



# Rochester Hills Minutes

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Home Page:  
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## City Council Regular Meeting

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

**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."*

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Monday, November 12, 2018

7:00 PM

1000 Rochester Hills Drive

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### **CALL TO ORDER - Vice President Morita called the Regular Rochester Hills City Council Meeting to order at 7:02 p.m. Michigan Time.**

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

### **ROLL CALL**

**Present** 5 - Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell and Stephanie Morita  
**Absent** 2 - Susan M. Bowyer and Mark A. Tisdel

### **Others Present:**

*Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Paul Davis, Deputy Public Services Director/City Engineer  
Ken Elwert, Parks and Natural Resources Director  
Denise Lator, Financial Analyst  
Lee Mayes, Captain/Assistant Fire Marshal  
Sara Roediger, Planning and Economic Development Director  
Allan Schneck, Public Services Director  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Tom Talbert, Strategic Innovations Specialist*

*President Tisdel provided prior notice he would be unable to attend.  
Dr. Bowyer provided prior notice that she would arrive late.*

### **PLEDGE OF ALLEGIANCE**

## APPROVAL OF AGENDA

A motion was made by Hetrick, seconded by Deel, to Approve the Agenda as Amended to move Legislative File 2018-0515 Request for Michigan Liquor Control Commission approval for an application for a Transfer of a Class C Liquor License submitted by VTP XGolf2, LLC, d/b/a X-Golf Rochester Hills to immediately follow Legislative File 2018-0449 Request for Conditional Use Approval for the sales and service of alcoholic beverages for consumption onsite at X-Golf Rochester Hills. The motion carried by the following vote:

**Aye** 5 - Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 2 - Bowyer and Tisdell

## RECOGNITIONS

**2018-0452** Proclamation in Recognition of Cheryl Stroud

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** read the proclamation honoring **Cheryl Stroud** for saving a student from choking.

**Ms. Stroud** commented that it was a natural reaction, and stressed that it is important for everyone to take the Red Cross training to learn first aid.

**Presented.**

**Whereas**, Mrs. Cheryl Stroud is a resident of Rochester Hills and the Assistant Center Director at Mathnasium in Rochester Hills; and

**Whereas**, while at the front desk of Mathnasium on September 4, 2018, Cheryl heard a student begin to cough in a way that concerned her; and

**Whereas**, Cheryl took it upon herself to walk to the back, where she observed he was turning blue in the face and seemed to not be able to catch his breath; and

**Whereas**, she spoke to him and immediately began administering the Heimlich maneuver several times until a lodged hard candy shot out of his mouth; and

**Whereas**, Cheryl's vigilance, quick thinking, and appropriate action opened this young man's airway and saved him from choking.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of the City of Rochester Hills hereby commend Cheryl Stroud for her heroic deed, thank her for recognizing a need and taking swift action, and offer their best wishes for her happiness and success in all her future endeavors.

## COUNCIL AND YOUTH COMMITTEE REPORTS

### Rochester Hills Government Youth Council (RHGYC):

*Mr. Deel* introduced **Sailor Mayes**, RHGYC Representative, and noted that she is a senior at Rochester High School.

*Ms. Mayes* reported that the RHGYC members held their monthly meeting this evening at Fire Station #1. She thanked Chief Sean Canto and all of the men and women of the Fire Department for welcoming the RHGYC. She noted that the RHGYC has a clothing drive planned, and stated that the group is full of ideas and passion.

### Older Persons' Commission (OPC):

*Mr. Kubicina* announced the following upcoming OPC events:

- Christmas Cocktails including light refreshments and shopping for gifts, set for December 6, 2018 from 5:00 p.m. to 8:00 p.m. The event is open to the public.
- A Celtic Christmas is set for December 14, 2018 at 7:00 p.m. Tickets are \$10. The event is open to the public. Reserve a spot by calling 248-608-0251.
- An Evening with Mark Tisdell, set for November 15, 2018 from 7:00 p.m. to 8:30 p.m. is sold out.

### Southeast Michigan Council of Governments (SEMCOG):

*Mr. Hetrick* noted that SEMCOG is seeking input for the 2040 Regional Transportation Plan. Feedback can be submitted to SEMCOG by email at [InfoCenter@semcog.org](mailto:InfoCenter@semcog.org), or by attending two upcoming public meetings, with dates listed on the SEMCOG.org website.

### Rochester Avon Recreation Authority (RARA):

*Mr. Deel* reported that RARA basketball leagues begin on January 12, 2019. Signups are currently being accepted at [rararecreation.org](http://rararecreation.org). He noted that RARA will host an early childhood gingerbread decorating event on December 5, 2018. He stated that RARA Volleyball registration is also open, with leagues for grades four to 12. Visit [rararecreation.org](http://rararecreation.org) for more information.

**(Vice President Morita noted that the Public Hearing for Legislative File 2018-0428 Community Development Block Grant (CDBG) Program Year 2019 Application would be deferred to after Dr. Bowyer's arrival.)**

## ORDINANCE FOR INTRODUCTION

**2018-0456** Acceptance for First Reading - An Ordinance to add Article IV Marihuana Establishments to Chapter 22, Businesses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit marihuana

establishments as defined in the Michigan Regulation and Taxation of Marihuana Act, and to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Ltr. to Mayor Barnett re Marihuana Establishments 102618.pdf](#)  
[MRTMA.PDF](#)  
[2018 Recreational Marijuana Analysis-Part 1.pdf](#)  
[2018 Recreational Marijuana Analysis-Part 2.pdf](#)  
[Resolution \(Draft\).pdf](#)

**John Staran**, City Attorney, noted that Proposal 1 was adopted by Michigan voters at the November 6, 2018 General election, and he explained that the initiated legislation to legalize to some extent the use of recreational marihuana will be going into effect in a few weeks. He stated that this legislation will do a number of things to decriminalize the use and possession of marihuana in the State of Michigan and will establish a program for the licensing for marihuana establishments, including testing centers and dispensaries. He pointed out that there is a provision in the law that allows municipalities to opt-out of the law by Ordinance.

He explained that he is presenting for First Reading an Ordinance that, if adopted, would prohibit marihuana establishments in Rochester Hills. He stressed that the proposed Ordinance does not change anything else about the law. He noted that it will still be legal under State Law for people to possess up to 2.5 ounces of marihuana to use and consume in the privacy of their own home. The Ordinance would prohibit the opening or State licensure of any marihuana business in the City of Rochester Hills. He stated that it would be consistent with the city's policy to not allow the establishment of any medical marihuana establishment in Rochester Hills. He stated that City Council could revisit the issue in the future.

He noted that adopting this prohibition now will give the City the time to carefully and thoughtfully look at the issue and determine whether and to what extent and subject to what conditions and limits the City may decide to allow marihuana establishments in the future.

**Ms. McCardell** requested the following information:

- What the consequences would be of the City passing the Ordinance.
- What the estimated financial benefit would be should the City allow the establishments.
- Whether there is something less permanent than an Ordinance that would buy the City time.
- If the City were to allow the establishments, whether they could be controlled by the Zoning Ordinance.

**Mr. Staran** responded with the following:

- There are no legal consequences in adopting the Ordinance. The statute expressly authorizes cities to opt-out.
- Marihuana establishments will be paying a ten percent excise tax on their sales, and communities who participate in the program will receive a portion of this

*tax. Those cities that opt-out will not receive any tax revenue. The law is brand new and the estimated financial benefit will require further study and analysis as there is no comparative yet in Michigan. Once the State gets the licensure program underway, the City may see some answers to these questions. Any estimate of financial benefit would be gross speculation at this point.*

- *To opt-out the City must do it by Ordinance. The Council would also have the prerogative to rescind or amend the Ordinance.*
- *The City would need to study and involve the Planning Commission in any Zoning Ordinance control. Considerations during the Planning process would include what types of businesses would be allowed, any limits on the total numbers in the City, and where they might be located.*

**Ms. McCardell** stated that while she understands the fear that someone would have, she does not necessarily agree with the Ordinance.

**Mr. Deel** commented that he sees the proposed Ordinance as maintaining the status quo and is consistent with the City's position in the past with respect to marihuana. He noted that it can be revisited at a later date. He stated that he does not want to see Rochester Hills serve as a test case or experiment.

**Sailor Mayes**, Rochester Hills Government Youth Council Representative, questioned what the age limit is in the law.

**Vice President Morita** responded that the law pertains to those 21 years of age and over.

**Mr. Staran** added that the age is the same for both recreational and medical marihuana.

**Mayor Barnett** stated that the Administration studied the issue not knowing the outcome of the election. He commented that Ms. McCardell makes a good point, as does Mr. Deel. He stressed that the Ordinance gives the City time to study the issue. He noted that many communities are doing just this. He stated that some communities are looking at these types of businesses as a means to fill vacancies in their city; however, Rochester Hills has a low vacancy rate.

He explained that the Administration spoke with individuals in Colorado, and he noted that there was a mixed-bag of responses. He mentioned that the last time Council was presented with a major change proposed to reap a large economic benefit for communities was the Fireworks legislation, which produced mixed results.

**Vice President Morita** noted that the City wants to see how it is done properly in other communities. She mentioned that she spoke with President Tisdell earlier today, and he indicated his support for the Ordinance.

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

**Aye** 5 - Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 2 - Bowyer and Tisdell

**Resolved**, that an Ordinance to add Article IV Marihuana Establishments to Chapter 22, Businesses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit marihuana establishments as defined in the Michigan Regulation and Taxation of Marihuana Act, and to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations is hereby Accepted for First Reading.

## ORDINANCE FOR ADOPTION

**2018-0447** Acceptance for Second Reading and Adoption - An Ordinance to correct and amend Sections 102-26 and 102-124 of Chapter 102 Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to repeal and delete all references to the "Maine Formula," fire service fee and quarterly billing thereof, and to repeal conflicting ordinances

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[102218 Agenda Summary.pdf](#)  
[102218 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, requested **City Attorney John Staran** address the Second Reading of this proposed Ordinance.

**Mr. Staran** noted that Council accepted the proposed Ordinance for First Reading at its last meeting, and asked whether Council had any questions.

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

**Aye** 5 - Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 2 - Bowyer and Tisdell

Enactment No: RES0290-2018

**Whereas**, the City Council of the City of Rochester Hills desires to correct and amend Chapter 102 Utilities of the Code of Ordinances to repeal and delete references to the "Maine Formula," fire service fee and quarterly billing thereof;

**Whereas**, prior to 2000, the City paid a fire service fee;

**Whereas**, by Resolution No. 1999-0447, the City elected to phase out the fire service fee at a rate of twenty-five percent (25%) per year each year for four (4) years;

**Whereas**, on or about April 19, 2000, the City accordingly amended Section 6-09.04 of the City Code of Ordinances to provide, among other things, "Note: the fire service fee shall be phased out over four years, beginning in 2001, and shall be offset by a \$0.02 per 100 cubic feet increase in the commodity rate each year over those four years" (the "Note");

**Whereas**, in accordance with Resolution 1999-0447 and the 2000 amendment to Section

6-09.04 of the City Code, the City phased out the fire service fee over the course of four years, beginning in 2001;

**Whereas**, in November, 2009, after the City had fully phased out the fire service fee, the City amended Section 102-124 of the City Code (formerly Section 6-09.04) to, among other things, remove the Note;

**Whereas**, due to a clerical error, the corresponding provisions of the City Code numbered 102-124(b) ("Fire service fee") and 102-124(c) ("Quarterly billing") were also not removed in 2009 even though those provisions should have been removed along with the Note;

**Whereas**, due to a clerical error, the City Code also contains an obsolete definition for the "Maine Formula," a term that is no longer used or referred to in Chapter 102;

**Whereas**, the City Council desires to adopt this remedial ordinance to repeal and delete the definition of the "Maine Formula," and delete subsections 102-124(b) and 102-124-(c) of the City Code to correct the clerical errors and conform Section 102-124 the City Code to its historical intent and practice; and

**Whereas**, the City Council accepted the ordinance for first reading at the Council's regular meeting held on October 22, 2018.

**Therefore, It Is Resolved**, that the City Council accepts for Second Reading and Adoption an ordinance to correct and amend Sections 102-26 and 102-124 of Chapter 102 Utilities of the Code of Ordinances to repeal and delete references to the Maine Formula, fire service fee and quarterly billing thereof. The ordinance shall become effective on Monday, November 18, 2018, following its publication in the Oakland Press on Sunday, November 17, 2018.

## PLANNING AND ECONOMIC DEVELOPMENT

**2018-0449** Request for Conditional Use Approval for the sales and service of alcoholic beverages for consumption onsite at X-Golf Rochester Hills, 1134 S. Rochester Rd., located near the southwest corner of Rochester and Avon Roads in the Winchester shopping plaza, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay; Jared Vinson, Applicant

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Presentation 111218.pdf](#)  
[Staff Report 110718.pdf](#)  
[Letter of Intent 101518.pdf](#)  
[Bldg. Rev 102418.pdf](#)  
[Plans.pdf](#)  
[Minutes PC 110718.pdf](#)  
[PHN OP.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning and Economic Development Director, and **Jared Vinson**, X-Golf owner, Applicant, were in attendance.

**Ms. Roediger** noted that X-Golf plans to move into the Winchester Development. She noted that the sales and service of alcoholic beverages for consumption onsite requires Conditional Use approval in any zoning district. She explained that the Planning Commission heard the request last week and recommends approval.

*She noted that the business will be an indoor golf simulation center, and commented that many times these types of businesses have alcohol and food consumption as a part of that use. She mentioned that the business will operate in part of the space that was formerly the Old Navy store.*

*Mr. Deel questioned whether Mr. Vinson operated any other similar facilities.*

*Mr. Vinson responded that X-Golf opened a location in Shelby Township just over one year ago, and noted that the business is successful enough that they are looking to expand.*

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

**Aye** 5 - Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 2 - Bowyer and Tisdell

Enactment No: RES0291-2018

**Resolved**, that the Rochester Hills City Council hereby approves a Conditional Use for the sales and service of alcoholic beverages for consumption onsite at X-Golf Rochester Hills, 1134 S. Rochester Rd., located near the southwest corner of Rochester and Avon Roads in the Winchester shopping plaza, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-019, Jared Vinson, Applicant, based on plans dated received by the Planning and Economic Development Department on October 15, 2018 with the following findings:

Findings:

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community as a whole and the surrounding area by further offering jobs and another entertainment option.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

**2018-0515** Request for Michigan Liquor Control Commission approval for an application for a Transfer of a Class C Liquor License submitted by VTP XGolf2, LLC, d/b/a X-Golf Rochester Hills



**Attachments:** [111218 Agenda Summary.pdf](#)  
[Application.pdf](#)  
[Planning Report.pdf](#)  
[Building Review.pdf](#)  
[Ordinance.pdf](#)  
[Minutes PC 110718.pdf](#)  
[Application Status.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Jared Vinson**, X-Golf, Applicant, was in attendance.

**City Clerk Tina Barton** explained that X-Golf is looking to transfer a Class C Liquor License from Waterford Township to its proposed location in Rochester Hills. She mentioned that the initial license had several special permits, which have not been included for this location. She noted that there will be one bar with no outside seating, and service will be contained within the facility. She stated that Council is not to approve or disapprove the transfer; however, it is asked to recommend or not recommend that the Michigan Liquor Control Commission consider the application for approval.

**Mr. Vinson** stated that the company has operated its other location for the past year in a very responsible way and looks to continue that in Rochester Hills.

**Mr. Kubicina** noted that the Liquor License Technical Review Committee met last week to consider the request.

After the vote, **Mr. Vinson** stated that the location hopes to open next week on Tuesday or Wednesday, pending final construction activities.

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

**Aye** 5 - Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 2 - Bowyer and Tisdell

Enactment No: RES0292-2018

**Resolved**, that the Rochester Hills City Council recommends that the application for a Transfer of a Class C Liquor License submitted by VTP XGolf2, LLC, d/b/a X-Golf Rochester Hills, to be located at 1134 S. Rochester Rd. be considered for approval by the Michigan Liquor Control Commission.

**(Dr. Bowyer entered at 7:36 p.m.)**

**Present** 6 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell and Stephanie Morita

**Absent** 1 - Mark A. Tisdell

## PUBLIC HEARINGS

(Opened Public Hearing at 7:37 p.m. / Closed Public Hearing at 7:42 p.m.)

2018-0428 Community Development Block Grant (CDBG) Program Year 2019 Application

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Denise Lator**, Financial Analyst, stated that as a part of the application process for 2019 funding for the Community Development Block Grant Program (CDBG), a Public Hearing must be held and the governing body must pass a resolution to approve the planned use of funds. She noted that the program is proposed to pass funding to the City through Oakland County from the Department of Housing and Urban Development in the amount of \$156,140, mirroring the planning allocation amount for Program Year 2018. She stated that the Administration is recommending that the same amounts be allocated to programs within the CDBG for 2019 as they were for 2018, with \$10,000 going toward Battered & Abused Spouses, \$10,000 for Emergency Services, \$10,000 for Yard Services, and the remainder of \$126,140 to Minor Home Repair.

Highlighting Program Year 2017 funding, she noted that the City undertook 62 minor home repair projects averaging \$2,900 per project, assisted 294 individuals through the Clothes Closet at Rochester Area Neighborhood House, assisted 57 seniors with snow removal services, and 25 individuals through HAVEN in the battered and abused spouses program.

**Vice President Morita Opened the Public Hearing at 7:37 p.m.**

**Katie Lamb**, representing Rochester Area Neighborhood House (RANH), 1720 S. Livernois Road, expressed her thanks for Council's continued support of RANH. She commented that RANH would not be able to run the Clothes Closet without the support of the grant. She noted that the organization has been in its new home in Rochester Hills for two years now, and it has allowed RANH to expand services and increase visibility. She stated that 50 percent of their clients benefitting from the Clothes Closet are residents of Rochester Hills.

**Wendy Powers**, representing HAVEN, 801 Vanguard, Pontiac, expressed her thanks to Council for their continued support. She stated that HAVEN is Oakland County's only domestic violence shelter and crisis center, servicing thousands of clients every year. She noted that in 2017, HAVEN serviced 85 clients from Rochester Hills, with 34 through its counseling program, 23 with personal protective orders, 22 through the court advocacy program, and provided six forensic exams for victims of sexual assault. She stated that much domestic violence and sexual assault goes unreported, and one in three families witness domestic violence on a regular basis. She noted that residential clients and crisis line clients are serviced as well with a 24/7 crisis line and a prevention education program. She explained that counselors go out to Oakland County schools and provide age-appropriate education regarding healthy relationships, appropriate touching, intimacy,

*gender equality and acceptance to help prevent incidents of sexual assault and domestic violence in the future. She commented that HAVEN could not provide these services without Council's support.*

**Seeing No Further Public Input, Vice President Morita Closed the Public Hearing at 7:42 p.m.**

**Ms. McCardell** expressed her thanks to the two organizations for the work that they do. She noted that 85 people served represent 85 lives saved.

**Mr. Deel** commented that while these organizations thank Council for the very small role they have in their programs, on behalf of a very grateful community Council thanks them for what they do. He noted that he is very familiar with HAVEN as a part of his and his wife's work.

**Dr. Bowyer** stated that the CDBG program helps so many people. She noted that allocation amounts were changed in 2017 and commented that she believes that these new allocations have been working out.

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

**Aye** 4 - Bowyer, Deel, Hetrick and McCardell

**Abstain** 2 - Kubicina and Morita

**Absent** 1 - Tisdell

Enactment No: RES0293-2018

**Whereas**, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

**Whereas**, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

**Whereas**, the City of Rochester Hills has duly advertised and conducted a public hearing on November 12, 2018 for the purpose of receiving public comments regarding the proposed use of Program Year 2019 Community Development Block Grant funds (CDBG) in the approximate amount of \$156,140; and

**Whereas**, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

<b>Account Number</b>	<b>Project Name</b>	<b>Amount</b>
731227	Minor Home Repair	\$126,140
732170	Yard Services	\$10,000
730137	Battered & Abused Spouses	\$10,000
730571	Emergency Services	<u>\$10,000</u>
		\$156,140

**Resolved**, that the City of Rochester Hills CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland

## **PUBLIC COMMENT for Items not on the Agenda**

**Patricia Thorner**, 450 Thornridge Drive, and **Mark Kunkel**, 440 Thornridge Drive, were in attendance.

**Ms. Thorner** expressed her thanks for the Administration's actions to address their concerns regarding Airbnb's.

**Mr. Kunkel** stated while he can appreciate that Airbnb's are an opportunity for homeowners experiencing hardships or having unoccupied homes, they are actually mini-hotels that have impacts on adjacent homeowners and subdivisions, yielding safety concerns and infringing upon the rights of homeowners who have purchased near them. He reported that State Troopers made an arrest two doors down from his home of someone wanted by the Fentanyl task force; and he stated that these mini-hotels are a safe haven for criminals. He expressed concern that these same houses are visited by children on Halloween. He appealed to Council to review the matter and consider zoning restrictions, noting that other communities have established these types of zoning restrictions for where they can be located or how many can be within a neighborhood.

**Vice President Morita** questioned whether these can be addressed by Ordinance or if the Building Department has looked into the matter.

**Mayor Barnett** stated that the Administration met with these residents after an incident two weeks ago, and noted that they are working with the City Attorney to determine what laws and powers cities can have.

**City Attorney John Staran** stated that this is an issue statewide and is not unique to Rochester Hills. He commented that it is more of an issue in those tourist-type communities as it is quite commonplace to have short-term rentals, and is becoming more commonplace with the advent of social media and internet-type businesses. He stated that while there are benefits, there are misuses. He noted that the City will try to address these concerns within the context of zoning; and he explained that the City does not control nor has it tried to control who moves into a neighborhood or purchases or rents out homes. He explained that the City does not consider the rental of a single-family residence to be a commercial use, and he stated that there are many rental homes in Rochester Hills. He commented that he would strongly recommend against moving forward with any action without proper study and suggested that the Planning Commission be asked to look into the issue.

He mentioned that there is proposed legislation pending that, if adopted, would preempt the City's local authority to regulate short-term rentals of 30 days or less. He stated that this legislation may be acted upon during the lame duck session of the State Legislature, and he noted that he does not know what Governor Snyder's

position will be on it. He stressed that as of right now, for the most part there is nothing unlawful about this type of use in the city.

**Vice President Morita** suggested that it would be a good idea to review the City's Ordinances, noting that the Court of Appeals ruled recently on the use of a home in an Airbnb situation. She stated that it would be worth the examination before it goes to the Planning Commission, and she would prefer to have an analysis done on the City's own Ordinance relative to the Court of Appeals decision.

**Mr. Staran** responded that he would be happy to do that.

**Mr. Deel** stated that he spoke to many members of the neighborhood and the Heatherwood Homeowners' Association after the incident. He pointed out that the home in question is not a part of the association, and he commented that he cannot imagine how terrifying the event must have been as a Federal fugitive was apprehended two doors down in a temporarily-rented home. He echoed Vice President Morita's request that legal counsel look into what the City's rights are to address short-term rentals by ordinance prior to referring to the Planning Commission.

## 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.

**2018-0461** Request for Approval of a Fireworks Display Permit for Light the Village, November 16, 2018; Wolverine Fireworks Display, Inc., Applicant

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Fire Department Approval.pdf](#)  
[Application.pdf](#)  
[Permit App Letter 18.pdf](#)  
[Proposal List 18.pdf](#)  
[APA SDS for Fireworks, Division 1.3G Explosive.pdf](#)  
[APA SDS for Fireworks, Division 1.4G Explosive.pdf](#)  
[Insurance.pdf](#)  
[Additional Insured 18.pdf](#)  
[Map.pdf](#)  
[2018 VORH Display Fireworks Requirements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0294-2018

**Whereas**, Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan, is providing the fireworks display for The Village of Rochester Hills, Rochester Hills, Michigan; and

**Whereas**, Wolverine Fireworks Display, Inc. has provided the necessary insurance with the City of Rochester Hills; and

**Whereas**, the Rochester Hills Fire Department has no objection to the issuance of a fireworks permit providing their safety procedures are followed.

**Resolved**, that the Rochester Hills City Council does hereby approve a permit for Wolverine Fireworks Display, Inc. to provide a fireworks display for The Village of Rochester Hills on Friday, November 16, 2018, subject to the following conditions:

1. The display shall be in conformance with the 2014 Edition of NFPA 1123, and the 2006 International Fire Code.
2. During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame resistant, long sleeved, long legged clothing.
3. No smoking shall be allowed in the discharge area where fireworks or other pyrotechnic materials are present.
4. No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or drugs that could adversely affect judgment, movement, or stability.
5. Subject to onsite inspection the night of the display.

**2018-0481** Request for Adoption of a 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 2018 Christmas Parade to be held on Sunday, December 2, 2018

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Approved RCOC Permit for Community Events.pdf](#)  
[2018 Parade Route.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0295-2018

**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**, staging this event requires closing certain State and County routes and using others for posted detour routes; 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 the 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 2, 2018, 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.

**2018-0442** Request for Acceptance of the Watermain Easement granted by J.S. Oakland, LLC, a Michigan limited liability company, for Premier Academy

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Watermain Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0296-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the watermain easement from J.S. Oakland, LLC, a Michigan limited liability company, whose address is 155 Romeo Street, Rochester, MI 48307, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel Nos. 15-08-100-021, 15-08-100-022 and part of 15-08-100-004, for Premier Academy.

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

**2018-0443** Request for Acceptance of the Warranty Deed for public road right-of-way work granted by J.S. Oakland, LLC, a Michigan limited liability company, for Premier Academy

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Warranty Deed Adams ROW.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0297-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a warranty deed granted J.S. Oakland LLC, a Michigan limited liability company, whose address is 155 Romeo Street, Rochester, MI 48307, for Parcel Nos. 15-08-100-021, 15-08-100-022 and part of 15-08-100-004, for Premier Academy.

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

**2018-0444** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by J.S. Oakland, LLC, a Michigan limited liability company, for Premier Academy

Approved as presented at the December 3, 2018 Regular City Council Meeting.

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Pathway Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0298-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by J.S. Oakland, LLC, a Michigan limited liability company, of 155 Romeo, Suite 300, Rochester, MI 48307, for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway easement over, on, under, through and across land more particularly described as Parcel Nos. 15-08-100-021, 15-08-100-022, & part of 15-08-00-004.

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

- 2018-0445** Request for Approval of a Storm Water System Maintenance Agreement between the City of Rochester Hills, and the J.S. Oakland, LLC, a Michigan limited liability company, for Premier Academy

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Storm Maint Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0299-2018

**Resolved**, that the Rochester Hills City Council, hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from J.S. Oakland, LLC, a Michigan limited liability company, whose address 155 Romeo Street, Rochester, MI 48307, for Premier Academy, Parcel Nos 15-08-100-021, 15-08-100-022 and part of 15-08-100-004.

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

- 2018-0462** Request for Acceptance of the temporary grading permit and driveway grading license for 1505 E. Auburn Road and approve payment of \$960.00 to the 1505 Auburn Road, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P1 Signed Driveway Grading License.pdf](#)  
[P1 Signed Permit to Grade.pdf](#)  
[P1 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0300-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1505 E. Auburn Road and approve payment of



\$960.00 to the 1505 Auburn Road, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-455-040 and authorizes the payment to the landowners in the amount of \$960.00.

- 2018-0463** Request for Acceptance of the temporary grading permit and driveway grading license for 1603 E. Auburn Road and approve payment of \$475.00 to Attar Leasing, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P4 Signed Driveway Grading License.pdf](#)  
[P4 Signed Permit to Grade.pdf](#)  
[P4 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0301-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1603 E. Auburn Road and approve payment of \$475.00 to Attar Leasing, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-456-040 and authorizes the payment to the landowners in the amount of \$475.00.

- 2018-0464** Request for Acceptance of the temporary grading permit and driveway grading license for 1619 E. Auburn Road and approve payment of \$700.00 to Susan M. Campagnolo, D.M.V., P.L.L.C. for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P5 Signed Driveway Grading License.pdf](#)  
[P5 Signed Permit to Grade.pdf](#)  
[P5 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0302-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1619 E. Auburn Road and approves payment of \$700.00 to Susan M. Campagnolo, D.M.V., P.L.L.C. for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-456-041 and authorizes the payment to the landowners in the amount of \$700.00.

- 2018-0465** Request for Acceptance of the temporary grading permit and driveway grading license for 1603 E. Auburn Road and approve payment of \$622.50 to Bozana

Taseski Revocable Trust u/a/d July 29, 2009 for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P6 Signed Driveway Grading License.pdf](#)  
[P6 Signed Permit to Grade.pdf](#)  
[P6 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0303-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1603 E. Auburn Road and approves payment of \$622.50 to Bozana Taseski Revocable Trust u/a/d July 29, 2009 for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-456-029-030 and authorizes the payment to the landowners in the amount of \$622.50.

**2018-0469** Request for Acceptance of the temporary grading permit and driveway grading license for 1681 E. Auburn Road and approve payment of \$837.00 to Auburn Office Plaza, LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P9 Signed Driveway Grading License.pdf](#)  
[P9 Signed Permit to Grade.pdf](#)  
[P9 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0304-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1681 E. Auburn Road and approves payment of \$837.00 to Auburn Office Plaza, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement on, under, through and across land more particularly described as Parcel No. 15-25-457-034 and authorizes the payment to the landowners in the amount of \$837.00.

**2018-0471** Request for Acceptance of a temporary highway easement for 1711 E. Auburn Road and approve payment of \$765.50 to Rochester Hills Investments, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P10 Signed Driveway Grading License.pdf](#)  
[P10 Signed Permit to Grade.pdf](#)  
[P10 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0305-2018

Approved as presented at the December 3, 2018 Regular City Council Meeting.

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary highway easement for 1711 E. Auburn Road and approves payment of \$765.50 to Rochester Hills Investments, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-458-031 and authorizes the payment to the landowners in the amount of \$765.50.

- 2018-0472** Request for Acceptance of the temporary grading permit and driveway grading license for 1725 E. Auburn Road and approve payment of \$405.00 to Habayeb Realty, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P11 Signed Driveway Grading License.pdf](#)  
[P11 Signed Permit to Grade.pdf](#)  
[P11 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0306-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1725 E. Auburn Road and approves payment of \$405.00 to Habayeb Realty, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-458-022 and authorizes the payment to the landowners in the amount of \$405.00.

- 2018-0473** Request for Acceptance of the temporary grading permit and driveway grading license for 1727 E. Auburn Road and approve payment of \$387.00 to Shaun and Tracey Llewellyn for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P12 Signed Driveway Grading License.pdf](#)  
[P12 Signed Permit to Grade.pdf](#)  
[P12 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0307-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1727 E. Auburn Road and approves payment of \$387.00 to Shaun and Tracey Llewellyn for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-25-458-023 and authorizes the payment to the landowners in the amount of \$387.00.

- 2018-0474** Request for Acceptance of the temporary grading permit and driveway grading license for 1737 and 1747 E. Auburn Road and approve the payment of \$810.00

to Llewellyn, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P13 Signed Driveway Grading License.pdf](#)  
[P13 Signed Permit to Grade.pdf](#)  
[P13 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0308-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1737 and 1747 E. Auburn Road and approves the payment of \$810.00 to Llewellyn, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-25-458-027 and authorizes the payment to the landowners in the amount of \$810.00.

**2018-0475** Request for Acceptance of the temporary grading permit and driveway grading license for 1765 E. Auburn Road and approve payment of \$581.25 to Llewellyn, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P14 Signed Driveway Grading License.pdf](#)  
[P14 Signed Permit to Grade.pdf](#)  
[P14 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0309-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1765 E. Auburn Road and approves payment of \$581.25 to Llewellyn, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-25-480-019 and authorizes the payment to the landowners in the amount of \$582.25.

**2018-0477** Request for Acceptance of the temporary grading permit and driveway grading license for 1799 E. Auburn Road and approve payment of \$1,520.00 to 5 Stars Alliance, LLC and Auburn Oil, LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P15 Signed Driveway Grading License.pdf](#)  
[P15 Signed Permit to Grade.pdf](#)  
[P15 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0310-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1799 E. Auburn Road and approve payment of \$1,520.00 to 5 Stars Alliance, LLC and Auburn Oil, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-25-458-018 and authorizes the payment to the landowners in the amount of \$1,520.00.

- 2018-0479** Request for Acceptance of the temporary grading permit and driveway grading license for 1923 E. Auburn Road and approve payment of \$1545.00 to Syed Ahmed and Saba Naaz for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P17 Signed Driveway Grading License.pdf](#)  
[P17 Signed Permit to Grade.pdf](#)  
[P17 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0311-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1923 E. Auburn Road and approves payment of \$1545.00 to Syed Ahmed and Saba Naaz for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-25-482-025 and authorizes the payment to the landowners in the amount of \$1,545.00.

- 2018-0484** Request for Acceptance of the temporary grading permit and driveway grading license for parcel numbers 15-36-226-003, 004, 005 and approve payment of \$1,265.00 to Iftequar Uddin Fazal for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P20 Signed Permit to Grade.pdf](#)  
[P20 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0312-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for parcel numbers 15-36-226-003, 004, 005 and approves payment of \$1,265.00 to Iftequar Uddin Fazal for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-226-003, 004, 005 and authorizes the payment to the landowners in the amount of \$1,265.00.

- 2018-0486** Request for Acceptance of the temporary grading permit and driveway grading license for 2960 Eastern Avenue and approve payment of \$682.25 to Richard S. Cabalum for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P22 Signed Permit to Grade.pdf](#)  
[P22 Valuation Statements.pdf](#)  
[P22 Checklist.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0313-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 2960 Eastern Avenue and approves payment of \$682.25 to Richard S. Cabalum for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-204-059 and authorizes the payment to the landowners in the amount of \$682.25.

- 2018-0488** Request for Acceptance of the temporary grading permit and driveway grading license for parcel numbers 15-36-204-001 thru 008 and approve payment of \$788.00 to Brooklands Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P23 Signed Driveway Grading License.pdf](#)  
[P23 Signed Permit to Grade.pdf](#)  
[P23 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0314-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for parcel numbers 15-36-204-001 thru 008 and approves payment of \$788.00 to Brooklands Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-204-001 thru 008 and authorizes the payment to the landowners in the amount of \$788.00.

- 2018-0490** Request for Acceptance of the temporary grading permit and driveway grading license for 1686 E. Auburn Road and approve payment of \$277.00 to Susan B. Dyer-Hurdon and John L. Dyer-Hurdon and S-3 Development, LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P24 Signed Driveway Grading License.pdf](#)  
[P24 Signed Permit to Grade.pdf](#)  
[P24 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0315-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading

permit and driveway grading license for 1686 E. Auburn Road and approves payment of \$277.00 to Susan B. Dyer-Hurdon and John L. Dyer-Hurdon and S-3 Development, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-203-011 and authorizes the payment to the landowners in the amount of \$277.00.

- 2018-0491** Request for Acceptance of the temporary grading permit for parcel number 15-36-203-008 and approve payment of \$103.00 to Old Towne Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P25A Signed Permit to Grade.pdf](#)  
[P25A Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0316-2018

**Resolved,** that the Rochester Hills City Council hereby accepts the temporary grading permit for parcel number 15-36-203-008 and approves payment of \$103.00 to Old Towne Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-203-008 and authorizes the payment to the landowners in the amount of \$103.00.

- 2018-0492** Request for Acceptance of the temporary grading permit and driveway grading license for 1672 E. Auburn Road and approve payment of \$354.00 to Old Towne Development, LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P25B Signed Driveway License.pdf](#)  
[P25B Signed Permit to Grade.pdf](#)  
[P25B Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0317-2018

**Resolved,** that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1672 E. Auburn Road and approves payment of \$354.00 to Old Towne Development, LLC for the Auburn Road reconstruction project from Culbertson to Hessel construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-203-068 and authorizes the payment to the landowners in the amount of \$354.00.

- 2018-0493** Request for Acceptance of Pedestrian Pathway Easement, the temporary grading permit and driveway grading license for 1650 E. Auburn Road and approve payment of \$1,517.50 to David A. Duda and Mark J. Bunk for the Auburn Road reconstruction project from Culbertson to Hessel



**Attachments:** [111218 Agenda Summary.pdf](#)  
[P26 Signed Driveway Grading License.pdf](#)  
[P26 Signed Permit to Grade.pdf](#)  
[P26 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0318-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the pedestrian pathway easement, temporary grading permit and driveway grading license for 1650 E. Auburn Road and approves payment of \$1,517.50 to David A. Duda and Mark J. Bunk for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-203-061, 004, 007, 008 and authorizes the payment to the landowners in the amount of \$1,517.50.

- 2018-0497** Request for Acceptance of the temporary grading permit and driveway grading license for 1536 E. Auburn Road and approve payment of \$460.00 to Brain Freeze II, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P30 Signed Driveway Grading License.pdf](#)  
[P30 Signed Permit to Grade.pdf](#)  
[P30 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0319-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading permit and driveway grading license for 1536 E. Auburn Road and approves payment of \$460.00 to Brain Freeze II, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-201-047, 048 and 008 and authorizes the payment to the landowners in the amount of \$460.00.

- 2018-0498** Request for Acceptance of the temporary grading permit and driveway grading license for 1524 E. Auburn Road and approve payment of \$1,045.00 to David A. and Carol J. Duda for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P31 Signed Driveway Grading License.pdf](#)  
[P31 Signed Permit to Grade.pdf](#)  
[P31 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0320-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the temporary grading



permit and driveway grading license for 1524 E. Auburn Road and approves payment of \$1,045.00 to David A. and Carol J. Duda for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-201-039 and authorizes the payment to the landowners in the amount of \$1,045.00.

- 2018-0466** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1663 E. Auburn Road and accept the property donation from Arthur P. Belbot Declaration of Trust, dated October 16, 2000, owners of 1663 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P7 Signed Driveway Grading License.pdf](#)  
[P7 Permit to Grade.pdf](#)  
[P7 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\)\(REVISED\).pdf](#)

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

Enactment No: RES0321-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Arthur P. Belbot Declaration of Trust, dated October 16, 2000, owners of 1663 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-25-457-025 and accepts property donation.

- 2018-0467** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1669 E. Auburn Road and accept the property donation from Mr. Philip Colaianni, owner of 1669 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P8 Signed Driveway Grading License.pdf](#)  
[P8 Signed Permit to Grade.pdf](#)  
[P8 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0322-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Mr. Philip Colaianni, owner of 1669 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-25-457-019 and accepts property donation.

- 2018-0478** Request for Acceptance of a Permanent Highway Easement for 1825 E. Auburn Road and accept the property donation from Bible Truth Apostolic Church, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P16 Signed Driveway Grading License.pdf](#)  
[P16 Signed Highway Easement.pdf](#)  
[P16 Signed Permit to Grade.pdf](#)  
[P16 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0323-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Permanent Highway Easement for 1825 E. Auburn Road and accepts the property donation from Bible Truth Apostolic Church, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-25-481-017 and accepts property donation.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

- 2018-0480** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1892 E. Auburn Road and accept the property donation from Gethsemane Lutheran Mission, owner of 1892 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P18 Permit to Grade.pdf](#)  
[P18 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0324-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Gethsemane Lutheran Mission, owner of 1892 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-228-054 and accepts property donation.

- 2018-0482** Request for Acceptance of a Permanent Highway Easement, Temporary Grading Permit, and Driveway Grading License for 1820 E. Auburn Road and accept the property donation from Auburn Plaza Real Estate Holdings, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P19 Signed Driveway Grading License.pdf](#)  
[P19 Signed Highway Easement.pdf](#)  
[P19 Signed Permit to Grade.pdf](#)  
[P19 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0325-2018

Approved as presented at the December 3, 2018 Regular City Council Meeting.

**Resolved**, that the Rochester Hills City Council hereby accepts the Acceptance of a Permanent Highway Easement, Temporary Grading Permit, and Driveway Grading License for 1820 E. Auburn Road and accepts the property donation from Auburn Plaza Real Estate Holdings, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-227-064 and accepts property donation.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

- 2018-0485** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1756 E. Auburn Road and accept the property donation from Stephen D. and Diane M. Opatich, owners of 1756 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P21 Signed Driveway Grading License.pdf](#)  
[P21 Signed Permit to Grade.pdf](#)  
[P21 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0326-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Stephen D. and Diane M. Opatich, owners of 1756 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-226-047 and accepts property donation.

- 2018-0494** Request for Acceptance of Temporary Grading Permit granted for 1616 E. Auburn Road and accept the property donation from Mr. Eugene R. Zapczynski and Mr. Raymond L. Zapczynski, owners of 1616 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P27 Signed Permit to Grade.pdf](#)  
[P27 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0327-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit granted by Mr. Eugene R. Zapczynski and Mr. Raymond L. Zapczynski, owners of 1616 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-202-008 thru 013, and accepts property donation.

- 2018-0495** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1598 E. Auburn Road and accept the property donation from

Mr. Eugene R. Zapczynski and Mr. Raymond L. Zapczynski, owners of 1598 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P28 Signed Driveway Grading License.pdf](#)  
[P28 Signed Permit to Grade.pdf](#)  
[P28 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0328-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Mr. Eugene R. Zapczynski and Mr. Raymond L. Zapczynski, owners of 1598 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-202-047, and accepts property donation.

**2018-0496** Request for Acceptance of Temporary Grading Permit and Driveway Grading License granted for 1550 E. Auburn Road and accept the property donation from Sonaar Driving School, Inc., owner of 1550 E. Auburn Road, Rochester Hills, MI for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P29 Signed Driveway Grading License.pdf](#)  
[P29 Signed Permit to Grade.pdf](#)  
[P29 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0329-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the Temporary Grading Permit and Driveway Grading License granted by Sonaar Driving School, Inc., owner of 1550 E. Auburn Road, Rochester Hills, Michigan 48307 for the construction, operation, maintenance, repair and/or replacement of the proposed project paving work over, on, under, through and across land more particularly described as Parcel No. 15-36-201-049, and accepts property donation.

**2018-0468** Request for Acceptance of a permanent highway easement for 1681 E. Auburn Road and approve payment of \$80.00 to Auburn Office Plaza LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P9 Signed Highway Easement.pdf](#)  
[P9 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0330-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for 1681 E. Auburn Road and approves payment of \$80.00 to Auburn Office

Plaza LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-457-034 and authorizes the payment to the landowners in the amount of \$80.00.

**Further Resolved**, that the City Clerk is directed to record the Easement for the Oakland County Register of Deeds.

- 2018-0470** Request for Acceptance of a permanent highway easement for 1711 E. Auburn Road and approve payment of \$495.00 to Rochester Hills Investments, LLC for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P10 Signed Highway Easement.pdf](#)  
[P10 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0331-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for 1711 E. Auburn Road and approve payment of \$495.00 to Rochester Hills Investments, LLC for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-458-031 and authorizes the payment to the landowners in the amount of \$495.00.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

- 2018-0476** Request for Acceptance of a permanent highway easement for 1799 E. Auburn Road and approve payment of \$430.00 to 5 Stars Alliance, LLC, and Auburn Oil, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P15 Signed Highway Easement.pdf](#)  
[P15 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0332-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for 1799 E. Auburn Road and approve payment of \$430.00 to 5 Stars Alliance, LLC, and Auburn Oil, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-25-458-018 and authorizes the payment to the landowners in the amount of \$430.00.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

- 2018-0483** Request for Acceptance of the permanent highway easement for parcel numbers 15-36-226-003, 004, 005 and approve payment of \$1,020.00 to Iftequar

Uddin Fazal for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P20 Signed Highway Easement.pdf](#)  
[P20 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0333-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for parcel numbers 15-36-226-003, 004, 005 and approves payment of \$1,020.00 to Ifteqar Uddin Fazal for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway over, on, under, through and across land more particularly described as Parcel No. 15-36-226-003, 004, 005 and authorizes the payment to the landowners in the amount of \$1,020.00.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

**2018-0487** Request for Acceptance of a permanent highway easement for parcel numbers 15-36-204-001 thru 008 and approve payment of \$865.00 to Brooklands Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P23 Signed Highway Easement.pdf](#)  
[P23 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0334-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for parcel numbers 15-36-204-001 thru 008 and approve payment of \$865.00 to Brooklands Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-36-204-001 thru 008 and authorizes the payment to the landowners in the amount of \$865.00.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

**2018-0489** Request for Acceptance of a permanent highway easement for 1686 E. Auburn Road and approve payment of \$375.00 to Susan B. Dyer-Hurdon and John L. Dyer-Hurdon and S-3 Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel

**Attachments:** [111218 Agenda Summary.pdf](#)  
[P24 Signed Highway Easement.pdf](#)  
[P24 Valuation Statements.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0335-2018

**Resolved**, that the Rochester Hills City Council hereby accepts the permanent highway easement for 1686 E. Auburn Road and approve payment of \$375.00 to Susan B. Dyer-Hurdon and John L. Dyer-Hurdon and S-3 Development, LLC, for the Auburn Road reconstruction project from Culbertson to Hessel for the construction, operation, maintenance, repair and/or replacement of pavement over, on, under, through and across land more particularly described as Parcel No. 15-36-203-011 and authorizes the payment to the landowners in the amount of \$375.00.

**Further Resolved**, that the City Clerk is directed to record the Highway Easement for the Oakland County Register of Deeds.

**Passed the Consent Agenda**

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

**LEGISLATIVE & ADMINISTRATIVE COMMENTS**

**City Clerk Tina Barton** stated that just under 70 percent of registered voters turned out for the General Election last week, representing over 36,000 people. She mentioned that Precinct 19 at Long Meadow Elementary had the highest turnout in Oakland County of 80 percent. She noted that staff members were very busy and expressed her thanks for the numerous hours spent and time away from their families. She thanked the over 250 election workers hired, noting that each election inspector goes through at least four hours of training. She noted that resident Ryan Smith, in attendance, worked for the first time, and Vice President Morita participated as a member of the audit team as the precinct chairpeople returned to City Hall that evening. She stated that all of Rochester Hills' results were 100 percent reported by 9:30 p.m., and commented that this was the only large community to report by that time.

She mentioned that Rochester Hills will be the first community in the state to host a risk-limiting audit pilot on December 3, 2018. She commented that many people will be coming to witness the audit process, and stated that she has been working with Rochester College to hold the all-day event there.

**Mayor Barnett** stated that he was informed by Allan Schneck, Public Services Director, that Hamlin Road opened fully today for all directions. He added that Walton Boulevard will be open shortly; however, it will need more work next year. He made the following announcements:

- A renovated Oakland Center opened with a ribbon-cutting a few weeks ago. The renovation included 60,000 square feet and cost \$46 million.
- Recent articles in the Rochester Post reported that an automotive supplier will



be investing \$57.8 million to build on vacant acreage in Rochester Hills. Another article reported that Election Day was very smooth in the city, thanks to the many election workers. He visited each precinct, and it was great to see the ownership taken by the workers at the precincts.

- Paint the Plow was held at the DPS Facility last weekend, and exposed participating students to a career in local government.
- Light the Village will be held this coming Friday, November 16, 2018. The show will run from 6:00 p.m. to 8:00 p.m. and will feature two stages on either end of the center, with entertainment, tree lighting, the arrival of Santa, and fireworks. Those who do not arrive early for parking are asked to take one of six shuttles that will be running from Rochester Adams High School. Please do not park at the shopping center across Adams Road.
- Last week members of the Diversity and Inclusion Committee along with a number of Rochester Hills team members attended a screening at the Emagine Theater of The Hate You Give, a very challenging movie about race, family, and law enforcement.
- Last Monday the Older Persons' Center hosted a presentation on autonomous vehicles. The forum, held in part in conjunction with AARP, was a discussion on what autonomous vehicles could do for the community's seniors. The City received a check from AARP for \$30,000 toward the development of an intergenerational playground.

**Ms. McCardell** stated while there are many wonderful things happening in the city, a tragedy occurred as a middle school student was lost. She stated that the family is in her thoughts and prayers, and related her own struggles.

**Mr. Kubicina** stated that he is proud to serve on Council with Ms. McCardell and noted that she gave a moving speech at the Veteran's Day celebration yesterday.

**Ms. Hetrick** thanked Ms. McCardell for sharing her story.

**Mr. Deel** thanked Ms. McCardell for her comments, noting that in his profession he sees many families torn apart. He thanked Clerk Barton for her excellent work on the election, and Mr. Schneck for hosting the Paint the Plow program.

**Dr. Bowyer** expressed condolences to the family who lost their child, and thanked Ms. McCardell for her comments. She expressed her appreciation to Clerk Barton for the smooth election and thanked Mr. Schneck for hosting the Paint the Plow event. She noted the following events:

- Last Saturday's hike visited the 102.5 acre park behind City Hall. A December 8 hike will be through the Innovation Hills Green Space. Anyone interested should preregister at [rochesterhills.org/outdoors](http://rochesterhills.org/outdoors) and plan to meet at City Hall at 10:00 a.m. to caravan to the site.
- The ceremony at Veterans Memorial Pointe was very nice.
- Outdoor engagement activities include Winter Wildlife on December 8, 2018 from 1:00 p.m. to 2:30 p.m. at Bloomer Park. Coexisting with Wild Neighbors will be held on November 30, 2018 at City Hall.
- The Rochester Area Neighborhood House is partnering with the RiverCrest to



host an Italian Dinner on Wednesday, November 14, 2018 from 5:30 p.m. Tickets are \$20 for adults and \$9 for age 12 and under. Cash bar.

- Light the Village will be held Friday, November 16, 2018 from 6:00 p.m. to 9:00 p.m.

- RetroFitness is taking donations through November 4, 2018 for the Giving Tree to help families.

**Vice President Morita** thanked Ms. McCardell for sharing her story, and expressed condolences to the family that lost their child. She reported that her son Drew's hockey team, the 2005 Birmingham Rangers, won the Motown Cup and displayed some pictures from the tournament.

## ATTORNEY'S REPORT

*City Attorney John Staran had nothing to report.*

## NOMINATIONS/APPOINTMENTS

**2018-0453** Request to Confirm the Mayor's Reappointment of Kristin Bull, Michele Gage, Garry Gilbert, and Darlene Janulis to the Naming Standing Committee, each for a one-year term to expire on December 31, 2019

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Kristin Bull CQ.pdf](#)  
[Michele Gage CQ.pdf](#)  
[Garry Gilbert CQ.pdf](#)  
[Darlene Janulis CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** asked Council for their support in the reappointment of these individuals.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0336-2018

**Resolved,** that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Kristin Bull, Michele Gage, Garry Gilbert, and Darlene Janulis to the Naming Standing Committee, each for a one-year term to expire on December 31, 2019.

**2018-0454** Request to Confirm the Mayor's Reappointment of Katharine Altterr-Rogers and Suzanne Wiggins to the Rochester Hills Museum Foundation, each for a two-year term to expire on December 31, 2020

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Kathie Altterr-Rogers CQ.pdf](#)  
[Suzanne Wiggins CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** asked Council for their support in the reappointment of these individuals.

**Vice President Morita** stated that she serves on the Museum Foundation Board with both of these women and stated that they are exceptional. She expressed her thanks to Mayor Barnett for reappointing them.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0337-2018

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Katharine Alterr-Rogers and Suzanne Wiggins to the Rochester Hills Museum Foundation, each for a two-year term to expire on December 31, 2020.

**2018-0455** Request to Confirm the Mayor's Reappointment of Peter Arbour and Nancy Ritter to the Board of Review Board 2, each for a three-year term to expire December 31, 2021

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Peter Arbour CQ.pdf](#)  
[Nancy Ritter CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** asked Council for their support in the reappointment of these individuals. He noted that Mr. Arbor was in attendance for most of this meeting, and commented that Ms. Ritter is a great representative.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0338-2018

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Peter Arbour and Nancy Ritter to the Board of Review Board 2, each for a three-year term to expire December 31, 2021.

## NEW BUSINESS

**2018-0457** Request to rename and re-establish the Water & Sewer Technical Review Committee (WSTRC) as the Water System Advisory Council (WSAC), appoint the current members of the WSTRC to serve as members of the WSAC through the end of their current terms, and appoint Tracey A. Balint, P.E., Public Utilities Engineering Manager, and Leon Luedeman, Water & Sewer Operations Manager, to the WSAC

**Attachments:** [111218 Agenda Summary.pdf](#)  
[MDEQ Public Water Regulatory Changes 070518.pdf](#)  
[Water Supply Advisory Councils.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, explained that based on Michigan Legislation, Public Act 399 was amended specifically relative to lead and copper rules, and calls for any water utility serving a community of 50,000 or more should have the establishment of a Water System Advisory Council (WSAC). He noted that the Administration suggests that City Council's Water and Sewer Technical Review Committee (WSTRC) take on these additional duties. Council is requested to consider renaming the WSTRC to the WSAC and appoint Tracey Balint, Public Utilities Engineering Manager, and Leon Luedemann, Water & Sewer Operations Manager, to the WSAC.

**Vice President Morita** noted that the duties for the WSTRC would change somewhat.

**Mr. Schneck** concurred, noting that some of the new requirements would be to develop plans for continuing public awareness on lead in drinking water, reviewing public awareness campaign materials, advise and consult on efforts to replace private lead service lines at locations where the owner declined service line replacement, assist in promoting transparency, and collaborating with local community groups.

**Vice President Morita** commented that the purpose of this legislation is almost to create a regulatory body inside the City. She expressed concern that the new body would be called a council, and stressed that Council should be very clear as to what is referred.

**Mr. Schneck** responded that this is an advisory committee and is not a legislative committee.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0339-2018

**Whereas**, the Department of Public Services, recommends that the Water & Sewer Technical Review Committee (WSTRC) shall be renamed and re-established as the Water System Advisory Council (WSAC) and that the current members of the WSTRC should be reappointed to serve as members of the WSAC along with the appointment of Tracey A. Balint, P.E., Public Utilities Engineering Manager and Leon Luedeman, Water & Sewer Operations Manager.

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves renaming and re-establishing the Water & Sewer Technical Committee as the Water System Advisory Council, appoints the current members of the WSTRC to the WSAC for the remainder of their current terms, and appoints Tracey A. Balint, P.E., Public Utilities Engineering Manager, and Leon Luedeman, Water & Sewer Operations Manager, to the WASC.

**2018-0458** Request for Acceptance of Amendment No. 3 to the Water Service Contract between Great Lakes Water Authority and North Oakland County Water Authority

**Attachments:** [111218 Agenda Summary.pdf](#)  
[NOCWA Water Contract Amendment 3.102518.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that Rochester Hills was a big part of the formation of the North Oakland County Water Authority (NOCWA) a number of years back. He explained that typically the water contract goes for two years, with a reopener, and then for three additional years. He noted that the contract is in its fifth year and will go for five years. He commented that Vice President Morita had questioned what contractual values would change with this amendment, and he noted that max day and peak hour relative to NOCWA would change. He stated that lowering those figures would be beneficial to Rochester Hills as one of the four-member communities that comprise NOCWA and is expected to result in a savings of \$1.4 million, up from the expected \$770,000. He added that the renewal would provide a benefit to the City with respect to commodity expense, and would result in an increase of only 0.5 percent, which is considered exceptional.

**Ms. McCardell** questioned whether the residents will see a savings in their water bills.

**Mr. Schneck** responded that rate increases will be marginalized. He mentioned that rate increases for surrounding communities may be more than the City's.

**Mayor Barnett** noted that it saves the residents' money as their rates will go up slower than their neighbors in other communities.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0340-2018

**Whereas**, the Department of Public Services, Engineering Division recommends that Amendment No. 3 to the Water Service Contract between Great Lakes Water Authority and North Oakland County Water Authority be accepted and that the Rochester Hills City Council approve the North Oakland County Water Authority (NOCWA) to execute the agreement.

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts Amendment No. 3 to the Water Service Contract between Great Lakes Water Authority and North Oakland County Water Authority and that City Council approves that the North Oakland County Water Authority execute the agreement on behalf of the City.

**(Ms. McCardell exited at 9:10 p.m.)**

**Present** 5 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina and Stephanie Morita

**Absent** 2 - Jenny McCardell and Mark A. Tisdell

**2018-0440** Request for Purchase Authorization - DPS/FLEET: Purchase of one (1) crawler excavator in the amount of \$161,446.00; Southeastern Equipment Company, Inc., Novi, MI

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that the City currently has two wheeled excavators, and wishes to purchase a tracked version. He noted that the tracks are rubberized to prevent damage when crossing pavement. He added that the stability of tracked excavators is improved on saturated surfaces, and he mentioned that the unit also has no overhang to swing and damage anything in a tight excavation setting. He pointed out that it is well within the budgeted amount.

**Dr. Bowyer** questioned whether a trailer will be needed. She noted that this will save site cleanup.

**Mr. Schneck** responded that DPS has a trailer that can be used.

**Mr. Hetrick** commented that the piece will also offer the City the ability to insource more of its excavation work.

**Vice President Morita** mentioned that this was the low bidder.

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

**Aye** 5 - Bowyer, Deel, Hetrick, Kubicina and Morita

**Absent** 2 - McCardell and Tisdell

Enactment No: RES0341-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of one (1) crawler excavator to Southeastern Equipment Company, Novi, Michigan in the amount of \$161,446.00.

**(Ms. McCardell re-entered at 9:13 p.m.)**

**Present** 6 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell and Stephanie Morita

**Absent** 1 - Mark A. Tisdell

**2018-0514** Request for Approval of Agreement transferring jurisdiction of Old Adams Road and a portion of Forester Ave. from the Board of County Road Commissioners of the County of Oakland to the City of Rochester Hills

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Agreement Transferring Jurisdiction \(Adams-Hamlin\).pdf](#)  
[Agreement Resolution.pdf](#)  
[Resolution, City Council Transferring Jurisdiction \(Adams-Hamlin\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that Rochester Hills was supposed to receive conveyance when the interchange was aligned at Adams and M-59 to yield a more contiguous stretch of roadway, which did not happen at the time. He expressed his thanks to Mr. Staran for crafting the agreement. He mentioned that with the Kostal development adjacent to Old Adams, the Administration felt it was time to pursue conveyance of these roadways. He noted that the City worked in partnership with the Road Commission for Oakland County (RCOC) to get Hamlin Road done this year.

**Vice President Morita** questioned whether the City would receive the entire width of Forester as it is a boulevard entrance.

**Mr. Schneck** responded that it would.

**City Attorney John Staran** stated that Auburn Hills is considering a resolution this evening where they would consent to the transfer. He noted that in addition to discussions with the RCOC, discussions were held with Auburn Hills where they graciously consented to the transfer of jurisdiction.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0342-2018

**Whereas**, Forester Avenue from the west right of way line of relocated Adams Road westerly approximately 0.05 miles to the east right of way line of Old Adams Road; Old Adams Road, from the north right of way line of Forester Avenue to the south right of way line of Hamlin Road; and Hamlin Road, from the west townline of the City of Rochester Hills, easterly approximately 0.92 miles to the west right of way line of relocated Adams Road, are under the jurisdiction and control of the Board of County Road Commissioners of the County of Oakland (the "Board").

**Whereas**, The Board represents that Hamlin Road, in its current alignment, has been used by the public and maintained by the Board continuously for a period in excess of ten years; and

**Whereas**, this City Council is desirous of the City obtaining jurisdiction and control over such road; and

**Whereas**, 1969 PA 296, as amended; MCL 247.851, et seq, provides for the execution of a written agreement in reference to such transfers of jurisdiction.

**Now, Therefore, Be It Resolved**, that this City Council hereby consents to the transfer of jurisdiction of the subject portions of Forester Avenue, Old Adams Road and Hamlin Road from the Board to the City of Rochester Hills and authorizes the execution of the attached Agreement between the City of Rochester Hills and the Board, which Agreement will



identify the effective date of transfer of jurisdiction following final approval by the Board.

The limits and general description of the roads involved are:

- Forester Avenue from the west right of way line of relocated Adams Road westerly approximately 0.05 miles to the east right of way line of Old Adams Road;
- The entirety of Old Adams Road, which lies between the north right of way line of Forester Avenue and the south right of way line of Hamlin Road; and
- Hamlin Road, from the west townline boundary of the City of Rochester Hills, easterly approximately 0.92 miles to the west right of way line of relocated Adams Road.

and which Agreement provides that the Board shall not be required to improve, renovate or reconstruct any portion of said roads. The Board shall remain responsible for the maintenance of said road until the transfer of jurisdiction becomes effective on the date set forth above.

***Be It Further Resolved***, that this transfer of jurisdiction shall and does hereby include all existing drainage easements and road rights of way, whether recorded or otherwise, secured in conjunction with the above-described segment, and all things now existing for highway purposes upon and along such portion of road and appurtenant thereto.

**2018-0434** Request for Approval of Land and Water Conservation Fund Grant Program Development Project Agreement between the City of Rochester Hills and the Michigan Department of Natural Resources for the Riverbend Park (known as Innovation Hills) Development - Boardwalk and River Landing

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Project Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

***Ken Elwert***, Parks and Natural Resources Director, stated that the Administration is finalizing a process that began in April of 2017 asking for the authorization to proceed to pursue a grant from the State.

***Mr. Kubicina*** noted that Riverbend Park, now known as Innovation Hills, is near and dear to everyone. He recalled that last year State Senator Marty Knollenberg brought a check for \$500,000 for the park. He stated that he met incoming State Senator Mallory McMorrow, and stated that she wants to come meet Council. He commented that he would like to see more money come from Lansing for Innovation Hills.

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0343-2018

**Whereas**, on March 27, 2017, City Council gave support to the Parks & Natural Resources Department in the submittal of a grant application to the Michigan Department of Natural Resources (MDNR) through their Land and Water Conservation Fund Grant Program. The application was submitted and resulted in the MDNR offering Development

Project Agreement #26-01788 and

**Whereas**, the development of Innovation Hills (f/k/a Riverbend Park) shows the City's continued desire to deliver the finest recreational opportunities to our residents; and

**Whereas**, the Parks & Natural Resources Department, based on detail in the Innovation Hills Strategic Framework has calculated the City's cost for this project to be approximately \$150,000 as the required minimum 50% match to the grant; and

**Whereas**, one of the goals of the City of Rochester Hills Parks and Recreation Master Plan 2016-2020 includes development of high quality parks; and

**Whereas**, this project has been identified in the City's Capital Improvement Plan (CIP #PK-13); and

**Be It Resolved**, that Rochester Hills City Council does hereby accept the terms of Development Project Agreement #26-01788 Grant as received from the Michigan Department of Natural Resources (MDNR) for the Riverbend Park Development - Boardwalk & River Landing, and that the City Council does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project and to provide one hundred fifty thousand dollars (\$150,000) to match the grant authorized by the MDNR.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the MDNR for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

**Further Be It Resolved**, that the Mayor is authorized to execute Development Project Agreement #26-01788 on behalf of the City.

**2018-0439** Request for Purchase Authorization - PARKS: Blanket Purchase Order for tree maintenance services in the amount of \$300,000.00 through October 31, 2021; JH Hart Urban Forestry, Sterling Heights, MI

**Attachments:** [111218 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, stated that the City has been with JH Hart for many years and they are the low bidder. He noted that the city is divided into five tree districts. He explained that this is for a three-year contract with the potential for a two-year renewal.

**Dr. Bowyer** noted that stump grinding is not included and questioned whether it will be done in-house.



*Mr. Elwert responded while it was hoped that someone would bid the stump grinding, it will instead be done in-house.*

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

**Aye** 6 - Bowyer, Deel, Hetrick, Kubicina, McCardell and Morita

**Absent** 1 - Tisdell

Enactment No: RES0344-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for tree maintenance services to JH Hart Urban Forestry, Sterling Heights, Michigan in the amount of \$300,000.00 through October 31, 2021 and further authorizes the Mayor to execute a contract on behalf of the City.

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

**2018-0460** Report on Non-smoking Ordinance from Spencer Park

**Attachments:** [111218 Agenda Summary.pdf](#)

*Ken Elwert, Parks and Natural Resources Director, stated that Council enacted a trial Ordinance in the spring. He reported that 42,000 cars visited Spencer with 194 interactions documented regarding the Ordinance. He stated that only six people were upset enough by the smoking ordinance that a refund was given. He noted that no action is required if Council wishes to continue.*

*Vice President Morita suggested this be done for all parks in the City.*

*Mr. Elwert responded that the main argument for the Ordinance in Spencer is because it is a beach area with individuals in close proximity. He stated that while it could be expanded to other parks, it would require a different justification. He noted that the City does not have the same type of problems and densities at other areas.*

*Vice President Morita commented that a cigar in the stands at a little league game poses a problem.*

*Mayor Barnett stated that it comes down to a practical application, noting that the City does not have staff for enforcement. He pointed out that the Museum has a designated smoking area, and he mentioned that City Hall is considered a park and the City has employees who smoke. He commented that perhaps it could be reviewed where it could be enforced effectively. He suggested that the Administration return to Council next year with other suggestions.*

*Dr. Bowyer questioned whether no smoking could pertain to the Green Space properties. She expressed surprise that there were so few interactions. She*

*commented that social norms and pressures are changing and the cost for enforcement may be high.*

***Vice President Morita** stated that much self-policing would take place once a sign could be posted. She suggested that Council consider having the Administration look at preparing an Ordinance to include additional parks.*

**Discussed.**

## **ANY OTHER BUSINESS**

*None.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, December 3, 2018 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, it was moved by Deel and seconded by Bowyer to adjourn the meeting at 9:33 p.m.*

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

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

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

*Approved as presented at the December 3, 2018 Regular City Council Meeting.*