expressed his thanks to all three outgoing members. He commented that he enjoyed working with Mr. Yalamanchi on the Older Persons' Commission. He stated that he worked with Mr. Rosen on the Strategic Planning and Policy Technical Review Committee, and noted that Mr. Rosen taught him a good lesson that politics should be left at the door. He noted that he enjoyed working with Mr. Klomp. He expressed his thanks to the Council Members' families for allowing them to be a part of the City.

Mr. Kochenderfer stated that he only had the opportunity to work with the outgoing Council Members for two years and it has been a pleasure. He commented that Mr. Yalamanchi is one of the most dedicated public servants he has ever come across, and has developed a good relationship with his constituents to represent their concerns. He noted that Council Member Klomp has taken every issue before Council very seriously and examines all the facets of an item before Council. He commented that Council Member Rosen has been a fantastic resource and a wealth of knowledge for the years he has been with the City.

Mr. Tisdell commented that Mr. Klomp assisted him when he was first campaigning for Council. He stated that Mr. Rosen's institutional memory of the City has been a great benefit to him. He mentioned that Mr. Yalamanchi has been a gentleman and a friend to him.

President Hooper stated that he first met Mr. Yalamanchi in 2005. He commented that Mr. Yalamanchi cast the tie-breaking vote that led to his appointment to City Council. He noted that he served on the Planning Commission with Mr. Rosen back in 1999 and stated that his knowledge of the City was greatly appreciated. He commented that it is unfortunate that Mr. Rosen could not attend this evening. He recalled Mr. Klomp's actions as a resident during a rescue training exercise at

Spencer Park where he thought a true emergency was occurring and dove into the lake to rescue an individual he assumed was in danger. He commented that he understands Mr. Klomp's pressing work issues, and stated that he will be missed.

City Clerk Tina Barton expressed her thanks to the outgoing Council Members for their service and read a quote by Ronald Reagan.

President Hooper invited any Directors in attendance to speak.

Bob Grace, Director of MIS, expressed his thanks to the outgoing Council Members for their time. He commented that it is heartwarming to know that Council is attentive to the Directors.

Scott Cope, Director of Building/Ordinance Compliance, expressed his appreciation for the outgoing Council Members' leadership and guidance through the recent difficult times.

Allan Schneck, Director of DPS/Engineering, thanked the outgoing Council Members for their efforts, noting that 90 percent of the time put in by Council Members is not seen by the public. He stated that the Council Members have spent time with DPS staff and have a better understanding of what they do.

Ed Anzek, Director of Planning and Economic Development, thanked the outgoing Council for their service.

Mayor Barnett noted Mr. Yalamanchi's kindness and compassion for his constituents. He commented that Mr. Rosen's perspective on the City is impossible to quantify, and he wished him a speedy recovery from his health issues. He mentioned Mr. Klomp's efforts as a citizen bystander during the rescue training exercise. He stated that Council exemplified teamwork, and noted that the last two budgets were passed unanimously.

Mr. Klomp noted the professional dialogue he had with Mr. Yalamanchi, stating that even when they disagreed, they disagreed respectfully. He commented that the City has benefitted greatly from the camaraderie. He expressed his hopes for Mr. Rosen's recovery. He noted that Mr. Rosen often said that one should be careful what one wishes for. He stated that Mr. Rosen challenged those he came in contact with, and got everyone thinking. He expressed his thanks to the Department Directors for their comments and stated that he enjoyed working with everyone. He stated that Council showed thoughtful debate and professionalism. He commented that the Mayor has been a tremendous source of inspiration, showing that heavy issues can be dealt with while remembering what is important in life. He expressed his thanks to his mother and father, and his wife, Carrie, for being incredibly supportive, noting that while serving he finished his Masters' in Business Administration and added two more children to their family. He stated that he thoroughly enjoyed his time serving.

Mr. Yalamanchi thanked Mr. Klomp and Mr. Rosen for their service on Council, stating that he enjoyed working with both gentlemen. He extended his warmest regards to Mr. Klomp and his wife. He noted that he and Mr. Rosen came to

Council at the same time, and he commented that he benefitted from Mr. Rosen's wisdom. He stated that he was truly honored to serve as Council Member these last eight years. He expressed his thanks to the residents of Rochester Hills, especially District 1, noting that this journey gave him a chance to get to know so many individuals he will cherish for most of his life. He thanked Department Directors and City staff, and stated that the new members coming in will bring new ideas and new approaches.

Plaques were presented to the outgoing Council Members Mr. Klomp and Mr. Yalamanchi.

Presented.

(Recess 8:26 p.m. to 8:51 p.m.)

CONSENT AGENDA

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

2013-0418 Approval of Minutes - City Council Special Meeting - September 16, 2013

Attachments: [CC Special Mtg Min 091613.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0235-2013

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on September 16, 2013 be approved as presented.

2013-0420 Approval of Minutes - City Council Regular Meeting - September 16, 2013

Attachments: [CC Min 091613.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0236-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 16, 2013 be approved as presented.

2013-0421 Approval of Minutes - City Council Special Meeting - September 30, 2013

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0237-2013

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on September 30, 2013 be approved as presented.

2013-0422 Approval of Minutes - City Council Regular Meeting - September 30, 2013

Attachments: [CC Min 093013.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0238-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 30, 2013 be approved as presented.

2013-0423 Approval of Minutes - City Council Special Meeting - October 14, 2013

Attachments: [CC Special Mtg Min 101413.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0239-2013

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on October 14, 2013 be approved as presented.

2013-0424 Approval of Minutes - City Council Regular Meeting - October 14, 2013

Attachments: [CC Min 101413.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0240-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on October 14, 2013 be approved as presented.

2013-0411 Request for Purchase Authorization - MIS: Project budget for final quarter of 2013 and 2014 purchase of equipment, supplies and software in the amount not-to-exceed \$65,400.00; Various Vendors

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0241-2013

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for final quarter of 2013 and 2014 purchase of equipment, supplies and software from various vendors in the amount not-to-exceed \$64,500.00.

2013-0384 Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for office supplies and equipment in the amount not-to-exceed \$65,000.00 through December 31, 2014; Office Max, Warren, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0242-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Office Max, Warren, Michigan in the amount not-to-exceed \$65,000.00 through December 31, 2014.

- 2013-0385** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for various maintenance, hardware and building supplies in the amount not-to-exceed \$39,000.00 through December 31, 2014; The Home Depot, Rochester Hills, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0243-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for various maintenance, hardware and building supplies to The Home Depot, Rochester Hills, Michigan in the amount not-to-exceed \$39,000.00 through December 31, 2014.

- 2013-0417** Request for Adoption of Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2013 Christmas Parade to be held on Sunday, December 8, 2013

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0244-2013

Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Rochester Regional Chamber of Commerce; and

Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown Rochester; and

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from E Second Street to Tienken Road.

Resolved, that the Rochester Hills City Council authorizes the Mayor or his agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved, that the parade detour routes be scheduled for Sunday, December 8, 2013, between the hours of 12:30 p.m. and 4:00 p.m. on Livernois, Avon, Rochester, and Tienken Roads; and

Now Therefore Be It Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

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, Klomp, Kochenderfer, Tisdell, Webber and Yalamanchi

Absent 1 - Rosen

The following Consent Agenda item was discussed and adopted by separate motion.

2013-0415 Designation of City Depositories for 2014

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

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

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

Abstain 1 - Yalamanchi

Absent 1 - Rosen

Enactment No: RES0245-2013

Whereas, there now may be and hereafter from time to time come unto the hands of the Treasurer of the City of Rochester Hills, Michigan, certain public monies belonging to or held for the State, County or other political units of the State or otherwise according to the law; and

Whereas, under the laws of Michigan and the City's Investment Policy, the Rochester Hills City Council is required to provide by resolution for the deposit of all public monies coming into the hands of said Treasurer, in one or more bank(s).

Now Therefore Be It Resolved, that the following financial institution(s) be added as a depository for City funds and other public monies coming into the hands of said Treasurer

during the Fiscal Year beginning January 1, 2014 and ending December 31, 2014.

Broker/Dealers/Safekeeping

Bank of America Merrill Lynch
J.P. Morgan Securities Inc./J.P. Morgan Clearing Corp.
Morgan Stanley Smith Barney
Multi-Bank Securities Inc.
Raymond James & Associates, Inc.(FKA Morgan Keegan & Co. Inc.)
UBS Financial Services, Inc.

Pooled Accounts

Columbia Government Fund/Bank of America
Federated Securities Corp./Federated Government Obligations Fund 05
Michigan CLASS/Cutwater Investor Services Corporation

Banks

Bank of America
Charter One Bank
Comerica Bank
Fifth Third Bank
First Merit Bank (FKA Citizens Bank)
First Place Bank
Flagstar Bank
Huntington Bank
JP Morgan Chase Bank
Level One Bank
PNC Bank, N.A.
TCF Bank
Talmer Bank and Trust
The PrivateBank and Trust Company

Be It Further Resolved, that each of the above depository(ies) so designated is/are hereby requested, directed and authorized to honor all checks for payment of monies drawn on the various accounts when bearing the actual or facsimile signature of persons authorized by the City of Rochester Hills to sign said checks and orders.

PUBLIC HEARINGS

(Opened Public Hearing at 9:06 p.m. / Closed Public Hearing at 9:24 p.m.)

- 2013-0371** Public Hearing and request for approval of an Amended Consent Judgment between the City of Rochester Hills and Avon & John R Retail (formerly Avon Country Market) and its General Partners, proposed for two parcels at the northwest corner of Avon and John R, zoned R-3, One Family Residential

Attachments: [Agenda Summary.pdf](#)
[Amended Consent Judgment 103113.pdf](#)
[Amended Consent Judgment 103113 \(Highlighted\).pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Public Hearing Notice.pdf](#)
[102813 Agenda Summary.pdf](#)
[101413 Agenda Summary.pdf](#)
[Amended Consent Judgment \(revised 102313\).pdf](#)
[Amended Consent Judgment.pdf](#)
[Old Consent Judgment.pdf](#)
[Public Hearing Notice 102813.pdf](#)
[101413 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, stated that the Consent Judgment for the Avon Country Market site has been revised to address some of the issues that arose at the last meeting. He noted that this proposed amendment limits the hours of operation from 6:00 a.m. to midnight, seven days a week. He added that all animal-related or agricultural use would be prohibited, along with any adult-related business or any business with a Class C liquor license. He mentioned that additional changes address comments from the City Attorney and correct typographical errors.

John Gaber, Williams, Williams, Rattner and Plunkett, noted that his clients have owned the property for two decades and have operated as the Avon Country Market for long period of time, ceasing operations earlier this year. He explained that due to health and financial constraints, his clients have been looking for a purchaser. He pointed out that Jim Allen, the prospective buyer, has a history of development in Rochester Hills and would provide a quality development. He mentioned that the former gas station located on the property left leaking underground storage tanks that Mr. Allen proposes to remove, along with any contaminated soils, undertaking the remediation at his cost. He added that drainage improvements will be made as well to correct the current untreated stormwater runoff conditions.

He stated that the façade proposed will be a four-sided structure, which will be an upgrade from the current dilapidated building. Right-of-way issues will be addressed as well, with an easement proposed for future roadway improvements. A wood fence will surround the property, featuring landscaping that will bring the property from an eyesore to a situation where the neighborhood and the City can be proud to have new facility there. He noted that the proposed purchaser does not intend to feature a use detrimental to the area and proposes to have a convenience store, with a market, bakery or shop. He stated that objectionable uses within the B-2 zoning classification were removed, and requested that the uses remain to add flexibility include a pizzeria or bakery.

He commented that while Mr. Allen would have liked to keep a 2:00 a.m. closing time, he realizes that it may not be feasible; and he requested that the hours of 6:00 a.m. to midnight, seven days a week be included. He stated that keeping this flexibility will not mean that the business will operate during those hours. He noted that if the proposed amendment is not approved, Mr. Allen will not proceed.

Mr. Allen stated that with the amount of investment necessary, an operation time of 6:00 a.m. to midnight is critical. He commented that \$100,000 in expense is expected to clean up site contamination.

President Hooper Opened the Public Hearing at 9:06 p.m.

Scot Beaton, 655 Bolinger, questioned whether the City supports the location of a liquor store on the corner, and whether the Planning Department was involved in any redesign of the proposed building facades. He questioned who will supervise the site cleanup.

Jim Ellenberger, 940 John R, questioned whether a concrete fence would be constructed on the north side adjacent to his property. He noted that the proposed retention pond is too close to his property line on a high portion of the site and could cause damage to his property. He questioned why the northernmost portion of the site is included in the Consent Judgment as he thought that portion remained residential.

Mike McGuire, 935 John R, questioned why the previous owners cannot undertake the project. He noted that there are currently tax foreclosure signs on the property.

Jesse Navarre, 925 John R, expressed concerns over the amount of contamination on the site and questioned why this had not been previously addressed. He noted that if the property is zoned residential, a residence should go there.

Lisa Winarski, 194 Bedlington, stated that she appreciates the fact that the site would be improved; however, she commented that the City should go a step further toward helping the residents. She expressed concern over the hours of operation, stating that any large chain's market research would show that these hours would not be feasible in that area. She questioned the size of the signage and requested information regarding the control of the hours for any deliveries. She inquired whether the contamination studies are available for public review and questioned who would oversee the cleanup process.

Robert Quigley, 1078 Bloomer, commented that the building size, and the proposed stormwater retention basin concerns the residents. He questioned the migration of any contamination, noting that the Michigan Department of Environmental Quality has no record of any gas tanks being removed.

Lyn Touissant, 1005 Bloomer Road, stated that she spent a few hours canvassing the neighborhood and commented that the neighbors expressed opposition to the project. She pointed out that the area consists of older homes and questioned whether the proposal would be the same if the property were located in the northern area of the city.

Seeing No Further Comment, President Hooper Closed the Public Hearing at 9:24 p.m.

*In response to Public Comment, **Mr. Breuckman** stated that the original Consent Judgment was entered into in 1983 or 1984. The site operated as a retail-zoning business since before zoning was adopted. He explained that the retail use of the site can continue with the zoning remaining R-3. He commented that a site plan required for parking and stormwater improvements was never submitted. Over the years, a number of plans were submitted for the site; however, they never progressed. He mentioned that the City does comment on architecture and building design, and pointed out that the site plan has been reviewed by the Fire Department and Traffic Engineer. He noted that the detention basin is larger than originally proposed because the County has a 100-year storm requirement. He mentioned that prior to 2008, the County required a basin sized for a 25-year storm event. He stated that the Consent Judgment dictates that the applicant must comply with B-2 district signage; and he noted that any application for sign permits will be reviewed. With regard to site contamination, he explained that Mr. Allen is doing his due diligence to protect himself to become a non-responsible, non-liable party. He pointed out that this is a contaminated site that has been operating for non-residential use; and to say that the site should be residential ignores the financial consideration of cleaning the site.*

***President Hooper** questioned if it is known whether the contamination extends beyond the property line into Avon and John R Roads.*

***Mr. Breuckman** responded that he would have to consult with the Department of Environmental Quality regarding contamination and what the new owner would be responsible for.*

***Mr. Allen** noted that Phase I and II Environmental Studies have been completed, and the contamination does extend to the other side of the road. A chemical treatment will be done to mitigate the contamination. He proposes to dig out contaminated soils and cap the property. He stated that PSI is the firm working on contamination issues and they propose to go beyond what is required.*

***Mr. Breuckman** commented that a masonry wall for the north property line is still under discussion.*

***President Hooper** questioned how the proposed facades were reviewed.*

***Mr. Breuckman** responded that tower elements originally proposed were lowered to keep consistent cornice lines.*

***President Hooper** questioned whether the building could be located further west on the site, what lots were covered in the Consent Judgment, and if the retention pond could damage a neighboring property.*

***Mr. Breuckman** stated that locating the building on the west side of the property is not approvable due to a need for circulation around the building. He mentioned that both lots were always included in the Consent Judgment, and pointed out that the Judgment specified that the north 100 feet could only be used for residential purposes.*

Mike Boggio, Project Architect, stated that no runoff is expected from the pond. He added that in negotiations with the DEQ, a 25-year design was developed. He mentioned that it is expected to be a dry pond, at about three-and-one-half feet in depth.

President Hooper stated concerns over the lighting plan, the height of the building, fencing material, and how hours of delivery would be addressed.

Mr. Breuckman responded that the photometric plan complies with all of the City's standards, and the building maximum height is 30 feet. He noted that a concrete fence cannot be located in the western easement due to the location of underground utilities.

Mr. Gaber noted that the hours of delivery can be limited to the proposed operating hours.

President Hooper commented that other area businesses that originally started with 24-hour operations cut the hours back due to lack of business during that time. He questioned what the typical price is for a liquor license.

City Clerk Tina Barton responded that a SDM-SDD license typically sells for \$65,000 to \$70,000.

Mr. Gaber mentioned that a Phase I and Phase II Environmental Plan must be done and a report filed with the State of Michigan.

Council Discussion:

Mr. Yalamanchi stated that he was in favor of the building being located to the front of the property rather than to the back. He requested the following information:

- Whether a Phase I, II and III Environmental Plan has been completed and how any contamination that has migrated to Avon or John R would be addressed.
- Whether a wall could be sited to the west of any utilities.
- Whether the City would have any recourse to address the Consent Judgment if disturbances occur after development.
- Whether the neighbors were appropriately notified.

Mr. Allen responded that he has undertaken Phase I and II thus far, and is moving to Phase III.

Mr. Breuckman responded that migrating contamination is a difficult question to address as it depends on whether the State can pursue a liable party. He mentioned that notices were mailed for both the October 28th Agenda Item and for tonight's Public Hearing to those properties within 300 feet.

Mr. Gaber noted that the utility transformers are on the property line and any fence to the west would encroach on the neighboring parcels. He stated that the City has remedy for disturbances.

Mr. Kochenderfer stated that he is still concerned over the operating hours, and noted that he would be much more comfortable with the project if the hours were scaled back to 11:00 p.m.

Mr. Gaber responded that the previous business operated until 2:00 a.m. during its heyday.

Mr. Allen commented that while he does not know that the business would stay open to midnight seven days a week, he would ask for the flexibility in order to stay open on Friday and Saturday nights.

Mr. Kochenderfer stated that while it is clear that a solution is needed, he is not certain that the proposal is the right solution for the city.

Mr. Webber commented that he supported the amended Consent Judgment as it tries to make the best of a bad situation.

Mr. Klomp stated that he is excited about the prospect of new development at that location. He commented that pedestrian safety should be improved in that area. He mentioned that this is not the place for a 24-hour-a-day, seven-day-a-week operation.

President Hooper suggested that two conditions be added. He stated that the hours of operation should also include delivery hours, and he noted that the screening on the north side of the property should be a masonry wall, subject to the approval of Planning staff.

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

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

Nay 1 - Kochenderfer

Absent 1 - Rosen

Enactment No: RES0246-2013

Resolved, that the Rochester Hills City Council hereby approves the proposed Amended Consent Judgment pertaining to Avon Country Market (now known as Avon & John R Retail) and its General Partners vs. the City of Rochester Hills, as successors to the Charter Township of Avon, Oakland County Circuit Court Case No. 82-241146CZ, regarding the development and use of two parcels of land totaling approximately .73 acre, located at the northwest corner of Avon and John R roads, Parcel Nos. 15-14-478-020 and -021; and

Resolved, that the following two conditions be added to the Amended Consent Judgment:

- 1) The Hours of Operation include delivery hours.
- 2) The screening on the north side property line be a masonry wall to match the facade of the building, subject to the approval of the Planning Department.

Be it Further Resolved, that the Mayor and City Attorney are authorized to execute the

Amended Consent Judgment on behalf of the City of Rochester Hills; and

Be It Finally Resolved, that the City Attorney is authorized to arrange for the Amended Consent Judgment to be entered by the Court and recorded with the Oakland County Register of Deeds.

ORDINANCE FOR ADOPTION

2013-0360 Acceptance for Second Reading and Adoption - an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately 2.5 acres, known as Parcel No. 15-34-352-012, located on South Boulevard, east of Livernois from R-2 (One-Family Residential) to R-2 (One Family Residential) with FB-1 (Flexible Business Overlay) and to prescribe penalties for the violation thereof

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[102813 Agenda Summary.pdf](#)
[Staff Report.pdf](#)
[Letter of Intent.pdf](#)
[Map Aerial.pdf](#)
[Minutes PC 10-15-13.pdf](#)
[EIS.pdf](#)
[PHN Rezoning.pdf](#)
[102813 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, stated that the Ordinance will add the FB-1 overlay on the outlying property on the north side of South Boulevard, just east of Livernois. He introduced **Tom Kenny**, AGE of Rochester Hills, Inc., in attendance representing the Applicant.

Public Comment:

Scot Beaton, 655 Bolinger, stated that he is against this proposal and requested Council discuss the entire list of possible uses for the rezoning.

Lisa Winarski, 194 Bedlington, expressed concern, stating that the city already has 12 senior facilities. She questioned whether the property will sustain that use in the long run and noted that the City's EMS system could be taxed.

President Hooper responded that EMS services present a concern as the population ages. He pointed out that when he was re-elected two years ago, his comments during the Oath of Office Ceremony mentioned that the City should look at its Fire Millage. He questioned what possible uses could exist in an FB-1 overlay district.

Mr. Breuckman responded that FB-1 is the least intense FB overlay, and may include dwellings, a mixed-use building, live/work units, multiple family, group homes, daycares, adult foster cares. Bed and breakfast facilities, inns, and up to 20-bed lodging facilities are conditional uses. He pointed out that conditional uses must be approved by the Planning Commission and City Council. He

noted that bars and drive-through restaurants are conditional uses. He stated that there is a limited potential for a restaurant or bar as a conditional use and noted that no retail is permitted.

Mr. Tisdell questioned whether any other developers have sent a letter of intent to the City.

Mr. Kenny responded that his firm sent a letter of intent.

Mr. Breuckman responded that no one else has made an application.

Mr. Tisdell commented that the age 65 and over population will double in the United States in the next 17 years.

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

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

Absent 1 - Rosen

Enactment No: RES0247-2013

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately 2.5 acres, known as Parcel No. 15-34-352-012, located on South Boulevard, east of Livernois from R-2 (One-Family Residential) to R-2 (One Family Residential) with FB-1 (Flexible Business Overlay) and to prescribe penalties for the violation thereof is hereby accepted for Second Reading and Adoption and shall become effective on Monday, November 18, 2013, the day following its publication in the Oakland Press on Sunday, November 17, 2013.

2013-0342 Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise screening for outdoor storage and trash storage areas, to revise the established building line setback requirements, to allow for 60-foot wide lots in certain locations, to clarify stormwater management pond landscaping requirements, to eliminate plant spacing requirements from fire hydrants, curbs, and public walkways, and to add dry cleaners as a permitted use in the B-1, B-2 and B-3 Districts subject to specific standards, and to repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[102813 Agenda Summary.pdf](#)
[Minutes PC 101513.pdf](#)
[Memo Breuckman 101113.pdf](#)
[PHN 101513.pdf](#)
[2013 Zoning Amendment Introduction.pdf](#)
[102813 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, stated that the Ordinance has not been changed from the First Reading.

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

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

Absent 1 - Rosen

Enactment No: RES0248-2013

Resolved, that an Ordinance to amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise screening for outdoor storage and trash storage areas, to revise the established building line setback requirements, to allow for 60-foot wide lots in certain locations, to clarify stormwater management pond landscaping requirements, to eliminate plant spacing requirements from fire hydrants, curbs, and public walkways, and to add dry cleaners as a permitted use in the B-1, B-2 and B-3 Districts subject to specific standards, and to repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption and shall become effective on Monday, November 18, 2013, the day following its publication in the Oakland Press on Sunday, November 17, 2013.

NOMINATIONS/APPOINTMENTS

2013-0426 Request to Confirm the Mayor's reappointment of Stephen McGarry and Del Stanley to the Brownfield Redevelopment Authority for three (3) year terms to expire on November 13, 2016.

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

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, Klomp, Kochenderfer, Tisdell, Webber and Yalamanchi

Absent 1 - Rosen

Enactment No: RES0249-2013

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Stephen McGarry and Del Stanley to the Brownfield Redevelopment Authority for three (3) year terms to expire on November 13, 2016.

2013-0377 Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals to fill the unexpired term of James Duistermars ending March 31, 2015

Attachments: [Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Aubuchon CQ.pdf](#)
[Booth CQ.pdf](#)
[Deel CQ.pdf](#)
[DiSipio CQ.pdf](#)
[Foster CQ.pdf](#)
[Graves CQ.pdf](#)
[Hurst CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Olson CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Riedel CQ.pdf](#)
[Schmeisl CQ.pdf](#)
[Schultz CQ.pdf](#)
[Shurkus, CQ.pdf](#)
[Tischer CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[101413 Agenda Summary.pdf](#)
[Duistermars Resignation.pdf](#)
[101413 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper noted that if more than one individual is nominated, this item would be held over to the next meeting for a vote.

President Hooper Opened the Floor for Nominations.

Mr. Tisdell nominated Ryan Schultz.

Seeing No Further Nominations, President Hooper Closed the Floor for Nominations.

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

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

Absent 1 - Rosen

Enactment No: RES0250-2013

Resolved, that the Rochester Hills City Council appoints Ryan Schultz as a Citizen Representative to the Zoning/Sign Board of Appeals to fill the unexpired term of James Duistermars ending March 31, 2015.

NEW BUSINESS

2013-0398 Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for natural gas for various City owned buildings in the amount of \$128,750.00 through December 31, 2014; Consumers Energy, Lansing, MI

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

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

Aye 6 - Hooper, Klomp, Kochenderfer, Tisdel, Webber and Yalamanchi

Absent 1 - Rosen

Enactment No: RES0251-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for natural gas for various City owned buildings in the amount of \$128,750.00 to Consumers Energy, Lansing, Michigan through December 31, 2014.

2013-0400 Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for electric energy for City facilities in the amount not-to-exceed \$400,000.00 through December 31, 2014; DTE Energy, Detroit, MI

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

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

Aye 6 - Hooper, Klomp, Kochenderfer, Tisdel, Webber and Yalamanchi

Absent 1 - Rosen

Enactment No: RES0252-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for electric energy to DTE Energy, Detroit, Michigan in the amount not-to-exceed \$400,000.00 through December 31, 2014.

2013-0416 Request for Grant Application Approval and Purchase Authorization - DPS/ENG: Approval of resolution to commit the City to the local match for the (SAW) Grant Application in the amount of \$240,000.00 for the Stormwater

Attachments: [Agenda Summary.pdf](#)
[2013-1101 SAW Grant Summary.pdf](#)
[RH-SAW Costs.pdf](#)
[Stormwater Project Agreement.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the State has made it known to all agencies that Stormwater and Wastewater (SAW) access management grants are being accepted. He stated that the City has partnered with one of its consultants on a no fee basis. He mentioned that the State Legislature enacted legislation approximately 11 or 12 years ago creating a billion dollars worth of funding made available to local agencies to pursue design efforts to assess the condition of their assets through the program. He stated that approximately \$350 million of those dollars were utilized to date. Approximately one year ago, that State Legislature determined that it would make approximately \$450 million of the remaining \$650 million available, and loosened some of the bureaucratic strings attached to the funding. He pointed out that entities originally had to bond to

make these improvements, and stated that the SAW grant is not tied to a bonding program. He explained that up to \$97 million will be made available in the first round of the SAW program.

President Hooper questioned what the total project cost allocation would be.

Mr. Schneck responded that the total approximate project cost for stormwater is \$1.32 million, with a State reimbursement of \$1.08 million and a local match of \$240,000.

Mr. Webber stated that it would be prudent for the City to take advantage of these State dollars.

Mr. Yalamanchi questioned whether the project can focus on subdivisions.

Mr. Schneck responded that it could address some of the issues pertaining to flooding.

Mr. Yalamanchi questioned whether the City is able to use the Water and Sewer Capital Fund to provide the matching funding.

Mr. Schneck responded that while it is appropriate to use this fund for the sanitary side, the stormwater side would be funded through the Water Resources Fund.

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

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

Absent 1 - Rosen

Enactment No: RES0253-2013

Whereas, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

Whereas, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

Whereas, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

Whereas, the Municipality does hereby determine it necessary (x) to establish an asset management plan, (x) establish a stormwater management plan, () establish a plan for wastewater/stormwater, () establish a design of wastewater/stormwater, () pursue innovative technology, or () initiate construction activities (up to \$500,000 for disadvantaged community), and

Whereas, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$1,156,667 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

Whereas, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

Now, Therefore, be it resolved that:

1. Mayor of City of Rochester Hills, a position currently held by Bryan K. Barnett, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contract, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

2013-0425 Request for Grant Application Approval and Purchase Authorization -
DPS/ENG: Approval of resolution to commit the City to the local match for the (SAW) Grant Application in the amount of \$204,444.00 for the Sanitary Sewer Project, if awarded

Attachments: [Agenda Summary.pdf](#)
[Summary.pdf](#)
[RH SAW Costs.pdf](#)
[Sanitary Sewer Project Agreement.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that this project is the same scope of work as the Drain Project, however will address the sanitary sewer collection system and its appurtenances, such as manholes.

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

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

Absent 1 - Rosen

Enactment No: RES0254-2013

Whereas, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

Whereas, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

Whereas, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

Whereas, the Municipality does hereby determine it necessary (x) to establish an asset management plan, (x) establish a stormwater management plan, () establish a plan for wastewater/stormwater, () establish a design of wastewater/stormwater, () pursue innovative technology, or () initiate construction activities (up to \$500,000 for disadvantaged community), and

Whereas, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$1,010,000 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

Whereas, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

Now, Therefore, be it resolved that:

1. Mayor of City of Rochester Hills, a position currently held by Bryan K. Barnett, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contract, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

2013-0120 Request for Purchase Authorization - FAC/RHTV: Project Budget for technology and acoustics for the auditorium and media technology in the amount of \$237,439.90 with a 10% contingency of \$23,743.99 for a total project budget not-to-exceed \$261,183.89; Advanced Lighting and Sound, Troy, MI

Attachments: [Agenda Summary.pdf](#)
[Contractor Eval Letter.pdf](#)
[Proposal Tabulation.pdf](#)
[040813 Agenda Summary.pdf](#)
[Evaluation Summary.pdf](#)
[Evaluation Letter 021213.pdf](#)
[Request for Proposal.pdf](#)
[Wave Solutions Proposal.pdf](#)
[Contract.pdf](#)
[040813 Resolution.pdf](#)
[Resolution.pdf](#)

Jason Dale, Media Production Technician, explained that the Auditorium upgrade project began with concerns expressed by Council regarding the aging equipment and acoustical problems experienced in auditorium. He noted that input was gathered from Council and internal users. He introduced **Steve Robinson**, of Sound Decision, the City's Media Consultant, and noted that a study identified deficiencies and problems. The proposed project will address overflow and create a better viewer experience for those watching at home. He stated that a request for proposal was written, competitive bids sought, and a value-based process undertaken.

President Hooper questioned whether the project addressed his previous concerns, including:

- Allowing remote access on telephones.
- Broadcast sound out into hallway.
- Installation of TV monitors in the hallway for overflow.
- Adding equipment for the hearing-impaired.
- Improving graphics and video viewable from the overhead projector.
- Whether the Parliamentary system would be changed.
- Changes to the microphone system.

Mr. Robinson responded:

- Remote access on telephones will be included.
- Sound will be broadcast into the hallway.
- One 50-inch TV monitor will be installed in the hallway.
- A wireless receiver with iPhone-type plug-ins will be included for the hearing-impaired.
- The overhead system will incorporate higher definition equipment with better resolution. The screen will go to a 16/9 format. An 80-inch monitor will be included in the auditorium for Council to view.

Mr. Dale responded that the Parliamentary will remain the same. He noted that some of the existing wiring and amplifiers will be kept. He added that many of the acoustical problems that were thought to be caused by the configuration of the room itself were actually found to be in the wiring.

President Hooper questioned how long the system is projected to last, noting that the cost is significant.

Mr. Robinson responded that the life span of a typical Audio-Visual system is ten years. He pointed out that production technologies will be migrated as well.

Mr. Dale mentioned that the room currently utilizes technology from 2004. He added that the City never made the change to digital technology in 2009, and replacement parts are no longer available for the current equipment.

President Hooper questioned what the timeframe would be for warranting the system.

Mr. Robinson responded that the new system will carry a three-year warranty on major components.

Mr. Webber stated that it appears that the City is playing catch-up, and noted that the project should provide a solution for the next ten years. He pointed out that the PEG money is only usable for this purpose, and questioned when the upgrades would take place.

Mr. Dale responded that the project is slated for the two-week break from City Council meetings in December, and should be in place by the first meeting of 2014.

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

Aye 6 - Hooper, Klomp, Kochenderfer, Tisdel, Webber and Yalamanchi

Absent 1 - Rosen

Enactment No: RES0255-2013

Resolved, that the Rochester Hills City Council hereby approves a project budget for technology and acoustics for the auditorium and media technology to Advanced Lighting and Sound, Troy, Michigan in the amount of \$237,439.90 with a 10% contingency of \$23,743.99 for a total project budget in the amount not-to-exceed \$261,183.89 and further authorizes the Mayor to execute a contract on behalf of the City.

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.

2013-0218 Request for Purchase Authorization - FISCAL: Project Budget for City's financial system upgrade project in the amount not-to-exceed \$1,300,000.00; Denovo Ventures, LLC, Niwot, CO and other select vendors

Attachments: [Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Cost Proposal.pdf](#)
[061013 Agenda Summary.pdf](#)
[061013 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, explained that in 2010, the Administration made a decision to forego paying upgrade fees to Oracle. He noted that that move saved almost \$700,000 since that time. He explained that the Administration learned late last year that Microsoft will no longer support the operating system that JDE resides on, and the City will be forced to upgrade from version 8.1 to 9.1. He mentioned that the City has many users who are on the system for eight hours a day, five days a week. He pointed out that Denovo is a platinum partner of Oracle, and will allow the City to receive the best discount on software. He added that they have a great deal of experience in the municipal market; and have members on their team who were involved in the system's original installation, providing continuity. He mentioned that the City's MIS team will be purchasing the hardware. He stated that the City's payment receiving program will be migrated from the AS400 to the new system, and will include a merging with paperless billing as Phase II. He noted that the Administration hopes to have the upgrades completed by the third quarter of 2014.

Mr. Yalamanchi questioned whether Phase II mentioned will cover both Phase I and II.

Mr. Sawdon responded that it will. He added that a module will be purchased to allow employees to maintain their own information regarding address changes, new dependents. He noted that \$100,000 will be set aside for contingencies.

Mr. Yalamanchi questioned what retraining of employees would be required.

Mr. Grace stated that training is included in the package.

Mr. Sawdon noted that a vendor has not yet been selected for Phase II.

President Hooper questioned whether the Administration looked at the possibility of migrating to a different system.

Mr. Sawdon responded that consideration of a different system included discussion of what educational retraining would be required. He pointed out that the City has 50 to 75 employees using the system, and noted that the learning curve for a new system would be very expensive. He commented that while the City is satisfied with its current system, it is being forced to upgrade.

Mr. Grace added that migrating to another system would have to include the conversion of data. He mentioned that there is a migration path for conversion to the upgrade.

President Hooper questioned how long the upgrade would be functional.

Mr. Grace responded that while minor updates are expected each year, an upgrade such as this would be undertaken every four to five years. He pointed out that the current JDEdwards system functions on Internet Explorer (IE) 7, IE 11 has just been released. He commented that while the system has been able to function with IE 8, 9, and 10, it most likely will not work with IE 11. He added that a future upgrade in four to five years would probably not be as extensive.

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

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

Absent 1 - Rosen

Enactment No: RES0256-2013

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for the City's financial system upgrade project for both Phase I and II covering hardware, software, implementation, maintenance and \$100,000.00 (8.3%) for contingency to Denovo Ventures, LLC, Niwot, Colorado and other appropriate vendors in the amount not-to-exceed \$1,300,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, December 2, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:04 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, Clerk
City of Rochester Hills*

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

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