



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,
Jenny McCardell, Stephanie Morita and Mark A. Tisdell*

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 24, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Tisdell called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.

ROLL CALL

Present 7 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdell

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Sean Canto, Fire Chief/Emergency Services Director
Bill Cooke, Assistant Chief/Fire Marshal
Scott Cope, Building/Ordinance/Facilities Director
Paul Davis, Deputy Public Services Director/City Engineer
Matt Einheuser, Natural Resources Manager
Ken Elwert, Parks and Natural Resources Director
Pamela Gordon, Human Resources Director
Captain Michael Johnson, Oakland County Sheriff's Office
Kristen Kapelanski, Planning Manager
Kevin Krajewski, Acting Information Services Director
Rochelle Lyon, Information Systems Administrator II
Tim Matz, Captain/EMS Coordinator
Sara Roediger, Planning and Economic Development Director
Allan Schneck, Public Services Director
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Laurie Taylor, Assessing Director
Maria Willett, Chief Assistant to the Mayor*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Mr. Deel introduced **Noah Peterson**, and noted that he is a student at Rochester High School, a former intern for Mayor Barnett's office, and is an Eagle Scout.

Mr. Peterson stated that he is a Senior at Rochester High School. He reported that the RHGYC had their first meeting at the DPS Facility last month, and he thanked Allan Schneck, Public Services Director, for giving the members a tour and providing a fantastic learning experience. He noted that the RHGYC members volunteered at the Brookside Way manning the water station in front of City Hall this past Sunday. He stated that their next meeting is set for October 8, 2018 at 6:00 p.m. at the Rochester Hills Museum at Van Hoosen Farm.

Older Persons' Commission:

Mr. Kubicina announced the following upcoming OPC events:

- 50+ Expo set for Wednesday, October 3, 2018
- A Perfect Pairing, wine and beer tasting event on September 27, 2018 from 6:00 p.m. to 8:00 p.m. Tickets are \$15.
- Cliff Erickson performs live at the OPC on October 18, 2018 from 7:00 p.m. to 8:30 p.m. Tickets are \$15.

PRESENTATIONS

2018-0401 Presentation of the Deer Management Advisory Committee - 2018 Report

Attachments: [092418 Agenda Summary.pdf](#)
[Presentation.pdf](#)

Ken Elwert, Parks and Natural Resources Director, **Matt Einheuser**, Natural Resources Manager, and **Deborah Barno**, Chairperson, Deer Management Advisory Committee (DMAC), were in attendance to present the DMAC's 2018 report and recommendations.

Ms. Barno reviewed the report to Council, naming the committee members, and highlighting the following:

- Deer vehicle crash locations continue to see hot spots on Avon, Adams,

Walton and Tienken. There were 161 crashes this past year, down from 174 last year, and continuing to trend down from the high of 219 crashes.

- While there was an aerial survey this past year, it was again handicapped by less than favorable weather.
- The months where the most crashes occur are October, November and December. She commented that crashes dropped in January, and increased again in February.
- Complaints were slightly up across every category.

Ms. Barno reviewed the continued 2018 outreach program, noting the following:

- A brochure was developed for co-existing with white-tailed deer. The publication is available in the Parks Department.
- The DMAC hosted a bi-annual spring "Gardening with Deer" forum. The 2018 form had 100 participants. The DMAC partnered with Bordine's, who provided samples of Liquid Fence, Deer Stopper, and other free items for participants. The seminar was videotaped, and a link is available to view it on the DMAC's page. The seminar will be repeated in 2020.

She listed the DMAC's recommendations for the coming year:

- Continue Fall 2018/Spring 2019 educational campaign on utility bills and press releases.
- Continue to establish community partnerships with local garden and landscape stores to get wider distribution of the deer brochure.
- Continue the aerial deer count survey in spring 2019.
- Expand the time period of changeable message boards in high deer/vehicle crash areas from October 1 through January 1 through the use of any unallocated DMAC funds for 2018.
- Look to increase the budget in 2019 for an additional month (December) of changeable message boards (Approximate additional cost \$3,300).
- Maintain reflective tape on City-controlled deer traffic signs.

She noted that Oakland County was contacted regarding incorporating flashing deer signs on County roads and their response was a definitive no.

She mentioned that last year six signs were requested; however, the budget allowed for four signs, which were rotated to cover 16 different locations. She commented that signage is key, and it is recommended to expand the use of signage for a three-month period through the use of any unallocated DMAC funds for 2018.

Public Comment:

Lee Zendel, 1575 Dutton Road, stated that he attended two recent DMAC meetings and has the impression that the members believe the human beings are the problem, not the deer. He encouraged Council to undertake a culling operation such as was undertaken in Ann Arbor. He commented that the census numbers do not reflect the actual number of deer in the city.

President Tisdell commented that the deer count provides a point to extrapolate a total number. He noted that estimates are as high as 1,200 to 1,800 deer, located in pockets.

Mr. Elwert responded that the deer count is a longitudinal study reflecting changes over time and is not to be considered an accurate count of all deer. He commented that 1,500 to 2,000 would be a reasonable estimate; however, without a full survey the exact number cannot be determined.

Mr. Kubicina thanked Ms. Barno for the presentation, and commented that he recalled the culling program undertaken in 2009. He mentioned that DMAC member Monique Balaban is instrumental in addressing complaints and helping homeowners by visiting their homes and leaving a notebook of information along with product samples.

Mr. Elwert stated that the department tracks what goes on in various parts of the state including Ann Arbor. He pointed out that Ann Arbor spends approximately \$300,000 per year on culling and on performing hysterectomies out in the field at a cost of \$2,000 per deer. He mentioned that Ann Arbor is the only city that can continue a hysterectomy program as it the Michigan Department of Natural Resources (MDNR) has stopped any further requests until a study is completed.

Mr. Kubicina noted that the MDNR has said no to undertaking any immunocontraceptives.

Mayor Barnett expressed gratitude to Ms. Barno and the DMAC team. He noted that this was the hottest issue in the City in 2009, and he commented that the City is alerted to new articles and processes around the country. He stated that there are varying opinions on the effectiveness of these programs. He noted that the City takes this issue seriously and is working with its partners at Oakland University. He commented that the City has been a leader on the topic.

Dr. Bowyer stated that as development increases, there are fewer deer seen. She questioned what the total budget is for deer management.

Mr. Einheuser responded that it is \$10,400 annually, and noted that an additional month would encompass approximately \$1,800. He stated that the budget will be revisited in 2019 to determine whether an additional month can be added.

Dr. Bowyer commented that the cost of a cull or sterilization is not in the budget.

Mr. Deel questioned where residents can obtain the brochures and any additional information.

Ms. Barno responded that the web page link has been simplified to www.rochesterhills.org/deer. She noted that the page contains videos, planting recommendations, and other tips. She stated that the brochure can be obtained through the Parks Department. She commented that it is hoped that a wider distribution can be made for the brochure in the next couple of months.

President Tisdell commented that deer are culled every year through crashes with automobiles and at a cost to everyone's insurance. He noted that an actual cull removing a percentage of deer would not necessarily result in that same percentage drop in crashes. He stated that until public sentiment changes toward a cull or more information could be obtained on what a cull would do to the crash numbers, most actions will be directed toward addressing human behavior as much as possible.

Presented.

PLANNING AND ECONOMIC DEVELOPMENT

2018-0282 Request for Preliminary Site Condominium Plan Approval - Berkshire Site Condominiums, a proposed 13-unit site condo development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4 One Family Residential; Francesco Bartolotta, Applicant

Attachments: [092418 Agenda Summary.pdf](#)
[Suppl Presentation 092418.pdf](#)
[Map aerial.pdf](#)
[Staff Report 071718.pdf](#)
[Review Comments.pdf](#)
[EIS.pdf](#)
[Fire comments on interim gate plan 083018.pdf](#)
[Plan with gate.pdf](#)
[Gate detail sheet.pdf](#)
[Updated landscape sheet.pdf](#)
[Site plan.pdf](#)
[Colonial Elevation.pdf](#)
[Ranch Elevation.pdf](#)
[Floor Plans.pdf](#)
[Floor Plans 2.pdf](#)
[Floor Plans 3.pdf](#)
[Minutes PC 071718.pdf](#)
[PHN PSCP OP.pdf](#)
[Resolution \(Draft\).pdf](#)

Kristen Kapelanski, Manager of Planning, and **Bob Lindh**, Engineer for the Berkshire Site Condominium development, were in attendance.

Mr. Lindh requested that Council grant preliminary approval for Berkshire Estates this evening. He commented that the developers have had meetings with homeowners on Gravel Ridge to address their concerns regarding trees, and he believes that a solution has been reached to allow the development to move ahead.

Ms. Kapelanski reviewed the project, noting that it consists of 4.3 acres on the east side of John R south of Hamlin Road, and is currently zoned R-4. She explained that 13 units were proposed utilizing a lot size averaging process. She stated that the development is generally in compliance with all Ordinance provisions, and noted that a tree removal permit was approved and Preliminary

Site Condo approval recommended at the July 17, 2018 Planning Commission meeting. She explained that to address the main concerns of cut-through traffic and headlights on Gravel Ridge, a gate was added for emergency access only. She noted that additional landscaping was added along Lot 7 and the retention pond to address screening issues. She added that the applicant has agreed to do some tree pruning to address concerns of the resident to the south. She mentioned that the applicant requested that the sidewalk along the Gravel Ridge frontage be omitted; however, the Planning Commission did not elect to include that as a condition.

Public Comment:

Maureen Springer, 2731 Gravel Ridge, stated that the road will come right into their house. She commented that the Planning Commission has been wonderful to work with, and stated that she felt like the members were willing to listen to the residents and meet with them on the site. She noted that she would like to propose that the sidewalk along Gravel Ridge be eliminated, as it goes to nowhere and there is no other sidewalk along Gravel Ridge. She commented that a developer behind the proposed development was allowed to place their sidewalk money into escrow and suggested that this be allowed. She presented a petition signed by a number of neighbors confirming that the sidewalk was not wanted.

Ms. Kapelanski responded that it has been the standing policy to have sidewalks installed while a development is being constructed.

President Tisdell noted that there would be sidewalks internal to the development; however, the sidewalk in question was along Gravel Ridge.

Ms. Kapelanski responded that it would be a five-foot sidewalk.

Angela Brow, 2725 Gravel Ridge, stated that her property was across from Lot 7, and concurred that she sees no purpose for the sidewalk. She mentioned that while she is happy to see the screening to keep headlights away from her home, the sidewalk will allow for an opening that will let headlights through. She commented that she cannot install any additional screening on her property as her driveway is in that area.

President Tisdell noted that any approval granted this evening would be preliminary, and the item would be returning to Planning Commission.

Mr. Lindh noted that the dedicated right-of-way on Gravel Ridge is only 50 feet wide. He commented that he understands the residents' concerns as to continue installing sidewalks along Gravel Ridge ditches would have to be filled in.

Council Discussion:

Vice President Morita questioned whether the roads would be public or private, noting that the documents attached were conflicting.

Ms. Kapelanski responded that the original site plan submitted was for a public road; however, a later submission shows the road as private with the gate.

Vice President Morita stated that the development will go back to the Planning Commission before returning to Council, and commented that the sidewalk can be addressed again at that time. She thanked the Planning Department for their work and the residents for coming and voicing their concerns. She moved the resolution provided in the meeting packet for approval.

Mr. Hetrick seconded the motion.

Ms. McCardell stated that she is glad to hear that the residents feel that their concerns have been heard. She questioned whether a formal walkability policy exists that could be forwarded to her for review.

Ms. Kapelanski responded that it is a general policy supported by Ordinance, and no formal written document exists.

Ms. McCardell questioned whether a variance was required to eliminate the sidewalk.

Ms. Kapelanski responded that it may be able to be waived by Council and would only require a variance if it is specified in the Ordinance.

Dr. Bowyer noted that Council has waived sidewalks in the past for other developments. She commented that this is a private road and a pathway exists on John R. She stated that these two segments will not be attached to anything else and questioned who will maintain the sidewalks.

Paul Davis, Deputy Public Services Director/City Engineer, explained the difference between a pathway and a sidewalk, noting that sidewalks exist within a subdivision and are required to be maintained by the adjacent property owner. He stated that pathways are eight feet wide, exist mostly on mile roads and some half-mile roads, and are maintained by the City. He explained that in this case on Gravel Ridge, it would be a sidewalk that is privately-owned. He commented that the City has difficulty constructing sidewalks on a street with open ditches and a 60-foot right-of-way, and it is unlikely that the residents would install sidewalks on Gravel Ridge at their cost. He mentioned that a sidewalk was installed as a part of the construction of Shortridge Estates that does not connect anywhere. He stated that while the contribution option is used oftentimes on the pathway system at an amount determined by the DPS Department, the City would rather it be installed.

Dr. Bowyer noted that the owners of Lot 7 and 8 would have the burden of cleaning the sidewalk. She stated that she is not in favor of including it.

Mr. Hetrick questioned whether the area on Gravel Ridge would be a pathway or sidewalk and who would own it.

Mr. Davis responded that it would be a sidewalk and be owned by the property owners or homeowners' association.

Mr. Deel stated that this is a pathway to nowhere. He displayed an aerial photograph noting that there are no sidewalks adjacent or likely to be installed in the future. He commented that while he favors walkability, he also believes that a certain aesthetic must be maintained in the area. He pointed out that the sidewalk would become a burden to either the adjacent property owner or the homeowners' association, and he stated that under this circumstance it is not necessary to be included. He questioned whether an amendment to the motion could be offered to remove the sidewalk requirement, or if it would be appropriate to wait until Council next reviews the item. He stated that he would hate for the residents to have to come back to Council.

Vice President Morita stated that she would be amenable to amend her motion to approve with the condition that when the item goes back to the Planning Commission for subsequent review, the Commission reconsider the necessity of the sidewalk, with the direction from City Council that it is generally the feeling amongst the Council Members that the sidewalk is not necessary. She commented that it should be vetted by the Department and the Planning Commission, and she does not feel it is appropriate for Council to make a determination at this time.

Mr. Hetrick concurred with amending the motion.

City Attorney John Staran agreed with that approach to the approval.

Mayor Barnett commented that Gravel Ridge is a beautiful street and expressed appreciation for the kind comments from the residents. He mentioned that much of the City's Pathway Budget is spent connecting segments of sidewalks, and he pointed out that every subdivision constructed after 1994 has required sidewalks. He encouraged Council to have a long-term view.

Ms. McCardell stated that while she concurs with Mayor Barnett, she believes that it is important to consider property rights and the health, safety, and welfare of the community.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0255-2018

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Berkshire Site Condominiums, a 13-unit site condo development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4, One Family Residential, Parcel No. 15-25-351-045, based on plans dated received by the Planning and Economic Development Department on June 15, 2018, Francesco Bartolotta, Applicant with the following findings and conditions:

Findings:

1. The site condo 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 proposed project will be accessed from John R, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable street and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
7. The City finds that the connection of Berkshire Rd. and Gravel Ridge is not appropriate in this circumstance because of the potential for cut-through traffic and extra traffic for the existing and proposed residential neighborhood.

Conditions:

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape performance bond for replacement trees and landscaping in the amount of \$51,370, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.
3. Provide an irrigation plan plus cost estimate with Final Plan submittal.
4. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.
5. At subsequent review, Planning Commission reconsider the necessity of the sidewalk, with the direction from City Council that it is generally the feeling amongst the Council Members that the sidewalk is not necessary.

PUBLIC COMMENT for Items not on the Agenda

None.

CONSENT AGENDA

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

2018-0379 Approval of Minutes - City Council Special Meeting - August 20, 2018

Attachments: [CC Special Budget Mtg Minutes 082018.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0256-2018

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 20, 2018 be approved as presented.

2018-0387 Approval of Minutes - City Council Special Meeting - August 27, 2018

Attachments: [CC Special Mtg Min 082718.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0257-2018

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on August 27, 2018 be approved as presented.

2018-0388 Approval of Minutes - City Council Regular Meeting - August 27, 2018

Attachments: [CC Min 082718.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0258-2018

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 27, 2018 be approved as presented.

2018-0397 Approval of Minutes - City Council Special Meeting - September 10, 2018

Attachments: [CC Special Mtg Min 091018.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0259-2018

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on September 10, 2018 be approved as presented.

2018-0398 Approval of Minutes - City Council Regular Meeting - September 10, 2018

Attachments: [CC Min 091018.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0260-2018

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 10, 2018 be approved as presented.

2018-0399 2019 Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way

Attachments: [092418 Agenda Summary.pdf](#)
[MDOT Annual Permit Ltr 090418.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0263-2018

Resolved Whereas, the City of Rochester Hills hereinafter referred to as the "GOVERNMENTAL AGENCY" periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT," to construct, operate, use and /or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations; within and adjacent to its corporate limits;

Now therefore, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL AGENCY's facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL

AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

Be It Further Resolved, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Allan E. Schneck, P.E. - DPS Director
Paul M. Davis, P.E. - Deputy Director/City Engineer
Paul G. Shumejko, P.E., PTOE - Transportation Engineering Manager
Tracey A. Balint P.E. - Public Utilities Engineer Manager

2018-0400 Request for Approval of FY 2019 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: [092418 Agenda Summary.pdf](#)
[Rochester Hills FY19 MCCC contract.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0261-2018

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal Year 2019 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.

2018-0403 Request for Approval to Add Delinquent Charges to the 2018 Winter Tax Roll

Attachments: [092418 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0262-2018

Resolved, that the Rochester Hills City Council hereby approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the

2018 Winter Tax Roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2018 Winter Tax Roll.

| <u>Roll/Fund</u> | <u>Total</u> | <u>Ordinance</u> |
|--|--------------|-------------------------|
| Delinquent W/S Charges Water/Sewer Fund | \$957,324.84 | Ch. 102-92.(b) |
| Delinquent Weed Control General Fund | \$7,505.33 | Ch. 84-17.(c).(5) |
| Delinquent SAD Local Street Fund | \$5,232.74 | Ch. 90-114.(b) |
| Delinquent Costs Incurred Pathway Maintenance General Fund | \$282.28 | Ch. 90-30.(d) |
| Delinquent False Alarms Special Police Fund | \$6,763.75 | Ch. 42-65.(f)(2) |
| Delinquent Solid Waste Collection GFL Environmental USA Inc. | \$123,633.84 | Ch. 86-103.(4) and .(5) |

Passed the Consent Agenda

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Tisdell reported that he attended the Michigan Municipal League (MML) conference.

Vice President Morita stated that the MML conference was a couple of days well-spent. She expressed her thanks to the voters and residents for allowing Council to attend these meetings.

Dr. Bowyer noted that a few races were left for the year, and listed the following events:

- The Brooksie Way was held this past Sunday.
- Neighborhood House's Scare Away Hunger 5K will be held October 21, 2018.
- Run the Fairway at Pine Trace is set for November 11, 2018 from 8:00 a.m. to noon.

Mr. Deel stated that he attended the Brooksie Way and helped man the water table at the City along with the Rochester Hills Government Youth Council.

Mr. Hetrick stated that he participated in the Brooksie Way, and retains his title as the fastest person on City Council.

Mr. Kubicina expressed his thanks to Paul Davis, Deputy Public Services

Director/City Engineer for assisting with a resident who was concerned about getting out of her subdivision last Sunday during the Brooksie Way.

Ms. McCardell announced that yesterday was her and her husband's 12th Wedding Anniversary. She reported that she attended the MML conference and stated that it was very informative. She noted that she spent three days in an intensive citizen planner seminar and has a greater knowledge base on zoning and planning. She mentioned that poll workers are needed for the upcoming November election. She noted that she attended the Master Plan open house at the Village of Rochester Hills on September 14, 2018.

Mayor Barnett commented that while he was at the MML conference in Grand Rapids, he was able to attend ArtPrize. He made the following announcements:

- He ran the Brooksie Way 5K this year. The City was given an award for its part in hosting the race.
- Barnett vs Barnett pitted brother against brother in a race on the Paint Creek Trail this past Saturday.
- He attended a meeting which allowed him to join four other mayors to interface with members of the President's cabinet.
- The work stoppage across the State of Michigan continues. Through some negotiation and fortunate circumstances, work will hopefully begin on Hamlin Road tomorrow.
- Work is ongoing on Innovation Hills. The park is currently closed for construction.
- This is National Blessings in a Backpack month. This is a strong and vibrant program. Staff members packed 100 bags today during lunchtime to provide Rochester Hills students in need with additional nutrition.
- Rochester Hills will stand with Detroit on October 5, 2018 as it participates in Life Remodeled. City staff and residents will join 8,000 to 10,000 volunteers working on a project around Central High in Detroit. Anyone wanting to join in can register at rochesterhills.org/liferemodeled.

Ms. McCardell noted that students from the Avondale School District had a display at the Grand Rapids Police Department as a part of ArtPrize.

City Clerk Tina Barton stated that the department has issued over 8,600 absentee ballots to date for the November 6, 2018 election which should be in the mail by the end of this week. She commented that it looks to be a record-setting midterm election. She stated that election workers are needed. Anyone working will receive \$155 for the day, and chairpersons will get \$190 per day. Workers attending training sessions will receive \$15 for each of the two sessions required. She noted that approximately 250 workers are needed to staff an election.

She announced that October 9, 2018 is the deadline to register to vote in order to be eligible for this election. She noted that tomorrow is National Voter Registration Day.

She stated that there will not be a straight party voting option on this ballot, so voters should allow extra time to complete their ballots. She added that anyone qualifying for an absent voter ballot might consider requesting one.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2018-0369 Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board, to fill the unexpired term of Julia Rodriguez ending December 31, 2019

Attachments: [092418 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Braun CQ.pdf](#)
[Demp CQ.pdf](#)
[Foster CQ.pdf](#)
[Granader CQ.pdf](#)
[Izzathullah CQ.pdf](#)
[Krajewski CQ.pdf](#)
[Lyons CQ.pdf](#)
[Nachtman CQ.pdf](#)
[Pruitt CQ.pdf](#)
[Rogers CQ.pdf](#)
[Strand CQ.pdf](#)
[Tillison CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[082718 Agenda Summary.pdf](#)
[Rodriguez Resignation.pdf](#)
[082718 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell noted that there was one vacancy on the Green Space Advisory Board.

He Opened the Floor for Nominations.

Vice President Morita nominated Dianah Foster.

Ms. McCardell nominated Wendy Demp.

Dr. Bowyer nominated Parry Tillison.

Public Comment:

Timothy Pruitt, 2541 John R Road, requested consideration for nomination. He stated that he had been a member of the Parks and Recreation Advisory Board for Madison Heights, and commented that he has lived in Rochester Hills for three years. He noted that he has made a regular habit of walking the Clinton River and Paint Creek Trails, in particular the areas that pass along the majority of the City's Green Space properties.

Mr. Deel nominated Timothy Pruitt.

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

President Tisdell noted as there is more than one person nominated, the item will return to Council for a vote at the next meeting.

Discussed.

NEW BUSINESS

2018-0389 Request for Purchase Authorization - FIRE: Purchase of seven (7) stair chairs and two (2) stretchers with service plans in the amount of \$72,419.37 and waiver of Section 2-273(b), the 3-year requirement for long-term contracts under section 2-281; Stryker, Portage, MI

Attachments: [092418 Agenda Summary.pdf](#)
[Stryker Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Tim Matz, Captain/EMS Coordinator, stated that the request to purchase seven stair chairs and two stretchers from Stryker includes a seven-year service plan for preventive maintenance.

President Tisdell questioned whether this equipment will replace units that are at the end of their life.

Captain Matz responded that the seven chairs will replace five current chairs. He noted that the two stretchers will replace two current stretchers; however, they will be compatible with the power-load units.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0264-2018

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of seven (7) stair chairs and two (2) stretchers with seven (7) year service plans to Stryker, Portage, Michigan in the amount of \$72,419.37.

Further Resolved, that the Rochester Hills City Council waives Section 2-273(b), the 3-year requirement for long-term contracts, under Section 2-281, which allows City Council the authority to waive any regulation or procedure pertaining to purchasing, deeming it to be in the best interest of the City.

(Ms. McCardell exited at 8:28 p.m. and re-entered at 8:31 p.m.)

2018-0402 Request for Approval of the Easement Agreement between the City of Rochester Hills and Heritage Oaks Subdivision Association

Attachments: [092418 Agenda Summary.pdf](#)
[Heritage Oaks Easement Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks and Natural Resources Director, stated that staff have been working with the officers of the Heritage Oaks Subdivision Homeowners Association for use of their common space property for some time. He noted that **Steve McGarry** is in attendance to represent the HOA this evening. He commented that the HOA has negotiated several benefits for the subdivision, including pathway work and removal of invasive species in their subdivision. He stated that removal of invasives from that area will benefit the City as well.

Dr. Bowyer expressed her appreciation that the agreement has been worked out with the HOA. She questioned whether City Attorney Staran had reviewed the agreement.

Mr. Staran stated that he has been working on this agreement for some time. He commented that Mr. Elwert and his department staff have done an incredible amount of heavy lifting along with Mr. McGarry and the HOA Board. He stated that this easement is an important part of Innovation Hills. He commented that he is very satisfied that this easement agreement is satisfactory and accomplishes what it should do for both parties.

Vice President Morita noted that Mr. McGarry and Julie Lyons from Heritage Oaks were instrumental in getting this to move forward.

Mr. McGarry stated that there are 133 residents in Heritage Oaks, and their bylaws required a majority.

Vice President Morita stated that the vote was 70 percent in approval with 93 residents in favor. She extended her thanks to the Board.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0265-2018

Resolved, that the Rochester Hills City Council hereby approves the Easement Agreement between the City of Rochester Hills and Heritage Oaks Subdivision Association, and authorizes the Mayor to sign on behalf of the City.

Further Resolved, that upon execution of the Easement Agreement, the City Clerk is directed to record the easement and any associated documents with the Oakland County Register of Deeds.

2018-0329 Approval of the Fiscal Year 2019 Older Persons' Commission Budget

Attachments: [092418 Agenda Summary.pdf](#)
[091018 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[082018 Budget Presentation Schedule.pdf](#)
[Suppl OPC 2019-21 Budget Presentation.pdf](#)
[OPC 2019-2021 Proposed Budget Package.pdf](#)
[081318 Agenda Summary.pdf](#)
[081318 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, and **Tim Soave**, Finance Director for the Older Persons' Commission (OPC), were in attendance.

Mr. Snyder noted that the OPC Budget was unanimously adopted by the OPC Board in July, and has been approved by the City of Rochester and Oakland Township.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0266-2018

Whereas, at its August 13, 2018 meeting City Council acknowledged receipt of the Proposed Fiscal Year 2019 OPC Budget Plan and set a Public Hearing to be held September 10, 2018 at 7:00 p.m. to solicit comments on the proposed OPC budget plan from the public; and

Whereas, at its September 10, 2018 meeting City Council held said Public Hearing on the proposed OPC budget plan; and

Resolved, that the Rochester Hills City Council hereby approves the Older Persons' Commission Budget for Fiscal Year 2019 in the amount of \$4,516,500.

2018-0330 Approval of the Fiscal Year 2019 Rochester Avon Recreation Authority Budget

Attachments: [092418 Agenda Summary.pdf](#)
[091018 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[082018 Budget Presentation Schedule.pdf](#)
[RARA 2019-2021 Proposed Budget Package.pdf](#)
[Suppl RARA 2019-21 Budget Presentation.pdf](#)
[081318 Agenda Summary.pdf](#)
[081318 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, and **Ron Jewell**, Executive Director of the Rochester Avon Recreation Authority (RARA), were in attendance.

Mr. Snyder noted that the RARA Budget was unanimously adopted by the RARA Board in July, and was approved by the City of Rochester in September. He pointed out that this is the first time that RARA is moving to a three-year budget plan.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0267-2018

Whereas, at its August 13, 2018 meeting City Council acknowledged receipt of the Proposed Fiscal Year 2019 RARA Budget Plan and set a Public Hearing to be held September 10, 2018 at 7:00 p.m. to solicit comments on the proposed RARA budget plan from the public; and

Whereas, at its September 10, 2018 meeting City Council held said Public Hearing on the proposed RARA budget plan; and

Resolved, that the Rochester Hills City Council hereby approves the Rochester Avon Recreation Authority Budget for Fiscal Year 2019 in the amount of \$2,501,790.

2018-0328 Adoption of the Fiscal Year 2019 Budget

Attachments: [092418 Agenda Summary.pdf](#)
[091018 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[082018 Agenda Summary.pdf](#)
[082018 Budget Presentation Schedule.pdf](#)
[Suppl Budget Overview.pdf](#)
[081318 Agenda Summary.pdf](#)
[081318 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, reported the results of the second straw poll regarding fire station signs, noting that Council opted to include a project budget of \$190,000 to cover the installation of two LED-type signs and three monument signs. He pointed out that this is a project budget, and that Council will be able to weigh in with more discussion and options to consider.

He stated that he and the Directors request approval of the proposed Budget this evening, noting that the 2019 Budget was first planned as a part of the 2017-2019 Budget. He commented that the first step was to meet with the City Council Strategic Planning Committee to review Council's Goals and Objectives, and much of the spring and summer was spent with the Mayor and Directors to develop the proposed Budget, which was presented at the first meeting in August. He stated that a Budget Workshop was held on August 20, 2018, and another opportunity for public comment was held at the Public Hearing on September 10, 2018.

He noted a figurative comparison to the planting of trees, and stated that the 2019 Budget contains the benefit of many "trees" planted by previous Councils. He stated that this Budget has excellent "trees" as well, and mentioned the Auburn Road Corridor, and the reconstruction of Livernois Road. He mentioned that the adoption of the Fund Balance Policy will provide direction for this Council and many moving forward. He stated that the Administration looks forward to implementing this plan next year.

Ms. McCardell stated that Mr. Snyder is so passionate and commented that she appreciates the hard work that he and other Directors have put into the Budget. She noted that it is a testament to the character of the Directors and to Mayor Barnett's hiring ability.

Vice President Morita expressed her thanks to the staff members, noting that Council should thank staff for making its job very easy. She commented that this is one of the most professional staff that she has had the pleasure to work with.

Mr. Deel stated that this budget is the result of a process that begins and ends with staff. He commented that it has been a marvel to him to look at the hard work

and dedication that every single department puts in to make the quality of life great for the city's residents. He expressed his thanks to his colleagues on Council, both current and past. He noted that while Council Members may not always agree throughout the process, he never once doubted the sincerity or motives of his fellow Council Members.

Mr. Hetrick commented that Council goes through a number of arduous steps to ensure that what is presented is something that Council can stand behind.

Dr. Bowyer expressed her appreciation to Mr. Snyder and the entire City team, and to staff and Directors for keeping the same millage rate. She thanked Mayor Barnett for his great leadership and his team.

After the vote, **Mayor Barnett** commented that what has transpired tonight is not necessarily normal in government or in administrations. He stated that the Budget is the product of a great relationship built on trust and delivering on promises. He noted that the City's team respects the role of City Council and Council respects the team. He thanked Council for making the process enjoyable, noting that it is an exceptional time in the city.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0268-2018

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, the Special Appropriations Act pursuant to PA 493 of 2000, and Section III of the Charter for the City of Rochester Hills, the Mayor as the Chief Executive Officer prepared the proposed budget for the ensuing year and submitted it to the Council at its first meeting in August; and

Whereas, at its August 13, 2018 meeting City Council acknowledged receipt from the Mayor of the Proposed Fiscal Year 2019 Budget Plan and set a Public Hearing to be held September 10, 2018 at 7:00 p.m. to solicit comments on the proposed budget plan from the public; and

Whereas, at its September 10, 2018 meeting City Council held said Public Hearing on the proposed budget plan and the related millage rates to defray the Fiscal Year 2019 proposed budget expenditures; and

Whereas, subsequent to the City Council's review and comments, the Mayor adjusted the original proposed budget; and

Resolved, the following list of funds sets forth the general appropriations for the City and adopts the following City Budgets for Fiscal Year 2019.

Be It Further Resolved, the Mayor is hereby authorized to administratively adjust the operating budget line items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment. Adjustments from capital accounts and fund balances shall be made only by further action of the City Council.

**Adoption of the FY 2019 Annual Appropriation Budget(s) for the
City of Rochester Hills, Michigan**

| | |
|---|-----------------------|
| Fund 101 - General Fund | \$ 36,048,270 |
| Fund 202 - Major Road Fund | 13,484,360 |
| Fund 203 - Local Street Fund | 11,353,700 |
| Fund 206 - Fire Fund | 13,776,550 |
| Fund 207 - Special Police Fund | 10,010,380 |
| Fund 213 - RARA Millage Fund | 656,120 |
| Fund 214 - Pathway Millage Fund | 761,050 |
| Fund 232 - Tree Fund | 545,000 |
| Fund 244 - Water Resources Fund | 632,750 |
| Fund 265 - OPC Millage Fund | 1,145,220 |
| Fund 299 - Green Space Millage Fund | 307,560 |
| Fund 331 - Drain Debt Fund | 202,480 |
| Fund 369 - Older Persons' Building Bond Refunding Fund | 777,060 |
| Fund 393 - Municipal Building Refunding Bond - 2010 Series Fund | 867,150 |
| Fund 402 - Fire Capital Fund | 596,500 |
| Fund 403 - Pathway Construction Fund | 175,000 |
| Fund 420 - Capital Improvement Fund | 8,368,530 |
| Fund 510 - Sewer Operations | 16,773,020 |
| Fund 530 - Water Operations | 20,807,170 |
| Fund 593 - Water & Sewer Capital Fund | 8,203,120 |
| Fund 595 - Water & Sewer Debt Fund | 1,388,160 |
| Fund 631 - Facilities Fund | 10,159,110 |
| Fund 636 - MIS Fund | 4,971,710 |
| Fund 661 - Fleet Fund | 4,387,890 |
| Fund 677 - Insurance Fund | 405,000 |
| Fund 736 - Retiree Health Care Trust | 186,610 |
| Fund 752 - Cemetery Perpetual Care Fund | - |
| Fund 760 - Green Space Perpetual Care Fund | 302,020 |
| Fund 843 - Brownfield Redevelopment Fund - Madison Park | - |
| Fund 848 - LDFA Fund | 313,070 |
| Fund 870 - Museum Foundation Trust Fund | 100 |
| Total | \$ 167,604,660 |

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, October 8, 2018 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Morita and seconded by Bowyer to adjourn the meeting at 8:53 p.m.

*MARK A. TISDEL, President
Rochester Hills City Council*

*TINA BARTON, MMC, Clerk
City of Rochester Hills*

*MARY JO PACHLA, CMMC
Administrative Coordinator - City Council
City Clerk's Office*

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