



Rochester Hills

Minutes

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, February 13, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:00 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
Tara Beatty, Chief Assistant
Jim Breuckman, Manager of Planning
Alan Buckenmeyer, Parks Operations Manager
Gerry Lee, Forestry Operations Manager
Jane Leslie, City Clerk
Laisa Magucha, Rochester Hills Government Youth Council Representative
Pat McKay, Supervisor Interpretive Services
Allan Schneck, Director of DPS/Engineering
Pam Valentik, Manager of Economic Development*

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, Tisdel, Webber and Yalamanchi

PUBLIC COMMENT

Dick Manasseri, 150 Foxboro Drive, expressed his thanks to Council Members for their support of the 2012 Budget for the Older Persons Commission (OPC). He noted that the City of Rochester's Council has once again opted to not approve the Budget as submitted. He stated that the OPC receives substantial funding through grants and partnerships and commented that as a result of having no approved budget, grants and partnerships could be withheld from the OPC. He mentioned that the Rochester City Council has put a revised Inter-Local Agreement up for consideration and requested that the Rochester Hills City Council be diligent in its process to consider the revision.

Pamela Bratton Wallace, 168 Cloverport, commented that she has heard that many residents are having difficulties with DTE Energy when expressing their concerns about Smart Meter installation. She requested that the City continue to act on the Smart Meter issue.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to Public Comment, **President Hooper** stated that Council's resolution adopted in December regarding Smart Meters was directed toward the Michigan Public Service Commission (MPSC), the regulatory body that has jurisdiction over DTE Energy. He reiterated that City Council does not regulate or control DTE, and the resolution requested that DTE impose its own moratorium on Smart Meter installation, allow an opt-out process, and address health and privacy concerns. He noted that the MPSC has opened an investigation regarding the Smart Meter Program and has set a date in March for DTE to respond with information addressing many of the residents' concerns.

Mr. Webber commented that he has been receiving much feedback on the Smart Meter Program and stated that he hopes that the City can continue to work with its liaison at DTE to ensure that everyone is being treated fairly. He mentioned that the Older Persons Commission (OPC) Fiscal Year 2013 Budget Process is only a few months away and the 2012 OPC budget has yet to be resolved. He announced that the Community Outlook Luncheon will be held on Wednesday, February 22, 2012 at 11:30 a.m. at Oakland University. Tickets are still available for the event, which will feature community updates from the administrations of Rochester Hills, Rochester and Oakland Township.

Mr. Klomp wished his children a very Happy Valentine's Day. He noted that Mayor Barnett was named one of the "40 Elite Under 40" in Oakland County by County Executive L. Brooks Patterson.

Mr. Kochenderfer commented that he is encouraged to see some action being taken in Lansing regarding the Smart Meter Program. He requested that the administration continue to reach out to DTE as a liaison to ensure that residents are being treated fairly. He expressed his hopes that the OPC Budget issue can be resolved soon.

Mr. Tisdell thanked Mr. Webber for his summary of the OPC Budget issue and Mr. Yalamanchi for his continued guidance on the OPC Board. He noted that much of what has transpired regarding the OPC Budget occurred before he began on Council and commented that the continued updates have been very informative. He mentioned that he will celebrate his 40th Valentine's Day with his wife.

Laisa Magucha, Rochester Hills Government Youth Council (RHGYC) Representative, announced that the RHGYC is currently preparing for its Youth Summit, scheduled for March 10th from 9:00 a.m. to 4:00 p.m. She stated that the Summit will be an educational and fun experience for students in grades Eight through Twelve, and will feature breakout sessions that will explain topics going on in the community. Breakfast and lunch will be provided, along with raffle prizes for attendees. She noted that registrations for the Summit are due February 22nd.

Mayor Barnett provided the following announcements and updates:

- The Brookwood Subdivision's Make-A-Difference Day has been recognized nationwide as a great event, raising funds to benefit the community. Individuals are invited to visit the national Make-A-Difference-Day website, makeadifferenceday.com, and vote for the Brookwood event. The event receiving the most votes will receive a \$10,000 grant.
- The Avon Road Bridge is currently closed and will remain closed until completion of the new bridge estimated around June 15th. He requested drivers minimize cut-through traffic to the surrounding neighborhoods and follow posted detours.
- The City's Fire Protection Rating has been raised from a five to a four. The rating, computed every ten years and based on the level of fire protection available in a community and the availability of water, is taken into account when insurance companies determine home insurance rates. The rating puts the City in the top seven percent of communities nationwide and as one of approximately 75 communities in the State to have such a rating. Homeowners should check with their insurance agents to determine whether the improved rating will impact their policies. Credit is due to the City's Fire and DPS teams for their efforts to improve the City's rating.
- Mayor Barnett attended a luncheon today at the Detroit Economic Club, where Michigan Governor Rick Snyder announced good news on the improvement of Michigan's economy. Based on preliminary information from the Federal Reserve the Michigan economy is expected to go from Number 48 to possibly Number 1. Governor Snyder announced that State Shared Revenue will be increased by two points in the upcoming budget. Much of the improvement is driven by the recent successes in the automotive industry.

- The City can also boast economic improvement based on information compiled by the Planning and Economic Development and Building Departments. New Home starts were up 40 percent in 2011 versus 2010, and two to three new homes are being occupied by new families each week. Building Department revenue from permits is up 75 percent. The City's industrial/technical vacancy numbers are down to a historic low of eight percent. The upcoming Economic Outlook Luncheon on February 22nd will highlight these numbers.
- A Job Fair is set for February 23, 2012. Last year's job fair had 2,300 attendees. Interested individuals can register to attend the Job Fair at mijobhub.com.

ATTORNEY MATTERS

None.

PRESENTATIONS

- 2012-0042** Presentation to this year's top supporters of the Holiday Helpers of Rochester Hills; Vince Mungoli, Executive Director of Holiday Helpers of Rochester Hills, presenter

Attachments: [Agenda Summary.pdf](#)

Vince Mungoli, Executive Director of the Holiday Helpers Organization, read proclamations presenting Community Heart Awards to two organizations for their support of the Holiday Helpers:

- **Limelight Sports Bar and Grill**, downtown Rochester, has hosted a No Child Without a Christmas event for the past two years. Participants bringing a new unwrapped gift for children receive a free meal at the restaurant.

Mr. Mungoli noted that no one from Limelight was able to attend tonight's meeting.

- **Darryl Sadowski**, and his company **Washington Penn Plastics**, has donated time, effort and resources to make a positive impact on citizens. The support and generosity of the company's employees has been overwhelming.
- Mr. Mungoli recognized Past Executive Director of the Holiday Helpers Organization, **Suzanne White**, and stated that the Holiday Helpers would not have been able to be what it has become in the community without her efforts.

Council congratulated the recipients.

Presented.

2010-0250 Update from Hommel-Etamic America Corporation regarding their progress since the approval of a Tax Abatement in July, 2010; Andreas Blind, Vice President, presenter

Attachments: [Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[071910 Agenda Summary.pdf](#)
[Hommel Letter 051410.pdf](#)
[Hommel Tax Exemption Analysis.pdf](#)
[2009 Incentive Report Synopsis.pdf](#)
[071910 Resolution.pdf](#)

Pam Valentik, Manager of Economic Development, announced that over 60 companies have signed on to participate in the Job Fair on February 23rd at Oakland University and will be looking to fill almost 1,000 positions. She encouraged anyone seeking employment for technical or professional positions to visit the mijobhub.com website and register for the Job Fair.

Ms. Valentik stated that each quarter, a company that has received a tax abatement from the City will be invited to provide an update on their progress toward success. She explained that tax abatements are a tool, formed through State Legislation, and implemented through the policy that City Council has adopted. The use of tax abatements ensure that Rochester Hills is competitive with other communities to encourage companies to expand or relocate to the City in the hopes of creating jobs.

She introduced **Andreas Blind**, Vice President of Sales, and **Kurt Andrews**, Director of Finance, for Hommel-Etamic America Corporation, and invited them to address Council to present their company's progress since receiving a tax abatement. She pointed out that both individuals are supportive of the community through their participation in the Mayor's Business Council. She mentioned that Mr. Andrews has volunteered to participate in a panel discussion for the Rochester Hills Government Youth Council's (RHGYC) upcoming Youth Summit to talk about career opportunities in the advanced manufacturing field.

Mr. Blind stated that he meets on a regular basis with City officials to discuss Hommel-Etamic's progress, and commented that he remembered Council questioning whether the company would spend the tax monies saved by the abatement wisely in the community. He explained that Hommel-Etamic was in a grim financial situation coming out of 2010. While the parent company was scaling back, local operations were able to hold on to the employees it had; and set a goal to look forward and invest to bring the company to a situation where it could participate in the economic upswings and expected growth. He gave the following presentation, highlighting Hommel-Etamic and parent company Jenoptik's activities:

Pneumatic. Tactile. Optical - Our technologies for precision:

- Pneumatic - Accurate and dirt tolerant
- Tactile - Universal and robust
- Optical - Fast and flexible

Mr. Blind stated that Hommel-Etamic works closely with the "Big Three" and

sub-suppliers to the automotive industry to develop innovative ways to measure by air, optically and by touch.

Division Industrial Metrology - Our product range:

- *Waveline*
 - * *Roughness and Contour Metrology*
- *Formline*
 - * *Form Metrology*
- *Opticline*
 - * *Optical Shaft Metrology*
- *Gaugeline Benchline*
 - * *Dimensional Metrology*
 - * *Process Metrology*
- *Service*

Division Industrial Metrology - Precision for many branches:

- *Automotive*
- *Engineering and component supplier*
- *Medical engineering*
- *Other branches, e.g. - Optical and electrical industry*

Mr. Blind displayed Jenoptik's global organizational map and stated that Hommel-Etamic knew it had to make a difference for its location here in Rochester Hills. He said while the overall corporation is mostly an engineering company that purchases parts from the outside, the Rochester Hills facility has a machine shop. He commented it was essential to keep investment in production capability within this facility. Hommel-Etamic felt that outsourcing was not the right thing to do. The company's efforts lie in buying equipment and hiring new employees. He explained that the work force age is increasing and efforts are being made to train new people to get them to the level of expertise needed.

Mr. Andrews highlighted the division's financial investments, employment growth, and sales:

Current Investments in Rochester Hills Facility:

- *Universal Vertical Mill: \$58,000 USD*
- *Inside Diameter Grinder: \$175,000 USD*
- *Large Cutoff Saw: \$9,000 USD*
- *CRM (Customer Relationship Management): \$75,000 USD*
- *Three Dimensional AutoCad (ProE): \$60,000 USD*

Total Expenditure/Commitment: \$377,000 USD

He stated that it was conveyed to the parent company that in order to grow, an investment had to be made in the business. He pointed out that while four years remains on the tax exemption, the new equipment will be on the books for 14 years after the exemption expires. He mentioned that most of the existing

assets in the building were almost fully depreciated, and the new assets will result in increased tax revenue.

Employee Development:

- North American Workforce (Industrial Metrology Division)
 - * Third Quarter 2010 - 80 employees
 - * First Quarter 2012 - Currently 88 employees
 - * Fourth Quarter 2012 - Planned 92 employees
- Positions include Engineers (Controls and Mechanical), Precision Machinists, Sales Specialists, Service Technicians.

Mr. Andrews stated that Hommel-Etamic is a sales and engineering-driven company. The company designs what the customers want. He noted that the company would not have grown the way it has without having the exemption as the parent company had no intentions two years ago to invest any money in the Rochester Hills facility.

North American Sales (Industrial Metrology Division):

- 2010 - \$18.3 million
- 2011 - \$24.3 million
- 2012 - Estimated \$28.5 million

Sales are up 30 percent from the year before.

Mr. Blind stated that while business is currently based on North American sales, the possibility exists of being able to sell equipment to other countries such as India, Russia and China. He mentioned that additional jobs will be opening up as many individuals comprising their sales force are nearing retirement.

Council Discussion:

Mr. Kochenderfer thanked Mr. Blind and Mr. Andrews for their presentation, and stated that while many communities like to post the number of jobs to be created, he is more interested in the types of jobs being created. He commented that Hommel-Etamic's emphasis on engineering is incredibly valuable to the community and stated that he sees much value in return for this abatement.

Mr. Klomp expressed his appreciation that the firm's executives are involved in the community, and stated that this involvement and dialogue is an added benefit to providing the abatement. He questioned whether the company has a five-year plan.

Mr. Andrews responded that the company is program-oriented rather than volume oriented, and expectations are for approximately 10 to 15 percent growth each year for the next three to four years. He commented that the firm does a great deal of work for General Motors, Ford, and Chrysler; and includes work on engine, powertrain and suspension systems. He added that the company also produces

components for wind turbines and provides services for surface finish inspection for medical implant manufacturers. He commented that the recession was a "double-whammy", as the company experienced both a drop in volume and cancellation of programs. He noted that the company is now back at full volume and is looking toward training and succession plans. He stated that Hommel-Etamic is not a typical supplier that pays its employees \$8.00 to \$10.00 per hour.

Mr. Yalamanchi commented that positive economic news is a psychological boost to many. He questioned whether the company is diversified enough and not too dependent on automotive business.

Mr. Blind responded that the firm's business is 60 percent directly automotive, with 80 to 85 percent of that powertrain-driven. He commented that the firm is looking for new technologies in powertrains, hybrid vehicles, and more.

Mr. Yalamanchi questioned whether the company can still grow if diesel becomes a key component to new technologies.

Mr. Andreas responded that it would.

Mr. Yalamanchi thanked Ms. Valentik for bringing Hommel-Etamic forward. He questioned whether an updated report on incentives and abatements can be provided to Council.

Ms. Valentik stated that a report would be provided.

Mr. Webber thanked Mr. Blind and Mr. Andreas for their presentation, and stated that it is a great idea for companies to revisit Council on a quarterly basis.

Mr. Rosen stated that he is pleased to hear that if it had not been for the abatement, the investment in the community would not have happened. He commented that it is good to hear that the abatement did make a difference.

Mayor Barnett stated that the company has been a fantastic partner in the community. He pointed out that the total abatement was \$375,000, with the City's portion being one-third of that. He noted that the company is very active in both hard investment and soft investment working in the community.

Presented.

2012-0045 Update on the Calf Barn Adaptive Reuse Project; Pat McKay, Supervisor Interpretive Services, presenter

Attachments: [Agenda Summary.pdf](#)

Pat McKay, Supervisor Interpretive Services, reported that for the last three years, fund raising efforts have been undertaken to lessen the taxpayer dollars needed to support the Rochester Hills Museum at Van Hoosen Farm. He updated Council on efforts to raise funds for the Stoney Creek Schoolhouse, and noted that efforts are continuing to set up an endowment for that building.

He stated that the process has begun to secure the City's on-call architect to begin preparation of drawings and specifications for the Calf Barn Adaptive Reuse Project. Fund raising efforts have netted \$200,000 thus far toward the Calf Barn Project, the total cost of which is estimated at \$600,000. He explained that the calf barn roof collapsed years ago, and the building has been sitting open to the elements ever since then. The project's first phase will be to enclose the building for use as cold storage, without heat or air conditioning. He expressed his hopes that he will be able to request approval from Council to begin phase one within the next three months. He mentioned that the buildings are on the National Register of Historic Places and there is an ethical responsibility to take care of them.

Council Discussion:

Mr. Kochenderfer questioned whether the \$600,000 figure estimated for the project includes any maintenance component.

Mr. McKay responded that this figure is strictly for construction. He commented that the intent is to raise additional funds for an endowment as the project progresses. He commented that careful consideration will be given during the next phases of construction; as once the building is heated and air conditioned, operating costs will rise. He commented that it is hoped that by bidding out the project now, lower contractor prices will still be an advantage. He expressed appreciation for Council's continued support of the Museum.

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.

2012-0035 Approval of Minutes - City Council Regular Meeting - January 23, 2012

Attachments: [CC Min 012312.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0021-2012

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 23, 2012 be approved as presented.

2012-0031 Request for Purchase Authorization - MAYOR: Contract for fireworks display for Festival of the Hills 2012 in the amount not-to-exceed \$32,000.00; Wolverine Fireworks Display, Inc., Kawkawlin, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0022-2012

Resolved, that the Rochester Hills City Council hereby authorizes a contract to Wolverine Fireworks Display, Inc., Kawkawlin, Michigan for the fireworks display for Festival of the Hills 2012 in the amount not-to-exceed \$32,000.00.

- 2012-0036** Request for Approval to grant four temporary construction easements to the Road Commission for Oakland County on City-owned properties for the Crooks Road reconstruction project between Star Batt and Bonnie Brae

Attachments: [Agenda Summary.pdf](#)
[Easement Location Drawing.pdf](#)
[15-29-202-005 Temp Easement.pdf](#)
[15-29-202-002 Temp Easement.pdf](#)
[15-20-477-024 Temp Easement.pdf](#)
[15-29-202-006 Temp Easement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0023-2012

Resolved, that the Rochester Hills City Council hereby approves granting four temporary construction easements to the Road Commission for Oakland County on City-owned properties for the Crooks Road reconstruction project between Star Batt and Bonnie Brae.

- 2012-0048** Request for Purchase Authorization - PARKS/FORESTRY: Blanket Purchase Order for the 2012 Spring Street Tree Planting in the amount not-to-exceed \$40,000.00; Michigan Lawn Maintenance, Inc. dba Sherman Nursery Farms, Columbus, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0024-2012

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Michigan Lawn Maintenance, Inc. dba Sherman Nursery Farms, Columbus, Michigan for 2012 Spring Street Trees Planting in the amount not-to-exceed \$40,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

Passed the Consent Agenda

A motion was made by Klomp, seconded by Yalamanchi, 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

2011-0365 Acceptance for First 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](#)
[Memo Breuckman 020212.pdf](#)
[Ordinance.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](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that when Council adopted the revised Zoning Ordinance in 2009, it was noted that there would be continued fine-tuning and housekeeping items to take care of. He reported that the staff has worked with the Planning Commission for the past year to develop the proposed Amendment, which has been reviewed by City Attorney John Staran.

Jim Breuckman, Manager of Planning, explained that the proposed Amendment makes changes to barrier-free parking standards, streamlines drive-through standards by combining restaurants and "other uses" into one section, and provides "housekeeping" on parking lot striping requirements. He

mentioned that gas stations in B-5 zoning are addressed, adjusting building lines and providing an opportunity for optional forms of development for stations with front buildings and rear pumps. He noted that the current Ordinance prevents many owners from investing in their gas stations as their sites were developed years ago and are currently nonconforming. Another section addresses and updates Manufactured Housing Standards, as the current Zoning Ordinance was approved before updated standards were approved by the Manufactured Housing Commission.

Council Discussion:

President Hooper noted that the proposed Ordinance Amendment has been thoroughly reviewed, a Public Hearing held, and approved by the Planning Commission.

Mr. Yalamanchi questioned how the barrier-free space requirement will be computed and whether any additional accommodations can be made to ensure adequate spaces for medical buildings.

Mr. Breuckman responded that the minimum number of spaces required will be dictated by American National Standards Institute (ANSI) standards. He stated that the proposed Ordinance Amendment will require a few spaces over the standard minimum for larger parking lots over 60 spaces.

Mr. Anzek responded that typically, a doctor who is involved in his own building will provide enough spaces. He noted that the Ordinance will ensure that developers include at least the minimum requirement.

Mr. Yalamanchi questioned whether requiring double-striping of parking spaces will ensure that parking spaces are large enough.

Mr. Anzek responded that parking spaces are ten feet wide and double-striping will guide cars to the center of the space.

Mr. Breuckman noted that double-striping was added to the Ordinance in 2009 for new retail development. Typical workplace situations will not require double-striping.

Mr. Yalamanchi questioned whether gas station owners will be receptive to the idea of front building development.

Mr. Breuckman responded that there will be a limited use for this standard and it is geared toward a corner site. The option will eliminate the need for two driveway accesses and improve vehicle safety. He commented that he is not sure how often this option will be used and noted that it could allow the approval of sites where the driveway access would be deemed too close to a corner.

Mr. Anzek added that the objective for this option is to create a double frontage building which will provide a separation between pedestrians and cars.

Mr. Klomp questioned whether the amount of vacant parking spaces in some of the larger developments can be addressed. He noted in particular that the

commercial development the northeast corner of Auburn and Rochester Roads has vast areas of vacant space and questioned whether portions of the parking lot could be marketed for additional development or used for green areas.

Mr. Anzek responded that many commercial tenants have clauses within their leases that state that nothing can be constructed to block their view to the road. He commented that some of the developments are starting to look at redevelopment potential.

Mr. Breuckman commented that a focus of planning and zoning efforts is to address underperforming asphalt. He mentioned that parking requirements in the past were much higher, and these requirements were cut in 2009 to a more reasonable level and to include more flexible zoning options. He stated that the proposed Ordinance Amendments preserve existing businesses and allow for additional flexibility.

A motion was made by Yalamanchi, seconded by Klomp, 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 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; and to repeal conflicting Ordinances and prescribe penalties for the violation thereof, is hereby accepted for First Reading.

NEW BUSINESS

2012-0046 Discussion and possible adoption of a resolution pertaining to HB 5039

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

President Hooper noted that State Representative Tom McMillin introduced House Bill 5039, an amendment to the Elliott-Larsen Civil Rights Act of 1976, which would negate and remove any ordinances adopted by local cities that add additional protected classes over and above those listed in the Elliott-Larsen

Act. He stated that several residents have come forward and requested that Council weigh in on the proposed legislation, as Representative McMillin represents the Rochester Hills area. He pointed out that Rochester Hills has no local ordinance that would be affected; and should the proposed legislation be adopted, it would not affect, nor apply to Rochester Hills. He commented that the proposed legislation will only apply to those communities that have adopted additional protected class designations.

He stated that a resident has submitted a proposed resolution for Council's consideration and noted that he requested City Attorney John Staran to review the information and prepare an alternate resolution for consideration, which is included tonight as supplemental information.

Public Comment:

Jim Tokarski, 2560 Eastern Avenue, commented that Council should not express an opinion of a partisan nature and residents should address their opposition to the proposed legislation directly to Representative McMillin. He requested Council not act to adopt the resident's proposed resolution.

Laurie Wagner, 1181 Whispering Knoll Lane, stated that the resident's proposed resolution is an attempt to undermine a House Bill proposed by the City's elected Representative. She stated that she is involved with diverse communities and religions, and commented that people must stop drawing lines between the various groups thinking that it will unify and benefit the country. She requested Council oppose the resident's resolution.

Amanda Itliong, 2335 Rancroft Beat, stated that this is not a partisan issue. She commented that she grew up in the community and moved back with her family a year ago. She stated that she expects the community to be a welcoming and diverse community and the existing laws do not protect lesbian, gay, bisexual and transgendered (LGBT) individuals.

Tim Maurer, 854 Ravine Terrace Drive, stated that the proposed legislation would take away the City's rights to enact a civil rights ordinance and requested Council oppose any legislation that would strip its ability to legislate. He commented that Representative McMillin is not listening to his constituents and mentioned that without protection, individuals can be fired for being LGBT.

Ryan LeClerc, 854 Jenny Lane, stated that this type of legislation seeks to denigrate a community of individuals who live within this City's borders. He commented that good talent is being harmed and will leave to live in a more progressive state. He reported that many cities have passed resolutions of opposition to this legislation.

Lisa Shein, 1737 North Fairview Lane, stated that the proposed legislation eliminates the protection of the LGBT community and does not promote job creation. She requested Council adopt the resident's proposed resolution.

Heather Maurer, 854 Ravine Terrace, commented that as a teacher, she is concerned for the welfare of her students. She pointed out that the proposed

legislation will override the school district's policies; and stated that chances are, one or more of her students will be victims of bullying based on sexual orientation.

Linda Davis Kirksey, 1337 N. Acre Drive, encouraged Council to support the resolution in opposition to House Bill 5039. She mentioned that the proposed legislation will take away Council's ability to protect its citizens and commented that the community cannot afford, in these economic times, to have a community that tolerates discriminatory practices.

Marianna Maurer, 1095 Hackberry Circle, requested that Council accept the resident's proposed resolution, noting that no one should have to fight for basic human rights and protections under the law. She commented that she has witnessed a strategy in Lansing to sit on legislation for some time and then push it forward quickly.

Nancy Squires, 681 Tennyson, stated that she and her partner are residents of Rochester Hills and hope that Council will pass the resolution condemning House Bill 5039.

Lee Zendel, 1575 Dutton Road, stated that he believes bringing this resolution before Council is premature, as the proposed legislation has not had any hearings or been put on any agenda before the full State House. He suggested Council Member Webber recount the process and efforts to bring a bill forward in either legislative body, and stated that Council could safely defer this discussion. He mentioned that it is entirely possible that even if passed, the Supreme Court would overturn the legislation. He stated that passing a resolution now would carry partisan undertones.

Margaret Sherwin, 2143 Elkhorn Drive, stated that the United States has an international reputation of supporting civil rights all over the world and commented that the proposed legislation should be defeated.

Jason Dumas, 1648 Dancer Drive, requested Council vote in favor of the resolution to oppose House Bill 5039, stating that it is an overextension of state power.

Arnold Edmunds, 1945 Crooks Road, stated that he and his partner have lived in Rochester Hills for over thirty years and have raised three children and a granddaughter here. He mentioned that he is looking for ways that his family will not be hurt any more than it has been.

Brian Kirksey, 425 Sunlight, commented that tonight's comments make it obvious that it has become a partisan issue, and not a human rights issue. He stated that the community should protect its ability to protect its own citizens.

Russell Swanson, 239 Parkland Drive, stated that as a recent graduate and fellow educator in the community he would ask Council oppose House Bill 5039.

Pat Blakely, 212 Tanglewood Drive, stated that as a part of a traditional family with traditional values, she believes in the basic values of honesty and equality

for all and is opposed to House Bill 5039. She commented that adults must be good role models for children and stated that most gay teens are bullied. She stated that the city's teens need a secure place to work and live, and the proposed legislation is an example that there are still many prejudiced people out there.

Chris Hughes, 1408 New Life Lane, stated that Council should be the leaders that they were elected to be and should oppose this legislation.

Izzy Khapoya, 729 McGill, commented that as a 27-year resident who originally came here from Kenya, she knows what discrimination feels like. She noted that she has worked as a school psychologist for the past 19 years and sees that the proposed legislation is regressive. She requested Council oppose the legislation.

Greg Franczak, 1984 Avoncrest Drive, requested Council oppose House Bill 5039, stating that the proposed legislation is similar to promoting a witch-hunt.

Abraham Sisson, 314 E. William Street, Ann Arbor, expressed opposition to House Bill 5039, stating that the LGBT community is looking to be accepted by this community. He commented that he is a registered Republican and stated that conservative individuals his age do not see this as a "Left" or "Right" issue, they see it as right or wrong.

Alexa Van Vliet, 210 East Vandenberg Hall, Oakland University, stated that she is very involved at Oakland University, is the President of the Gay/Straight Alliance, and feels protected at the University. She requested Council support the resolution to oppose the legislation.

Susan Allen, 3004 Henrydale Street, Auburn Hills, stated that she supports the resolution to oppose the legislation, and noted that she feels the language is even too vague.

The Reverend Leonetta Bugleis, address not given, encouraged Council to vote to oppose the legislation. She stated that she is a minister in the area, and the proposed legislation will weaken civil rights for all people. She commented that the Unitarian Universalist community has been ordaining women since 1830 and has welcomed gay and lesbian ministers for almost a full century.

Denise Brogan-Kator, 1305 Oak Hollow Court, Milford, stated that she is the Executive Director of Equality Michigan, a state-wide organization that advocates nonviolence and equality for all persons regardless of gender identity and sexual orientation. She commented that the organization fields calls from people who have experienced discrimination and violence and mentioned that over half of their calls are from individuals who have been denied employment, service in restaurants, or housing. She stated that Rochester Hills has an opportunity to stand up against the proposed legislation.

Alice Tombouljian, 798 West Gunn Road, Oakland Township, stated that she served as a State Representative in 1979 and 1980 following Mel Larsen who was a sponsor of the Elliott-Larsen Civil Rights Act. She commented that while

the Act guarantees Michigan residents equal opportunities regardless of religion, race, color, national origin, age, sex, height, weight or marital status, the rights of one of her sons are not yet protected by this Act. She mentioned that classes have been added to the Act since its first passing and stated that as society moves forward, new issues arise.

Council Discussion:

President Hooper stated that City Council is non-partisan and the City does not discriminate or tolerate discrimination in Rochester Hills. He commented that Rochester Hills has no ordinance that enumerates protected classes, and does not delve into private sector employment and housing practices. He noted that the City has historically deferred to the State and Federal level for the enforcement of non-discrimination. He mentioned that since this issue was raised, Council members have received approximately 150 e-mails, 40 of which were from residents and the remainder mostly from e-mails from all over the country. He stated that robocalls made last Friday in support of Representative McMillin and alleging that Council Members had already formed a position on this issue were flat-out lies. He commented that in reviewing the e-mails from residents, opinions were split fifty-fifty on the issue, with several stating that Council should stay out of weighing in on the legislation, as it is not a local issue. He noted that the only connection to Rochester Hills is that the area's State Representative introduced the proposed legislation. He reiterated that the City does not tolerate or practice discrimination, and any assertion in that regard is flat-out wrong.

Mr. Tisdell expressed his appreciation for everyone's time and sentiments. He stated that when he decided to run for office, he pulled a copy of the Oath of Office to determine whether he would be willing to fulfill the duties. He commented that each and every Council Member has taken an oath to support and defend the United States Constitution, the State Constitution, and the City Charter. He pointed out that City Charter Section 2.1, Ordinance Enactment, defines what a resolution is, and states that resolutions shall be limited to matters pertaining to the internal affairs or concerns of City Government. He mentioned that several citations in the State Constitution and the Ninth Amendment to the United States Constitution provide rights retained by the people. He commented that the resolution to oppose House Bill 5039 is out of order and Council has no authority to act on this. He moved that the alternative resolution prepared by City Attorney John Staran be adopted, commenting that it is limited to the City of Rochester Hills, acknowledges both the United States and Michigan Constitutional clauses that support and uphold civil rights, and acknowledges the sincere individual efforts of citizens to make a difference, encouraging them to do so in the proper form in the State Legislature.

The motion was seconded by **Mr. Webber**.

Mr. Kochenderfer reiterated that the City does have a track record of not having any legislation, policies or practices that discriminate against any group. He noted that Council is charged with public safety, planning, roads and parks and commented that the Smart Meter resolution that Council adopted was appropriate as it was directed to the Michigan Public Service Commission, a body where the city residents have no direct representation. He commented that residents do have representation at the State level, in the form of the State Representatives and Senators.

Mr. Webber explained that he spent nine years as a staff person with the Michigan Legislature and stated that while many of the individuals tonight state that this is the time for a resolution in opposition, it would be appropriate to let the legislation go through the process. He highlighted the process that a piece of legislation goes through and commented that only a percentage of bills introduced become public acts. He pointed out that as of this afternoon, there were seven different bills introduced in the current legislative session calling for an amendment to the Elliott-Larsen Civil Rights Act. He stated that tonight's comments should be made to have some relevance for a push to amend the State Law. He commented that Council should not take a formal position in support or in opposition to this bill, or to any bill that would amend the Act. He stated that Rochester Hills should remain a diverse community where everyone respects one another.

Mr. Klomp commented that he understands the passion brought forward tonight and agrees with the fundamental values expressed. He stated that there are difficulties in determining what should be asked of Council. He commented that while there are many things he does not support as a citizen, a line must be drawn to determine what is a matter for resident concerns with an opportunity to voice concerns through the election process. He stated that while it is important for Council to send a message, it should be something powerful and reflect the views of the majority of Council's constituents.

Mr. Yalamanchi stated that it is his belief that the ability to protect or extend civil rights to every person does come down to the local level, and any initiative or bill that advances to lessen the rights of an individual compared to others is morally wrong and promotes open discrimination. While it is true that this legislation may never be passed, it is equally possible that it could become some part of another bill and be enacted. He cited a portion of the proposed House Bill and stated that a void in the Elliott-Larsen Civil Rights Act does not provide a class for sexual orientation. He commented that the proposed legislation will restrict government entities from responding to complaints based on sexual orientation and could allow for firing from jobs or denial of housing with no recourse. He pointed out that the United States Armed Forces recently changed its position regarding sexual orientation. He stated that House Bill 5039 is regressive and asked Council to pass the resolution opposing the legislation.

Laisa Magucha, Rochester Hills Government Youth Council Representative, stated that while she will not express a formal position on the proposed resolutions, she does not condone any discrimination. She stated that we are all people and all deserve to have the same treatment in any city, state and in the nation.

Mr. Klomp questioned whether the proposed resolution's language could be amended to be acceptable to all of Council.

Mr. Yalamanchi requested that the alternative resolution drafted by City Attorney Staran be altered to include a statement opposing the House Bill in its current format.

President Hooper questioned whether Mr. Tisdell and Mr. Webber would be amenable to amending the proposed resolution language.

Neither Mr. Tisdell nor Mr. Webber agreed to add this language to the motion on the table.

***Mayor Barnett** stated that in the last 72 hours, he has been asked to "do the right thing" by individuals who both clearly support and clearly oppose House Bill 5039. He questioned by whose definition does one decide what the right thing is to do. He commented that this is an incredible challenge and a social and moral issue in the City. He expressed concern that the discussion could tarnish the City's image. He stated that he cannot accept the argument made tonight that if one supports House Bill 5039, one is opposed to a certain lifestyle; and conversely, if you oppose the legislation, you are supportive of the lifestyle. He pointed out that seven bills are currently proposed to amend the Elliott-Larsen Civil Rights Act. He commented that it is his belief that this discussion is appropriate at the State level. He stated that the resolution on the table is appropriate.*

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

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

Nay 1 - Yalamanchi

Enactment No: RES0025-2012

Whereas, last October, House Bill 5039 was introduced in the Michigan State Legislature as a proposed amendment to the Elliott-Larsen Civil Rights Act. As introduced, HB 5039 would disallow local governments from adopting any ordinance, rule, regulation or policy that includes as a "protected class" any classification not specifically included under the Elliott-Larsen Civil Rights Act; and

Whereas, some residents of the City of Rochester Hills have requested that the Rochester Hills City Council pass a resolution taking a formal position on this state legislation; and

Whereas, the Rochester Hills City Council deems the fundamental human rights and civil liberties guaranteed in the United States and Michigan Constitutions and protected through federal and state civil rights laws, and the ability to freely exercise and enjoy those rights and liberties, are essential to the public health, safety and welfare of the City and its residents and visitors; and

Whereas, the community is enriched by the diversity of its residents and the people who visit and do business in the City.

Therefore, It Is Resolved, the Rochester Hills City Council:

1. Reaffirms its support for the human rights and civil liberties of all people in Rochester Hills, and the free exercise and enjoyment of any and all human rights, civil liberties and privileges under the U.S. and Michigan Constitutions and federal and state civil rights laws, and calls upon all City officials and employees and all residents and businesses in the City to respect the human rights, privileges and dignity of all persons in the community;
2. Does not take a formal position supporting or opposing HB 5039, but does recognize the ability of individual citizens to make a difference regarding the passage or failure of state legislation and encourages their continued involvement at the state level.

2012-0047 Discussion regarding the procedure to be used for the review of applications for the additional quota license received from the Michigan Liquor Control Commission (MLCC)

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

President Hooper stated that as a result of the 2010 Census, the Michigan Liquor Control Commission has added an additional quota liquor license available to the City. Once it was acknowledged that an additional license would become available, a number of businesses in the City have come forward to request consideration for the award of this license. He noted that the Liquor License Technical Review Committee was disbanded several years ago as at that time there were no new licenses to review or award. He suggested Council consider forming a subcommittee of two or three Council members to review all applicants submitting applications by a certain date to determine which applicant Council would consider awarding the license to. He commented that establishing a formal Technical Review Committee with resident members would add at least two months to the process.

Jane Leslie, City Clerk, questioned whether Council desires to add additional criteria beyond what is set in the Ordinance for accepting applications.

President Hooper commented that applicants would be required to follow the City's Ordinance and submit application data for review by the subcommittee.

Mr. Yalamanchi questioned whether there was any possibility of additional licenses becoming available.

Clerk Leslie responded that only one additional license based on the Census data will be available for the next ten years. Any additional licenses coming into the City must be transfers from other locations.

Mr. Yalamanchi questioned how many requests have been received thus far.

Clerk Leslie responded that she has received a number of phone calls from individuals requesting an application.

Mayor Barnett noted that he has received phone inquiries as well.

President Hooper questioned what date Council preferred to set for an application deadline.

Mr. Yalamanchi questioned whether three months would be adequate.

Clerk Leslie responded that applicants can complete the process rather quickly. She explained that once applications are taken in, the information is distributed to the Building Department, Fire Department and Oakland County Sheriff's Office to complete the inspection process and determine whether the facility meets all code compliance requirements. She commented that this process takes approximately one month.

President Hooper suggested that a target date of the middle of May might be desirable. He suggested two or three Council members form the ad hoc committee.

Mr. Webber concurred with forming the committee for review of the applications.

Mr. Rosen questioned whether the additional license had a \$1,000 licensing fee and if the City could possibly auction the license for additional revenue.

Clerk Leslie responded that City Attorney John Staran would have to review Liquor Licensing Laws to determine whether an auction would be possible. She stated that the \$1,000 fee covers the inspection and paperwork costs for the license and she did not believe that there was any provision to allow for additional revenue. She commented that neither the City nor the State profits from issuing a liquor license.

Mr. Rosen commented that the price of the license could determine how serious an applicant is, noting that the City should look for success in a business.

President Hooper commented that while the City Attorney could weigh in on this possibility, it could lead to only well-heeled multiple chain restaurants being able to afford a license. He stated that it would prevent the locally-grown mom-and-pop single-store enterprises from having a chance at a license. He noted that the Hills Bar and Grille received the last new license in Rochester Hills, and noted that these applicants were three military Veterans who borrowed money from their parents to start the restaurant.

Mr. Rosen commented that if some of the applicants for the new license are part of large chains, they will essentially be paying below market price for the license.

President Hooper noted that this will be taken into consideration.

Public Comment:

Theresa Mungiola, 3435 Palm Aire Drive, representing the Rochester Auburn Hills Community Coalition (RAHCC), noted that the RAHCC strives toward substance abuse prevention. She encouraged the re-establishment of a Liquor Control Commission, noting that business must be regulated and watched. She stated that underage drinking, and drinking in general, has been escalating. She offered the RAHCC's assistance and guidance.

President Hooper noted that the City's Liquor Ordinance includes 27 factors as a starting point for applicant evaluation, along with a sole and complete determination of a decision by Council.

Mr. Yalamanchi questioned whether the RAHCC's concern is that businesses serve underage drinkers.

Ms. Mungiola responded that underage drinkers are gaining access to alcohol first from their parents' own refrigerators, and then from enticing adults to purchase

alcohol for them at party stores. She commented that the RAHCC is also seeing many more adults drinking to excess and stated that there is a push to provide additional training to restaurant employees so they can better recognize when people have been served too much and should have someone drive them home.

After discussion, Council determined that a subcommittee of up to three City Council members should be established for the evaluation of applicants for the additional quota license received from the Michigan Liquor Control Commission (MLCC). It was determined that the Committee will be mandated to consider all applicants that have submitted applications and have gone through the City's preliminary review process by May 15, 2012. Council Members **Rosen**, **Webber** and **Klomp** will comprise the review committee.

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: RES0026-2012

Resolved, that a subcommittee of up to three City Council members be established for the evaluation of applicants for the additional quota license received from the Michigan Liquor Control Commission (MLCC). The Committee will consider all applicants that have submitted applications and have gone through the City's preliminary review process by May 15, 2012.

COUNCIL COMMITTEE REPORTS

Older Persons Commission (OPC):

Mr. Webber reported that the OPC Board met approximately a week ago and stated that a subcommittee of the OPC Board has worked on drafting changes to the Inter-Local Agreement. The Board wants to gather the three participating communities together to review and discuss the proposed changes.

Mr. Rosen suggested that discussions from years ago when the OPC was first created should be reviewed to see the intent of the communities at the time. He requested Clerk Leslie research and assemble copies of the City's minutes from 1984 or 1985 when these discussions first took place for Council's review.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, March 5, 2012 - Cancelled; Regular Meeting - Monday, March 19, 2012 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:22 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 April 2, 2012 Regular City Council Meeting.