



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, March 19, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:03 p.m. Michigan Time.

ROLL CALL

Present 7 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel, Michael Webber and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Scott Cope, Director of Building/Ordinance Compliance
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Captain Michael Johnson, Oakland County Sheriff's Office
Gerry Lee, Forestry Operations Manager
Jane Leslie, City Clerk
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Ashish Tripathi, Rochester Hills Government Youth Council Representative*

PLEDGE OF ALLEGIANCE

*Led by **Nick Gajdzik**, State Heavyweight Wrestling Champion, Stoney Creek High School.*

***Mr. Tisdel** introduced Mr. Gajdzik and highlighted his athletic and academic achievements at Stoney Creek High School. He stated that in the fall, Mr. Gajdzik will attend Harvard University.*

***Mr. Gajdzik** led the Pledge of Allegiance.*

APPROVAL OF AGENDA

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

PUBLIC COMMENT

Melinda Hill, 1481 Mill Race, stated that State Representative Eileen Kowall and State Senator Jim Marleau have proposed legislation to allow communities to work with County Road Commissions to post appropriate speed limits on gravel roads. She commented that many residents requested action after 2006 legislation changed all gravel road speed limits to 55 miles per hour. She pointed out that few cars travel Washington Road at an appropriate speed and stated that this creates a dangerous situation for walkers, bikers and residents on this stretch of roadway. She suggested a resolution in support of the pending legislation be adopted by City Council. She mentioned that the City of Rochester has committed tri-party funds to create a safe crossing at Dequindre for the Clinton River Trail and expressed hope that Council will lend support to Rochester in their efforts.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

*In response to Public Comment, **President Hooper** expressed support for proposed State legislation to allow local control of gravel road speed limits at the County Road Commission level. He stated that he will direct City Attorney John Staran to draft a resolution of support for this proposed legislation for discussion at the next Regular Council Meeting.*

***Mr. Webber** congratulated Nick Gajdzik for his athletic achievements during his high school career.*

***Mr. Kochenderfer** expressed his thanks to the Rochester Hills Government Youth Council (RHGYC) for hosting the Youth Summit on Saturday, March 10th. He commented that he had the honor of being part of a panel of business people who shared information on different careers. He thanked Mr. Tisdell for his efforts in helping the RHGYC make the summit a success.*

***Mr. Tisdell** expressed his congratulations to Mr. Gajdzik, along with his parents, Michael and Stephanie. He mentioned that Saturday's Youth Summit was attended by 127 students in grades eight through twelve, along with many City department heads and employees. He thanked everyone who helped and commented that he was pleasantly surprised to discover the quality of the City's employees and how dedicated they are to the people of the City.*

***Mr. Yalamanchi** expressed his congratulations to Mr. Gajdzik.*

Ashish Tripathi, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the March 10th Youth Summit was a success, with many students participating. He expressed his thanks to everyone who helped during the day-long event. He stated that the RHGYC is now planning the 5K Run/Walk to be held on June 16th. Flyers are being distributed to promote registration for the event and sponsorships are being solicited. He mentioned that several RHGYC members participated in the Mayor's State of the City address on March 14th.

Mayor Barnett extended his congratulations to Mr. Gajdzik for his achievements. He made the following comments and announcements:

- Two Rochester Hills natives received recognition over the weekend: Desi Davila placed in the top ten of women at the New York Marathon, and is slated to compete in the 2012 Summer Olympics. NASCAR driver Brad Keselowski scored his second consecutive victory at Bristol this past weekend.
- A thank-you goes to the RHGYC for hosting a successful Youth Summit, and for their help at the State of the City Address. A video of the Address, which highlighted many good things happening in the City, will be running on Rochester Hills Television.
- The City will host a Homeowners' Association Meeting Forum tomorrow, March 20th, at 6:30 p.m. in the City Hall Auditorium.
- The Clinton River Watershed Council was one of six finalists in the competition for a \$25,000 MillerCoors Network Grant. Online voting ended at 5:00 p.m. today, and the winner will be announced on March 27th.

He extended his thanks to Ms. Hill for her efforts in addressing opposition to the State Law that increased speeds on gravel roads to 55 miles per hour. He noted that he has been working with State Representative Jacobson to promote a change. He pointed out that Representative Jacobson spearheaded efforts to repeal this legislation in 2007; however, former Governor Granholm vetoed those efforts. He stated that not one person in his Administration is in favor of this law, and mentioned that the biggest opposition to its repeal is the Michigan State Police.

President Hooper recognized Leanne Scott, City Council Coordinator and Adult Advisor to the RHGYC, City Clerk Jane Leslie, and Council staff, Mary Jo Whitbey and Christine Wissbrun, for their efforts in organizing the Youth Summit.

ATTORNEY MATTERS

City Attorney John Staran reported that last Friday, both DTE Energy and Consumers Power filed their reports with the Michigan Public Service Commission (MPSC) regarding the Smart Meter Program. He noted that while he has not had the opportunity to review the reports in depth, the utility providers have apparently agreed to include an opt-out provision to allow customers who do not wish to have a Smart Meter the option to refuse installation.

PRESENTATIONS

- 2012-0092** Presentation on the services offered by Rochester Area Youth Assistance (RAYA); Joanna VanRaaphorst, RAYA Publicity Chair, and Jim Blundo, RAYA Chairman, presenters

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

Joanna VanRaaphorst, Publicity Chair and **Jim Blundo**, Chairperson, of the Rochester Area Youth Assistance (RAYA) were in attendance to update Council on services offered by their organization.

Ms. VanRaaphorst noted that the organization was established in 1958 as a means to help children of families in trouble.

Did You Know:

- 13.3 percent of Youth in the Rochester Community Schools District receive free and reduced lunch.
- 4,460 families are Single-Parent Households.
- 87 percent of High School Students have seen other students get pushed, hit, or punched one or more times in the last 12 months.
- ONLY 41 percent of High School Students in Rochester know people in their neighborhood who are proud of them.

Ms. VanRaaphorst commented that these statistics demonstrate that there is still a need for help.

RAYA - Our Mission:

- Rochester Area Youth Assistance: A non-profit organization whose goal is to strengthen youth and families in the Rochester Community and to reduce the incidence of delinquency, abuse and neglect through community partnerships.

RAYA Sponsors:

- City of Rochester Hills
- City of Rochester
- Charter Township of Oakland
- Rochester Community Schools
- Oakland County Circuit Court - Family Division
- Additional funding for programs and services is provided through fundraising, grants or donations.
- Principle funding is provided by the Oakland County Board of Commissioners.
- Neighborhood and Community Support

RAYA Programs and Services:

- Family Education - A variety of programs are provided which facilitate family growth and development.
 - * Workshops
 - * Groups
 - * Guest Speakers
 - * Parenting Classes

- Youth and Teen
 - * "Choices Program" - Teen Life Skills, Group Youth Ages 12 to 17
 - * "Girls Stand Strong" - Teen Life Skills, Group Youth Ages 11 to 15
 - * "Chrissa Stands Strong" - Youth Bullying Program, Grades three to six
- Counseling and Casework Services
 - * Available to young people and their families, age five to 16, who reside in the Rochester Community Schools District. Services are Confidential and Low Cost.

Ms. VanRaaphorst stated that students and their families are identified and recommended for these programs by school administrators, teachers and counselors. Offices are located at Rochester Adams High School.

Mr. Blundo mentioned that RAYA facilitates a character-building group for people which includes an eight-week session to strengthen their resolve to do positive things.

Ms. VanRaaphorst continued highlighting RAYA's programs and services:

- Scholarship Financial Assistance
 - * Available to children grades K through 12, with funds available for skill-building activities, summer programs, summer camps and/or child care.

She stated that the organization's goal is to spread the financial assistance out as much as possible and could include as little as helping with fees for an after-school activity or event.

- Camp Safari Day Camp
 - * Cooperatively Provided By RAYA and the Rochester-Avon Recreation Authority
 - * For children ages six through 12 residing at Rochester Estates Mobile Home Park and Avon Hills Co-Op.
- Be a Mentor!
 - * Program run through Oakland County Mentors Plus, 248-858-0441. Interested individuals can sign up and spent as little as an hour each week with a child. Volunteers are run through background checks and receive training.

She mentioned the upcoming Annual Youth Recognition Banquet, recognizing children and teens that go above and beyond to help others. She explained that nominations are solicited from schools, churches and youth groups and stated that the recognition program shows that service to others is just as important as schooling. The event, set for Tuesday, March 27th, will be held at the RiverCrest Banquet Facility.

2010 RAYA Statistics:

- RAYA Casework Services: 300 families
- Scholarships/Financial Assistance: 71 Youths
- Family Education Programs attended: 125 Individuals
- Camp Safari attended: 65 Youths

- 36th Annual Youth Recognition Awards: Presented to 32 Youths and one group
- Mentor Relationships: Three youths and three adults

2012 Rochester Area Youth Assistance Board:

- James Blundo - RAYA Chairperson
- Judie Wurges - RAYA Vice-Chairperson
- Duane Hull - RAYA Treasurer
- Jill Williams - RAYA Secretary
- Board Members: Barbara Barnes, Tricia Campbell, Amy Drehmer, Debbie Driscoll, Diann Flack, Lisa Khoury, Nathan Klomp, Jeffery Matis, Vince Mattina, Pat Piskulich, Kim Russell, Joanna VanRaaphorst, Jan Willhite-Iserman and Mark Woliung.

Volunteer Opportunities:

- Committees include Family Education, Youth Recognition, Mentors Plus, Finance, Public Relations, Camp Safari and Financial Assistance
- Mentor Volunteers

Fund Raising:

- Spaghetti Dinners, Rochester Fire Station

Financial Support - Community Sponsorships:

- Platinum - \$1,500
- Gold - \$1,000
- Silver - \$500
- Bronze - \$250 to \$499
- Copper - \$100 to \$249

Ms. VanRaaphorst requested Council's continued support of RAYA.

Mr. Blundo mentioned that Oakland County provides a caseworker to RAYA. He noted that several prevention programs are run in the middle schools, including a new program for boys to help them learn how to protect themselves. He mentioned that a youth involvement group is putting together a play and a video to deal with bullying in the schools. He commented that RAYA quietly helps individuals who would otherwise get into more trouble and helps families in emergency situations. He thanked Council for their continued support and stated that individuals come from all over to see how this youth assistance program works.

Mr. Klomp thanked the presenters and stated that it is a pleasure to serve as Council representative to the RAYA Board. He commented that he is proud of the group's sustainability and noted that a significant amount of revenue is raised by the efforts of the RAYA board and others.

Mr. Blundo noted that RAYA has brought in at least \$20,000 in donations and through hosting Millionaire Parties and participating in the City of Rochester's Fire and Ice Festival.

Ms. VanRaaphorst added that Board members address local Parent-Teacher Organizations to request support in fund raising.

Mr. Klomp noted that RAYA is an organization that one can also volunteer manhours to. He encouraged the public to attend the recognition banquet next Tuesday at the River Crest.

Mr. Blundo noted that 45 children and teens were honored last year.

Presented.

2012-0093 Presentation on the upgrade to the City's website; Bob Grace, M.I.S. Director, presenter

Attachments: [Agenda Summary.pdf](#)

Bob Grace, Director of MIS, gave a brief overview of the upgrades to the City Website. He noted that the website is the City's portal to the world and needs to market the City and catch the eye of those who are looking to relocate to this area. He commented that since its launch date, the website has had over 68,000 hits. He mentioned that the new website improves site navigation.

He reviewed the new website and demonstrated the dropdown menus. He noted that items can be found in multiple categories to facilitate an individual finding the right area without knowing directly where to go. He pointed out that a new feature is the ability to report concerns and track complaints, whether a building violation, ordinance concern or a pothole.

He demonstrated how the site can also be set up as a dashboard for an individual user to customize a page with favorites. The site also has the capability to be set up to display to a mobile device. He noted that the content management system is much easier to use and has many more built-in features.

Mr. Grace stated that the new website costs \$900 more per year than the old site and commented that it is expected to save much more than this amount in staff time.

Public Comment:

Scot Beaton, 655 Bolinger, thanked Mr. Grace for his demonstration of the new web features and commented that the customer service rendered by City employees is amazing.

Council Comments:

Mr. Webber expressed his thanks to Mr. Grace and congratulated him for shepherding the project. He mentioned that an individual can access the City budget via a very easy link on the first page and commented that few

communities provide this information without having to go through multiple layers. He questioned how quickly the website can be updated if important information must be posted after a meeting.

Mr. Grace commented that the website can be updated first thing the next morning and noted that in an emergency, he can update it remotely. He credited Margaret Casey, Administrative Support Aide - MIS, for her work on the website development.

Mr. Kochenderfer noted that the website provides a platform for doing much more in the future and commented that he would encourage the Administration to do more to allow people to conduct much of their business with City Hall via the web.

Mayor Barnett pointed out that the website features quick links on the bottom for areas people are most interested in, such as Parks, the Museum, Property Tax information, Recycling and Waste Hauling, and Water Billing. He stated that Ms. Casey and Kevin Krajewski, Network Administrator/Deputy Director of MIS deserve credit for website development.

Presented.

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.

2012-0068 Request for Purchase Authorization - BLDG/FAC: Contract/Blanket Purchase Order for ADA Site Improvements at Fire Station #1 in the amount of \$75,555.00 with a 10% contingency of \$7,555.50 for a total not-to-exceed amount of \$83,110.50; Pavex Corporation, Trenton, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0028-2012

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for ADA Site Improvements at Fire Station #1 to Pavex Corporation, Trenton, Michigan in the amount of \$75,555.00 with a 10% contingency of \$7,555.50 for a total not-to-exceed amount of \$83,110.50 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.

- 2012-0069** Request for Purchase Authorization - BLDG/FAC: Blanket Purchase Order for 2012 Landscaping Services and Lawn Mowing for City-Owned Sites in the amount not-to-exceed \$70,850.00 through December 31, 2012; Green Meadows Lawnscape Inc., Shelby Township, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0029-2012

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Green Meadows Lawnscape Inc., Shelby Township, Michigan for 2012 Landscaping Services and Lawn Mowing for City-Owned Sites in the amount not-to-exceed \$70,850.00 through December 31, 2012 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.

- 2012-0088** Request for Approval of a three-year extension of the METRO Act Permit for AT&T

Attachments: [Agenda Summary.pdf](#)
[3-Yr Permit Extension.pdf](#)
[Agreement Letter.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0030-2012

Resolved, that the Rochester Hills City Council hereby approves a three-year extension of the existing METRO Act Permit issued by the City of Rochester Hills to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a AT&T Michigan ("AT&T") to expire on August 31, 2014.

- 2012-0091** Adoption of Resolution to Dissolve the Police School Liaison Steering Committee

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0031-2012

Whereas, the Police School Liaison Steering Committee has not convened in several years; and

Whereas, the Executive Committee meets regularly; and

Whereas, the Amended Agreement for the Police-School Liaison Program allows the Executive Committee to create an Ad Hoc Committee as needed.

Therefore, Be It Resolved, that the Rochester Hills City Council hereby dissolves the Police School Liaison Steering Committee.

Passed the Consent Agenda

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

ORDINANCE FOR INTRODUCTION

2012-0079 Acceptance for First Reading an Ordinance to amend Section 84-11 of Chapter 84, Property Maintenance Code, Sections 94-35 and Article III of Chapter 94, and Article II of Chapter 106, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations concerning tree pruning and maintenance by property owners in the city, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Lee Memo 011312.pdf](#)
[Ordinance.pdf](#)
[Resolution.pdf](#)

Mike Hartner, Director of Parks and Forestry and **Gerry Lee**, Forestry Operations Manager, were in attendance.

Mr. Hartner noted that Mr. Lee has been working for the past year to clarify some inconsistencies in, and adopt standard terminology for, the City's Ordinance regarding street, sidewalk and pathway clearances for vegetation.

Mr. Yalamanchi questioned whether trailways within the City boundaries are included.

Mr. Hartner responded that the City maintains the trailways within its boundaries.

Mr. Yalamanchi questioned whether the Trailways Commission must address these changes.

Mr. Hartner responded that they do not need to do anything. He noted that any properties adjacent to the trails will be covered by this Ordinance.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Resolved, that an Ordinance to amend Section 84-11 of Chapter 84, Property Maintenance Code, Sections 94-35 and Article III of Chapter 94, and Article II of Chapter 106, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify regulations concerning tree pruning and maintenance by property owners in the city, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

2012-0089 Acceptance for First Reading - An Ordinance to amend Article III of Chapter 98, Michigan Vehicle Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt by reference Section 625(1)(c) of the Michigan Vehicle Code, repeal conflicting Ordinances and prescribe penalties for violations

Attachments: [Agenda Summary.pdf](#)
[Staran Ltr 030812.pdf](#)
[Ordinance.pdf](#)
[Resolution.pdf](#)

Captain Michael Johnson, Oakland County Sheriff's Office, explained that in 2008, an amendment was enacted to the Michigan Vehicle Code to include an Operating While Under the Influence Statute of Super Drunk, measuring a Blood Alcohol Content (BAC) of 0.17 or higher. The amendment did not allow for local enforcement of this law; it could only be enforced and prosecuted by State Law. Public Act 7 of 2012, adopted February 15, 2012, authorizes cities to adopt local ordinances to prohibit drunk driving with a BAC of 0.17 or higher. This Act makes it simpler for deputies to issue a traffic citation rather than requiring the State Prosecutor issue a warrant. The Act also allows cities to collect their share of any fines.

President Hooper questioned how many times these infractions occur annually in the city.

Captain Johnson responded that 40 percent of approximately 150 drunk drivers each year have a BAC of 0.17 or higher.

Mr. Yalamanchi questioned how multiple incidents with one individual are handled.

John Staran, City Attorney, noted that this law pertains to a first offense. Multiple offenses become felonies, and are prosecuted under State Law, and penalties are potentially very serious jail time and forfeiture of vehicles. He noted that these penalties are beyond what the City can render for a local ordinance violation.

Mr. Yalamanchi questioned whether the City must adopt this Ordinance Amendment to enforce the law.

Mr. Staran responded that until the Ordinance Amendment is adopted, the City can only enforce the traditional drunk driving law.

Mr. Tisdell questioned whether the City can undertake cost recovery procedures.

Captain Johnson responded that costs are recoverable for all time spent, from the time it takes for the officer to write the ticket, investigate and write a police report, along with any time spent by assisting officers to impound cars or review reports. He explained that a recovery cost is attached to all cases and commented that the 52/3 District Court Judges always include reimbursement when assessing Court costs.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Resolved, that an Ordinance to amend Article III of Chapter 98, Michigan Vehicle Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt by reference Section 625(1)(c) of the Michigan Vehicle Code, repeal conflicting Ordinances and prescribe penalties for violations is hereby accepted for First Reading.

ORDINANCE FOR ADOPTION

2011-0365 Acceptance for Second Reading - An Ordinance to Amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise Section 138-11.300 Handicap Accessible Parking Requirements, to revise Section 138-4.300 and Section 138-4.438 Drive-Through Restaurant Requirements, to revise Section 138-11.304 Parking Space Striping Requirements, to revise Section 138-11.307 to Allow for Alternate Methods of Parking Lot Surfacing, to amend Section 138-5.100 Setback Requirements for the B-5 Automotive Business District, to amend Section 138-5.100 Footnote B Standards Regarding Established Building Line Setbacks, to revise Section 138-5.100 Footnote J and Section 138-4.404 to add Front Building Gas Station Design Option, to amend Section 138-5.100 Footnote N to Reduce the Side Street Setback Required in the B-5 District, to amend Section 138-4.300 to revise the List of Uses Permitted in Zoning Districts, to amend Section 138-3.104.C Standards Applicable to the Reconstruction of Nonconforming Structures, to amend Section 138-8.603 Permit Procedures for Signs in Flexible Business Overlay Districts, and to amend Article 6, Chapter 4 Development Standards Applicable in the RMH Manufactured Housing District and to repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[021312 Agenda Summary.pdf](#)
[Memo Breuckman 020212.pdf](#)
[Minutes PC 010312.pdf](#)
[Minutes PC 120611.pdf](#)
[Minutes PC 110111.pdf](#)
[PNH Post.pdf](#)
[Memo Breuckman 122811.pdf](#)
[2011 Zoning Amendments - Public Hearing Draft 122011.pdf](#)
[Memo Breuckman 092811.pdf](#)
[Article 6 Chapter 4.pdf](#)
[B-5 Existing Setback Study.pdf](#)
[021312 Resolution.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0032-2012

Resolved, that an Ordinance to Amend Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to revise Section 138-11.300 Handicap Accessible Parking Requirements, to revise Section 138-4.300 and Section 138-4.438 Drive-Through Restaurant Requirements, to revise Section 138-11.304 Parking Space Striping Requirements, to revise Section 138-11.307 to Allow for Alternate Methods of Parking Lot Surfacing, to amend Section 138-5.100 Setback Requirements for the B-5 Automotive Business District, to amend Section 138-5.100 Footnote B Standards Regarding Established Building Line Setbacks, to revise Section 138-5.100 Footnote J and Section 138-4.404 to add Front Building Gas Station Design Option, to amend Section 138-5.100 Footnote N to Reduce the Side Street Setback Required in the B-5 District, to amend Section 138-4.300 to revise the List of Uses Permitted in Zoning Districts, to amend Section 138-3.104.C Standards Applicable to the Reconstruction of Nonconforming Structures, to amend Section 138-8.603 Permit Procedures for Signs in Flexible Business Overlay Districts, and to amend Article 6, Chapter 4 Development Standards Applicable in the RMH Manufactured Housing District and to repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, March 30, 2012, the day following its publication in the Rochester Post on Thursday, March 29, 2012.

NOMINATIONS/APPOINTMENTS

2012-0054 Appointment of a Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2013

Attachments: [Agenda Summary.pdf](#)
[Minutes PC 030612 \(Excerpt\).pdf](#)
[Memo PC Rep to ZBA.pdf](#)
[Resolution.pdf](#)

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0033-2012

Resolved, that the Rochester Hills City Council hereby appoints Deborah Brnabic as the Planning Commission representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2013.

2012-0063 Request to Confirm the Mayor's reappointments of David Reece and William Boswell to the Planning Commission each for three-year terms expiring March 31, 2015

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

Mayor Barnett stated that he is pleased to offer David Reece and William Boswell for confirmation to the Planning Commission, noting that they both have long track records of service.

President Hooper commented that it has been his pleasure to serve as Council Representative to the Planning Commission with both Mr. Reece and Mr. Boswell, noting that they are excellent members.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0034-2012

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointments of David Reece and William Boswell to the Planning Commission each for three-year terms expiring March 31, 2015.

2012-0066 Nomination/Appointment to the Zoning/Sign Board of Appeals to fill three terms on the Zoning Board of Appeals to expire March 31, 2015

Attachments: [Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Booth, Don CQ.pdf](#)
[Duistermars, James CQ.pdf](#)
[Foster, Dianah CQ.pdf](#)
[Hurst, Philip CQ.pdf](#)
[McGunn, Michael CQ.pdf](#)
[Olson, Edward CQ.pdf](#)
[Paurazas, Stanley CQ.pdf](#)
[Pisani, Ralph CQ.pdf](#)
[Schmeisel, Paul CQ.pdf](#)
[Verschueren, Gerard CQ.pdf](#)
[Waller, Wayne CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution.pdf](#)

President Hooper noted that the three expiring members have all expressed an interest in continuing to serve on the Zoning/Sign Board of Appeals.

President Hooper Opened the Floor for Nominations.

He noted that if there are more than three nominees, this item will be held over to the next City Council Meeting for a vote.

Mr. Yalamanchi nominated **James Duistermars, Michael McGunn and Gerard Verschueren.**

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

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0035-2012

Resolved, that the Rochester Hills City Council appoints James Duistermars, Michael McGunn and Gerard Verschuereen to the Zoning/Board of Appeals, each for three-year terms expiring March 31, 2015.

NEW BUSINESS

2012-0094 Request to Transfer All Membership Interest in 2011 Class C licensed Limited Liability Company, located at 2945 S. Rochester Road, Rochester Hills, Michigan to a new member, BR Restaurant Holdings, LLC

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

Linda Mayer, Adkison, Need & Allen, PLLC, was in attendance to represent the Applicant. She noted that the request represents Famous Dave's transfer of ownership interest, and noted that an operating owner is buying out a financing owner. She noted that the restaurant continues to operate with the same general manager as it has for the past six years.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0036-2012

Resolved, that the request from Blue Ribbon Restaurants Rochester, LLC to transfer All Membership Interest in 2011 Class C licensed Limited Liability Company, located at 2945 S. Rochester Road, Rochester Hills, Michigan 48307, Oakland County, to new member BR Restaurant Holdings, LLC on or about October 2, 2011 be considered for approval.

2012-0090 Request for Approval of Michigan Department of Natural Resources - Wildlife Division Canada Goose Nest Destruction for Kensington Forest Subdivision Association

Attachments: [Agenda Summary.pdf](#)
[Kensington Forest Request Letter.pdf](#)
[Goose Nest Destruction.pdf](#)
[Resolution.pdf](#)

Ken Peacock, President of the Kensington Forest Homeowner's Association, explained that the subdivision has been controlling geese in its pond through the Department of Natural Resources (DNR) since 2000. He noted that the pond is in the area of Livernois and Auburn and is used extensively by residents. He stated that without control, droppings are so bad that the residents cannot enjoy the area and adjacent sidewalks.

Mr. Kochenderfer questioned whether the geese would come back if control measures were stopped.

Mr. Peacock responded that the pond is a stop-over for birds flying north. He stated that between 12 and 20 geese have come back already and are beginning to pair up. If control is not undertaken, more and more will come back each year.

Mr. Klomp questioned whether the Association has the support of the residents.

Mr. Peacock responded that it did.

City Attorney John Staran noted that Council is being asked for a supporting resolution to submit with their application to the DNR.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0037-2012

Resolved, that the City of Rochester Hills requests the Michigan Department of Natural Resources - Wildlife Division to allow Kensington Forest Subdivision Association to conduct a program of Canada Goose Nest Destruction for a period of five (5) years. The residents of Kensington Forest Subdivision Association are aware that the geese may be euthanized.

2012-0083 Request for Support to submit a grant application to Michigan Department of Natural Resources Recreation Passport Grant Program

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

Mike Hartner, Director of Parks and Forestry introduced Dale Hughes, and explained that City Council's support is requested to complete an application for a Recreation Passport Grant for Velodrome resurfacing. He stated that the grant program is in its second year, and is funded through the \$10 optional fee added to license plate registrations in the State to help support the State Park System. He noted that a portion of this money goes into a fund for local agencies to apply for grants to renovate and develop local parks. He mentioned that the project fits all of the program criteria, and pointed out that this is the only Velodrome in the State of Michigan.

Dale Hughes stated that the Velodrome track has been in place for almost 12 years. He explained that the Velodrome has a wood resin surface with special texture to grip tires. While some patching has been done, the surface still rides smooth. The next surface will include an edge treatment which will double the lifespan. He pointed out that the Velodrome was constructed entirely with donated labor and monies. He mentioned that another Velodrome was built elsewhere with a concrete surface which required over \$4 million to construct.

He stated that 13 young riders went to last year's National Championships and two riders went to the World Championship. One rider won a World Championship in the 70-plus age group and another came in second in the 50-plus age group. He explained that there are no fees to use the track, bikes or coaching for those 18 and under.

***Mr. Hartner** pointed out that Mr. Hughes has volunteered all the manpower necessary for installation of the surface, which will constitute the matching portion necessary for the grant. The grant request for \$45,000 will be used strictly for materials. The project will not cost the City any money.*

***Mr. Webber** expressed his support and thanked Mr. Hughes for his generous donation.*

***Mr. Yalamanchi** concurred, stating that the Velodrome is a great asset for the City.*

***Mr. Rosen** questioned what would happen if the grant application is not successful, and if the surface will stand up for another year or two.*

***Mr. Hartner** responded that the City will apply again next year; or Mr. Hughes will attempt to find a private sponsor for the project.*

***Mr. Hughes** responded that more patching can be done and stated that the surface has not deteriorated to the point where there are safety concerns.*

***Mr. Rosen** commented that the grant application should stress a need for maintaining safety. He questioned the lifespan of a new surface.*

***Mr. Hughes** commented that this is the only Velodrome in the State of Michigan, and only one of 22 in the entire United States. He noted that a new surface should last for twice the lifespan of the current surface and stated that repainting and resurfacing of the steel undercarriage will also be undertaken as a part of the project.*

***Mr. Klomp** expressed his thanks, noting that having a Velodrome makes the community unique and brings people to the park.*

***Mr. Hughes** noted that the name has been changed to the International Velodrome at Bloomer Park.*

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0038-2012

Whereas, the surface of the International Velodrome at Bloomer Park is in serious need of replacement/renovation; and

Whereas, the Parks & Forestry Department has received a pledge from Dale Hughes,

owner of V-Worldwide of Rochester, Michigan to donate \$15,360 to cover the labor and equipment costs necessary for the installation of the surface panels as the required minimum 25% match to the grant; and

Whereas, if awarded the grant, the City would competitively bid and purchase the materials with reimbursement at completion by the DNR making the project cost neutral to the city;

Whereas, the grant application deadline is April 2, 2012;

Be it Resolved, that Rochester Hills City Council does hereby support the application for a grant to the Michigan Department of Natural Resources Recreation Passport Grant Program for the purpose of resurfacing the Velodrome at Bloomer Park; and

Further Resolved, that the Mayor or his designee is authorized to execute the application on behalf of the City.

2012-0076 Request for Approval of an Interlocal Agreement with the Cities of Auburn Hills and Rochester for Public Works Services

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

Mayor Barnett explained that the Interlocal Agreement has been approved by the Councils of Auburn Hills and Rochester and commented that the agreement is a continuation of Council's desire to share as many services as possible with neighboring communities.

Allan Schneck, Director of DPS/Engineering, stated that in November 2011, Council approved an Interlocal Agreement for shared services between the Cities of Rochester Hills and Rochester. He explained that Auburn Hills expressed an interest in a tri-party agreement. He noted that approving this request will allow the amendment of the Interlocal Agreement with the City of Rochester to add the City of Auburn Hills as a participant.

President Hooper commented that this is a win/win for all parties.

Mr. Kochenderfer concurred, stating that this is exactly the direction the City needs to take. He questioned how unique this agreement is to municipalities in Michigan.

Mr. Schneck responded that the Interlocal Agreement is progressive and he has not been able to locate a similar tri-cities agreement within Oakland County.

Mr. Kochenderfer requested that Mr. Schneck comment on the areas of expertise each community possesses.

Mr. Schneck responded that each community is somewhat different. He noted that Rochester requested assistance from Rochester Hills because of the City's experience with its over 50 pressure reducing valves (PRVs). Rochester Hills was requested to perform monthly inspections on the City of Rochester's one PRV and generate a report if a concern was detected.

Mr. Yalamanchi concurred that this Interlocal Agreement is the right step to collaboration. He questioned whether the Agreement is similar to those agreements within the Fire and Building Departments.

Mayor Barnett responded that while the core values of the agreements are similar, they are unique. He commented that without adding cost, the City is adding value. The other municipalities may possess specialized equipment that Rochester Hills may not have to purchase. He stated that the City will realize more benefit going forward.

Mr. Yalamanchi questioned whether it is similar to other municipalities' use of the City's Vactor Truck.

Mr. Schneck responded that another example is a piece of equipment borrowed from Auburn Hills rather than purchased by Rochester Hills.

Mr. Yalamanchi questioned how rates are established for equipment use.

Mr. Schneck responded that the City uses Schedule C rates established by the Michigan Department of Transportation to arrive at equipment rental rates.

Mr. Rosen questioned what other examples of shared services could be involved.

Mr. Schneck responded that shared services could include fleet maintenance, sign shop services, water meter testing or concrete repair equipment.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0039-2012

Resolved, that the Rochester Hills City Council approves the Interlocal Service Agreement between the Cities of Auburn Hills, Rochester Hills and Rochester for Public Works Services and authorizes the Mayor to execute the agreement on behalf of the City.

2012-0077 Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for right of way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$116,667.00; Road Commission for Oakland County

Attachments: [Agenda Summary.pdf](#)
[Ref LF#2009-0203.pdf](#)
[RCOC Cost Participation Agreement.pdf](#)
[MDOT Agreement with RCOC.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that the Tienken Road Widening Project has progressed through the Environmental Assessment phase, and a multitude of public meetings were held. He stated that the Road Commission for Oakland County (RCOC) is now in a position to start acquiring right of way access for the construction of a three-lane cross section, with total acquisition costs estimated at \$3.5 million. Eighty percent of the acquisition

costs will be funded by Federal funds, with 20 percent shared between the RCOC and the local community. The RCOC will address \$350,000 of the estimated \$700,000 in local costs. The Administration is recommending using the Tri-Party program for the remaining portion of the City's right of way acquisition costs, leaving an amount required from the City of \$116,667.

Public Comment:

Scot Beaton, 655 Bolinger, requested Council postpone their decision until the RCOC comes forward to make a final presentation on the plans for the project. He commented that the proposals exhibited at the recent public meeting at Stoney Creek High School were different than previously proposed to Council. He stated that the proposed roundabout is larger. He commented that he does not favor the three-lane design and cannot support the roundabout for this location. He suggested Council consider a complete street design with bicycle lanes and landscaping to protect the residents.

Rebecca Chamberlain, Ohio resident, stated that she was in attendance to represent her parents who own the home at the corner of Tienken and Livernois Roads included in the proposed right of way. She stated that her parents moved their existing home to that location in 1990 and expressed concerns that the proposal is intrusive to the people of the community. She stated that she cannot find anyone in support of a roundabout at that location and commented that it will affect the character of that portion of Rochester Hills. She stated that her parents wish to remain in their home and designed their insurance and retirement plan to remain there. She mentioned that the roundabout will not be pedestrian-friendly to those crossing to access the Paint Creek Trail.

Melinda Hill, 1481 Mill Race, stated that she sent an email to Council members requesting that the RCOC be required to formally present their plans to Council. She commented that resident groups have had to address issues related to this project and noted that neither current plans, nor the original Earmark, was ever discussed with City Council. She questioned why a two-lane roundabout is necessary when the roadway will only be three lanes. She pointed out that the three-lane plan retains a 50 mile per hour design. She commented that while it is acknowledged that the RCOC owns Tienken Road, it is still within Rochester Hills and the project will still require City funds.

Council Discussion:

Mr. Rosen stated that it has been ten years since the original Federal Earmark of funds was made. He recapped the progression of the project, noting that three years ago a five-lane road without a roundabout was proposed. He stated that simply adding a center turn lane could eliminated between 80 and 90 percent of the congestion. He reiterated that Council concluded that a five lane road was not desired, as it would have taken more homes and would fundamentally change the character of that part of the City. He commented that including a roundabout is overkill and stated that the intersection could be improved for minimal dollars. He questioned how the slip lane will function and who will yield. He suggested Council consider saying no and plan to build a three-lane alternative on its own with less acquisition costs. He stated that he would move to not approve the request and ask the RCOC to come back to Council to make a formal presentation on the project.

Mr. Tisdell commented that he has similar concerns, and noted that he lives in a subdivision off of Tienken west of the proposed roundabout. He commented that a parade of families cross that intersection to access the Paint Creek Trail and expressed concerns for their safety crossing with a roundabout.

President Hooper stated that the preliminary plans issued by the RCOC in 2009 included a five-lane design and prompted public outcry against the project. He noted that the Federal Earmark was to widen and reconstruct the roadway, and in the RCOC's view, not reconstructing the road as a five-lane would not be approved by the Federal Highway Administration. He stated that it was a suggestion at that time that a three-lane alternative incorporating a two-lane roundabout could meet their criteria. Council passed a resolution in July of 2009 supporting a three-lane road with a two-lane roundabout. He stated that if the City turns down the project, the money will not stay in the City. He stated that the City has been working with the RCOC to arrive at a plan that can improve traffic congestion while maintaining the character of the community. He commented while he has no problem with having the RCOC address Council, the design is still preliminary. He stated that not approving the next step is wrong and would stop the process. He mentioned that the project has been presented at a number of public meetings conducted by the RCOC and stated that the intent was to retain the Earmark while attaining an acceptable design to maintain the character of the community.

Mr. Tisdell questioned how people will cross Livernois from west to east.

Mr. Schneck responded that a refuge island will be constructed on the south side as a safe haven for people to stay while traffic clears. He noted that individuals can also cross Livernois on the north side of the roundabout. He mentioned that legislation is being discussed regarding the incorporation of the Hawk Signal System for pedestrians to activate, or a rapid-flash beacon giving advanced notice to motorists approaching the area that a non-motorized individual wants to cross.

Mr. Tisdell mentioned that there is no pathway on the north side of Tienken Road.

Mr. Schneck responded that the project will allow the gaps in pathways to be filled on both the north and south sides of Tienken.

Mr. Tisdell questioned whether jeopardizing this right of way acquisition request would jeopardize the entire \$10 million project.

Mr. Schneck stated that even if the City chose to use its own dollars to improve a County road, the road would still have to be built to their design standards. He commented that the Environmental Assessment (EA) sets the project up to arrive at the preferred alternative and looks at safety, mitigation strategies, drainage improvements, water resources, wetlands and noise. The EA was submitted to the Federal Highway Administration and the preferred alternative was agreed upon.

While plans are still in a preliminary format, they are getting closer to completion. He commented that he would not be averse to requesting the RCOC address Council with a finalized plan. He mentioned that there are ongoing negotiations to mitigate taking the home on the corner of Tienken and Livernois, with discussions regarding the inclusion of retaining walls or shifting the geometrics of the roundabout to keep that property intact.

Mr. Tisdell pointed out that there are two high schools at either end of Tienken Road and another at the southern end at Livernois and Walton. He commented that it is difficult to turn out of his subdivision now.

Mr. Schneck stated that concerns regarding traversing the roundabout were made loud and clear and commented that he is confident that the RCOC will not purposely build something that is unsafe. He noted that signage, pavement markings and geometrics will be designed to provide the ability for non-motorized individuals to get across.

Mr. Tisdell questioned whether there will be opportunities to stop the project later if approval is granted tonight.

Mr. Schneck responded that once right of way acquisitions are complete, plans will be submitted for final approval, bid and solicitation, and the funding agreement created.

Mr. Tisdell questioned whether any one property owner has the ability to stop the right of way acquisition.

John Staran, City Attorney, responded that a property owner does not have the authority to directly stop the acquisition; however, the property does not have to be sold voluntarily. Property owners can force the government agency to exercise power of eminent domain and defend against that. Once the RCOC acquires the right of way, the transfer is permanent and will not be reversed by any later action.

Mr. Webber stated that Congressman Knollenberg's role in the project was nothing more than someone responding to local requests for funding. He commented that whenever one reviews a project, there will always be portions of the project that one may disagree with or wish to do differently. He stated that the RCOC has worked with the City and the residents through lengthy discussions in 2009 to arrive at a three-lane option. He stated that while he shares pedestrian concerns regarding the roundabout, the City does not have funds to undertake the project on its own. He commented that overall, the project will help the community and can be constructed to keep the character. He stated that the project should move forward for right of way acquisition, and the RCOC should come to address Council once they have a more formalized plan.

Mr. Kochenderfer noted that he lives in the northeast corner of town and shares concerns about access to the trailways. He commented that he is convinced that the Hawk System, if incorporated, will allow individuals to cross safely. He stated that as he campaigned last year, it was unanimously conveyed to him that

individuals do not want a five-lane road. He questioned whether the project is locked into nine acquisitions, commenting that he would like to find a way to save the corner home in question.

Mr. Schneck responded that the actual property acquisitions are down to six. He explained that the project will cut the top of the hill, and includes a vacant piece of property to be acquired, the car wash and the home at the northeast corner of Tienken and Livernois.

Mr. Kochenderfer questioned whether the number of acquisitions needed to be included in the resolution.

President Hooper responded that the actual number of acquisitions was not specified.

Mr. Schneck stated that the total property acquisitions are six; however, additional requirements for highway easements, temporary and grading easements will also be required for other properties and are included in the right of way acquisitions.

Mr. Klomp commented that while he shares concerns for pedestrian safety, the current City roundabouts have been a tremendous success. He noted that his concerns center around the residents and the right of ways. He stated that Rochester Hills is not the type of city to ask individuals to move out of their homes. He questioned whether there is any way to construct the road without including the property in question.

Mr. Schneck responded that the RCOC is in contact with every property owner impacted; and stated that as of today, they are in communication with the property owner at Livernois and Tienken to find a way to mitigate the taking of that property. Attempts are underway to determine whether retaining walls can be designed.

Mr. Klomp commented that he has not heard a solution for the deaf or blind to cross the roadway and questioned how the Hawk system would work.

Mr. Schneck responded that the system would be installed as an eligible expense to the Earmark if found to be warranted. He noted that concerns arose in another community resulting from a suit filed by one of the attorneys from the Bernstein Law Firm.

Mr. Klomp commented that the proposed project is in keeping with the idea of widening the node, not the road; and stated that traffic backs up because of the traffic light. He mentioned that the Livernois and Hamlin roundabout never backs up. He stated that the City is fortunate to have the dollars to undertake this project.

Mr. Yalamanchi stated that Council should be comfortable in moving forward once the RCOC makes a presentation, noting that he has requested that RCOC be asked to come before Council. He questioned whether there is an opportunity to be patient and wait for a presentation. He recommended tabling the request until the RCOC addresses Council.

President Hooper questioned whether there was a deadline for funding approval, noting that the acquisitions are still in a state of flux.

Mr. Schneck responded that he was not aware of a deadline date. He commented that it is not the RCOC's intent to purposely displace anyone. He stated that the City spoke loud and clear that it did not want a five-lane roadway; and in order to allow an appropriate level of service, a roundabout had to be incorporated. He pointed out that delaying approval would prolong the process.

President Hooper noted that the motion on the table was to not approve the request.

Mr. Rosen stated that he would like to change his motion to postpone action on this item until RCOC makes a full public presentation to Council to gain their input regarding the overall plans. He questioned how often property owners win eminent domain cases.

Mr. Staran responded that it is not often that property owners can stop a project. He stated that most of the time, it results in a significant increase in the compensation offered.

Mr. Rosen noted that a full taking of property requires the County to pay the owner 125 percent of the property value.

Mr. Staran concurred, noting that this applies to residential property and was voted on by the electorate.

Mr. Rosen stated that while he realizes that people do not believe that widening to three lanes will make a difference, this is one of those unusual opportunities where eastbound and westbound traffic becomes gridlocked without a turn lane. He commented that he does not agree with the grade changes and wants to have the public understand what they are getting into.

President Hooper stated that the RCOC will not design a road so pedestrians cannot cross and if the Hawk System is deemed viable, it will be implemented. He commented that he supports furthering the process along. He stated that while he has no problem with the RCOC coming in, the design will still not likely be final. He noted that it would be prudent to move toward a final design and then have the RCOC address Council.

Mr. Webber concurred, stating that the process should move forward. He commented that the project could be presented at many public meetings and still would not gain 100 percent support in the community.

Mayor Barnett stated that he is 100 percent pro-roundabout in almost every scenario. He commented that he does not believe that anyone would find an engineer that would argue that roundabouts are less safe for vehicles; and pointed out that residents favor them by a two-to-one ratio. He pointed out that speeds coming out of a roundabout are much slower than a traditional intersection. He stated that in order for Council to get the answers it desires, it must choose to move forward. He commented that the RCOC has been available for countless hours at public meetings.

Mr. Tisdell questioned whether the compromise from a five-lane road to a three-lane road was dependent upon the inclusion of a roundabout.

Mr. Schneck confirmed that it was.

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

Aye 2 - Rosen and Yalamanchi

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

Enactment No: RES0041-2012

Resolved, that the Rochester Hills City Council postpones action until the Road Commission for Oakland County makes a full public presentation to City Council to gain input.

2012-0077 Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for right of way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$116,667.00; Road Commission for Oakland County

Attachments: [Agenda Summary.pdf](#)
[Ref LF#2009-0203.pdf](#)
[RCOC Cost Participation Agreement.pdf](#)
[MDOT Agreement with RCOC.pdf](#)
[Resolution.pdf](#)

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

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

Nay 2 - Rosen and Yalamanchi

Enactment No: RES0041-2012

Resolved, that the Rochester Hills City Council approves the Cost Participation Agreement between the Board of Road Commissioners and the City of Rochester Hills for right of way acquisition related to the reconstruction and widening of Tienken Road from Livernois Road to Sheldon Road in the amount of \$116,667.00 and any additional right of way costs above the estimated amount as determined in the final audit and further authorizes the Mayor to execute a contract on behalf of the City.

2012-0082 Request for Approval of the Conditional Commitment for the Avon and Livernois Bridge Replacements Transportation Enhancement Project

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

Allan Schneck, Director of DPS/Engineering, stated that the proposed project will be undertaken as a part of a Transportation Enhancement Grant from the

Michigan Department of Transportation (MDOT) to make aesthetic pathway improvements at the intersection of Avon and Livernois Roads. The project will incorporate pedestrian pathways on either side of both bridges and fill in gaps to the pathways south, north and west of Livernois. Once the Grant Application is reviewed and MDOT finds it favorable to fund, a conditional commitment will be issued. Documentation is required, including an application package, project schedule, plans, specifications and a Council resolution supporting the application. It is expected that the City will learn in the very near future of the grant award.

Mr. Yalamanchi questioned whether Pathway funding can be utilized.

Mr. Schneck responded that a combination of both Major Roads and Pathway dollars will be used. The Transportation Enhancement Grant is actually for pathway work. He pointed out that per Act 51, one percent of the allotment of Act 51 dollars must be spent on non-motorized pathways, which in this instance would be \$40,000.

President Hooper commented that he would like to see the Pathway funds preserved.

Mr. Schneck noted that this item will return to Council for a funding agreement once MDOT provides an award.

President Hooper questioned how long it will be before the Grant Award is announced.

Mr. Schneck responded that a formal announcement is expected sometime in April.

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

Aye 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell, Webber and Yalamanchi

Enactment No: RES0042-2012

Whereas, the Avon Road and Livernois Road Bridge Replacement Construction Project within the City of Rochester Hills, Oakland County is to be a public facility within the City of Rochester Hills.

Now, Therefore Be It Resolved, that the Rochester Hills City Council authorizes the Mayor to request transportation enhancement funding through the Michigan Department of Transportation (MDOT) Transportation Enhancement Program; and

Be It Further Resolved, that the Rochester Hills City Council authorizes the Mayor of the City of Rochester Hills, Oakland County, to act as the Agency's applicant during the project development, and to provide signature to the project program application upon funding award; and

Be It Further Resolved, that the City Council attests to the existence of and commits to the matching funds necessary to carry out the project in the amount of \$138,330.00; and

Be It Further Resolved, that the City Council commits to owning, operating, funding and implementing a maintenance plan over the design life of the facility constructed with Transportation Enhancement Funding.

COUNCIL COMMITTEE REPORTS

Strategic Planning and Policy Review Technical Review Committee:

Mr. Rosen reported that the Strategic Planning and Policy Review Technical Review Committee met today and reviewed Council's Goals and Objectives. He stated that a few relatively minor changes are expected and commented that if any Council members or members of the Administration have additional input, they should let him know. He noted that the Committee expects to have the Goals and Objectives ready for Council's review in late May or June.

Rochester-Avon Recreation Authority (RARA):

Mr. Klomp reported that RARA is still undertaking a search for a new location.

Older Persons' Commission (OPC):

Mr. Webber reported that the OPC Governing Board met early in March and budget discussions included the payment in lieu of health care affecting three full-time employees. The original budget included a figure for payment in lieu of \$8,400 per year. The OPC Board voted to lower that amount to \$5,500 per year, and indexed that amount to the State. He commented that if the State lowers or raises the index, the OPC will as well.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

*Special Joint Meeting with Auburn Hills - Monday, March 26, 2012 - 6:00 PM;
Regular Meeting - Monday, April 2, 2012 - 7:00 PM*

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:03 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

MARY JO WHITBEY
Administrative Secretary
City Clerk's Office

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