



Rochester Hills

Minutes

City Council Regular Meeting

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

*Susan M. Bowyer Ph.D., Kevin S. Brown, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdell and Thomas W. Wiggins*

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, January 25, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Susan M. Bowyer, Kevin S. Brown, Dale Hetrick, James Kubicina, Stephanie
Morita, Mark A. Tisdell and Thomas W. Wiggins

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Alan Buckenmeyer, Parks Operations Manager/Acting Director of Parks and
Forestry
Grace Currier, Rochester Hills Government Youth Council Representative
Sara Roediger, Manager of Planning
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

*President Tisdell introduced Grace Currier, Rochester Hills Government Youth
Council (RHGYC) Representative. He stated that Ms. Currier attends Marian High
School and carries a 3.96 Grade Point Average. He noted that she plays Field
Hockey, plays Trumpet in the band and is a member of several organizations*

at school. He mentioned that her family lived in China for three-and-one-half years.

Ms. Currier reported that the RHGYC recently provided manpower for the Rochester Area Youth Assistance at their fund raiser Pancake Breakfast during the Rochester Fire and Ice Festival. She stated that the RHGYC members are planning for their annual 5K Run/Walk scheduled this year for June 11, 2016.

PLANNING AND ECONOMIC DEVELOPMENT

- 2016-0014** Request for Site Plan Approval - Woodspring Suites, a four-story, 48,104 square-foot, 124 unit hotel on 3.64 acres on Marketplace Circle, in the Adams Marketplace Development, land use governed by Consent Judgment, WoodSpring Suites Detroit MI Rochester Hills, LLC, Applicant

Attachments: [012516 Agenda Summary.pdf](#)
[Tech Compliance Report 011316.pdf](#)
[Map aerial.pdf](#)
[Review Comments.pdf](#)
[Civil Site Plan 120115.pdf](#)
[ES-1 Photometric Site Plan.pdf](#)
[Woodspring Suites elevations.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that John Gaber, attorney for the Applicant, was in attendance.

Mr. Gaber stated that he was in attendance to speak on behalf of the Applicant. He explained that a last-minute issue has arisen between the Applicant and the seller of the property; and he commented that the Applicant wishes to resolve this issue prior to Council's consideration. He expressed appreciation for Council's time and requested Council postpone this item indefinitely, to be considered during a future agenda.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Resolved, that the Rochester Hills City Council hereby postpones indefinitely consideration of the Request for Site Plan Approval at the request of the Applicant.

- 2016-0019** Presentation and Request for Adoption of the Riverbend Park Strategic Framework Plan; Ralph Nunez, Design Team Plus

Attachments: [012516 Agenda Summary.pdf](#)
[Riverbend Park Presentation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the Administration has been working since May of 2014 to aggressively develop a concept plan for Riverbend Park. He noted that bids were sought nationally and a local firm was chosen as a consultant on the project. He explained that **Ralph**

*Nunez, Design Team+, was selected and he noted that he was the Lawrence Technological University professor that had brought his students out to work on a project for the City. He noted that **Alan Buckenmeyer**, Parks Operations Manager and Acting Director of Parks and Forestry was also in attendance.*

Mr. Nunez stated that it has been an honor to work on this project with the City. He noted that the analysis phase began back in May as the team looked at past projects and student work, and developed concepts for the park. He explained that the concept development included the ideas centering around developing recreation based on exercise, exploration, engagement, experience, education, involvement and enjoyment. He noted that this is a unique opportunity to connect people with nature, promote stewardship of the land and the Clinton River, improve the health of the community, design for all ages and abilities, use kinetic art, plan design-phased amenities and use place-making to create a place for people to have fun. He stressed that the main goal is community involvement, and he noted that a steering committee was formed and a number of public meetings held, involving many interested parties.

He stated that the park encompasses 114 acres, and he noted that the lower portion was originally known as Riverbend Park prior to the acquisition of the portion north of the Clinton River. He displayed examples of mounds and landforms created in various locations and noted that these mounds often align with the sun's movement. He mentioned well-known parks throughout the country, noting their attributes; and he commented that Riverbend Park has many unique parts including steep grades, woodland areas, wetlands, ponds and a river. He pointed out that the topography of the park has a 40 to 60 foot change in elevation.

He stated that several concepts are included in the proposed plan, including a body of water activated by the individuals close to it such as a water wall and water walk, a mound marking time and seasons, solar powered glow paver paths, a crescent overlook and erosion control. He noted that Lieutenant Governor Brian Calley toured the park with Mayor Barnett and City Staff, expressing interest in the creation of an active playscape for children with special needs incorporating an overlook of the play areas.

Mr. Nunez explained that the concepts can be broken down into framework elements which can be accomplished in phases. A first element phase can encompass the completion of parking, bioswale and entry areas, signage and wayfinding elements, and trails. Element Phase 2, Option B presented, creates many of the water features of the park including a water wall and cascading waterfall. This phase would also highlight the creation of senior and children's play areas.

Element Phase 3 includes further development of senior play areas including exercise stations, and children's areas including the special needs play area. This phase could also include the addition of art and sculpture points of interest.

He noted that Element Phase 4 includes some of the larger cost items, and could encompass the creation of a crescent overlook and wetland platform. He stated that living art and architecture with vegetation is proposed for inclusion in this phase.

Park Element Phase 5 includes the development of a community pavilion, either open air or with space for programming.

He commented that Phase 6 highlights connectivity to the neighborhoods, and could include a bridge, hiking or biking trail or a rope bridge.

Mr. Nunez stated that concept presentation was made to the steering committee and they were given the opportunity to vote on the design boards. He noted that their responses were overwhelmingly supportive for the majority of the elements proposed. He commented that Mayor Barnett has been instrumental in promoting the park. He expressed his thanks to the principal donor, Mayor Barnett, Chief Assistant Maria Willett, members of City Staff, the Steering Committee, Education Committee, Lawrence Technological University (LTU) personnel, and the LTU students.

***Mr. Anzek** stated that Council is being provided with a document this evening with the most recent cost estimates for the individual components. He noted that the concept plan is unique, as any of the elements may be undertaken at any time and are not dependent upon each other, with the exception of the parking lot and main trail. He explained that whenever a funding source, donor or grant program is located, development of a particular element can move forward. He requested Council's approval this evening in order for the concept plan to be included in the updated Parks and Recreation Master Plan.*

Council Discussion:

***President Tisdell** commented that once the initial development is complete of the parking lot, bioswale, boardwalk and trails, the other elements of the plan would be open to anyone who wants to support or sponsor them. He noted that many of the features are designed to be mobile and could be relocated to make the experience different.*

***Mr. Nunez** responded that artwork could be relocated after several years to make the experience different.*

***Mr. Kubicina** questioned whether the special needs play area would be designed to be wheelchair accessible.*

***Mr. Nunez** responded that the intent is to make it all wheelchair accessible.*

***Dr. Bowyer** expressed her appreciation, noting that it was a beautiful presentation. She stated that she would hope that enough donations could be collected to be able to undertake everything proposed. She commented that she particularly likes the play area and the overlook.*

***Mr. Brown** stated that it is exciting to see something such as this in its early stage and watch it develop. He questioned how durable the glow pavers would be.*

Mr. Nunez responded that the testing of the glow pavers is over a 20-year lifespan. He mentioned that he has had some small samples for years and they glow all night long even after exposure to indirect light.

Mr. Brown noted that the pavilion and meeting space could be sized to host 150 to 200 people, and he questioned how many parking spaces are proposed.

Mr. Nunez responded that the original plan is to include 45 parking spaces. He mentioned that discussions were held with Mr. Aragona, the developer of the adjacent parcel to the west; and he noted that Mr. Aragona had no problem with offering the eastern portion of his parking as overflow. He commented that this portion of the adjacent parcel must be kept as parking due to some site contamination at that point.

Mr. Wiggins questioned whether some type of park pass or fee could lead the initiative for sponsorships, in order to get the project up and running as soon as possible.

Mr. Anzek responded that there has been no concerted effort at this time; however, a strategy will be developed with the Mayor's Office.

Mr. Hetrick commented that the presentation was terrific, and he expressed his appreciation that time was taken to explain how funding of the particular elements would work.

Mayor Barnett commented that this has been a passion for a number of people in the organization. He stated that he has not been aware of another project that has had more input, noting that education and arts groups and the philanthropic community have been engaged. He commented that the project is something the entire team sees as an opportunity to change the community forever. He pointed out that the City has not developed a park since 1989, and stated that this is the next step in an investment in the idea that people move to Rochester Hills for a reason.

Vice President Morita expressed her thanks to Mayor Barnett for allowing her to be a part of the process on the steering committee. She stated that she has been in Riverbend Park during all four seasons of the year; and she commented that her family purchased their home because of its proximity to the park and trails. She stated that the park is gorgeous every day of the year and adds a quality of life that cannot be explained.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0011-2016

Whereas, the residents of the City of Rochester Hills passed a dedicated Parks Millage in the 1980's that enabled the City to purchase several parcels for the development of parks serving residents, team sports, and as many leisure activities as the community desired, and

Whereas, the City of Rochester Hills, as part of this park acquisition program, purchased a 70 acre parcel fronting on Hamlin Road and bounded on the north by the Clinton River and said parcel is heavily wooded with varying degrees of steep to moderate terrain and has become known as Riverbend Park, and

Whereas, Ralph Nunez, a Professional Land Designer and Professor of Design at Lawrence Tech University approached the City of Rochester Hills in 2012 in regard to structuring a senior Architectural and Landscape Architectural design project at a City park and the City proposed the undeveloped Riverbend Park, and

Whereas, the Professor organized 18 students into 4 different design teams that conducted a 3 month period doing research, spending a weekend overnight at the park identifying strengths and opportunities and developing varying plans for how the Park might be refined and developed and then presented these plans to the City of Rochester Hills Planning Commission, and

Whereas, the presentation drawings of the LTU students were placed on display in City Hall and the Mayor presented the plans to a resident who became so interested in the park that he pledged \$1 million to begin the implementation process and this pledge is attributed to the Steve and Vivian Stolaruk Foundation and with that pledge the City Council provided monies to commence with the pre-Engineering, Permitting with the Michigan Department of Environmental Quality, and

Whereas, the Mayor was invited to present this Riverbend Park program and effort to the U.S. Conference of Mayors program known as the Mayors Institute of City Design where the nationally recognized professionals provided advice and guidance that included the City seeking the services of a professional design firm to pull all the creative ideas along with additional ones together and document the ideas in a strategic plan to commence with the implementation of the elements for the Park, and

Whereas, the City of Rochester Hills commenced with a Request for Proposals from firms throughout the nation to select a firm to complete this task and selected Design Team + based in Birmingham, Michigan and this firm began their work in the Spring of 2015 by organizing a Steering Committee comprised of representatives of recreational, environmental, elementary and high schools and colleges and universities, and conducted numerous public input meetings and submitted to the City of Rochester Hills the Riverbend Park Strategic Framework Plan for the City Council's consideration and adoption.

Resolved, that the Rochester Hills City Council hereby adopts the Riverbend Park Strategic Framework Plan as the guide for moving into the Implementation Phase of the Park's development; and

Be It Further Resolved, that the Riverbend Park Strategic Framework Plan will be included in the Parks and Recreation Master Plan update and placed on file with the MDNR.

2016-0015 Request for Purchase Authorization - PLANNING: Project budget for Auburn Road Corridor Study in the amount not-to-exceed \$75,000.00; LSL Planning, A SAFEbuilt LLC Company, Royal Oak, MI

Attachments: [012516 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that tonight's request is for approval of funding to engage the services of LSL Planning to undertake the Auburn Road Corridor Study. He explained that discussions with the Planning Commission over the past four years yielded a desire to revisit the Auburn corridor, particularly the Olde Towne area, to promote and incentivize redevelopment. He pointed out that the area is difficult and disjointed, with no defined curb cuts; and it was determined that this area needed the attention and strategy to move forward.

He noted that bids were solicited; and of the five bids received, LSL was selected based on the quality of their team and plan for an active public involvement campaign and market analysis study of the area. He stated that LSL offered all of the developers that they have worked with throughout the country; and the Administration feels that it will have a tool to market and promote the site. He commented that the City will receive a good scope of work for its dollar.

Public Comment:

Lee Zendel, 1575 Dutton Road, questioned how any incentives to developers would be paid for. He stated that Council has a duty to review a carefully prepared estimate from the Planning Department of what the incentives might be, what they are expected to cost, and what structures might be involved. He questioned what happened to the three prior studies; and he requested Council postpone consideration of this item.

Mr. Anzek responded that incentivizing does not always mean money, and he noted that it could include incentives in zoning or mixed-use retail. He stated that this question will be answered after the plan is completed. He pointed out that the budget previously carried approximately a half-million dollars for street furniture and landscaping based on the old plan; and he stated that this was not the way to go. He commented that the study is what is needed first before proceeding.

Brad Strader, LSL Planning Principal, explained that the development process could be similar to Riverbend Park, with phased development which could include zoning, reconstruction of the roadway, and providing the owners some idea of what they could do. He commented that the intent is not to deliver another plan that has many good ideas but no implementation plan.

Mr. Anzek stated that previous studies did not deal with implementation and only had suggestions of what might happen.

President Tisdell likened it to a template to get developers excited.

Mr. Anzek stated it would be interactive with the business owners, and noted that the effort built into the scope is to unify the corridor.

Council Discussion:

Mr. Wiggins commented that this is a great idea as the area needs to be refreshed.

Mr. Hetrick expressed his thanks to Mr. Anzek for taking Council through the process of how bids were evaluated. He questioned whether the study will yield a way for business owners to develop their properties.

Mr. Strader confirmed that it would, noting that it would highlight ways to get smaller shop owners involved, promoting both outside and local developer interest. He commented that it was discussed to go door to door to visit with small owners.

Mr. Anzek stated that it includes the entire Auburn corridor and will look for ideas and thoughts to revitalize the intersections. He commented that there is a life cycle to any structure, with some buildings along the corridor beginning to reach their peak.

Dr. Bowyer stated that she previously lived in that area in the 1980s and noted that the area has not changed much since. She commented that it would be nice to have more restaurants in the area and see the corridor looking better.

Mr. Brown questioned what percentage of their projects come in on time and within budget.

Mr. Strader responded that the firm has undertaken 58 corridor plans, including some which were redone and refreshed. He stated that he cannot remember any where the budget was exceeded unless the client stated that they wanted an extra workshop or more work. He mentioned a project in Ann Arbor which was supposed to be completed in the fall and one in Birmingham which was put on hold. He stated that four or five have slid on the schedule; however, it was mostly due to client requests. He commented that most were completed on time.

President Tisdell noted that \$75,000 was included in the 2015 Budget and is being carried over to be included in the 1st Quarter Budget Amendments, if approved.

Mr. Anzek commented that he has spent almost 20 years as a consultant and 20 years in a municipal position; and he noted that he has not undertaken a project yet where either he or a council did not ask for something more. He explained that when a tight scope of work is written, something more is usually requested. He pointed out that \$70,000 is their cap; however, \$75,000 is budgeted.

Mr. Strader commented that projects are often rescoped halfway through.

After the vote, **Mr. Anzek** noted that the Administration will be asking for a Council appointment to a steering committee.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0012-2016

Resolved, that the Rochester Hills City Council authorizes a project budget for the Auburn Road Corridor Study to LSL Planning, A SAFEbuilt LLC Company, Royal Oak, Michigan in the amount not-to-exceed \$75,000.00.

PUBLIC COMMENT for Items not on the Agenda

Dr. Lisa Winarski, 194 Bedlington, requested Council update the taxpayers on the progress of the Penberthy lawsuit, questioned where she could view documents regarding the litigation, and whether as District 3 Representative Dr. Bowyer has reached out to the Penberthy family. She requested information on legal fees paid by the City and questioned how many attorneys are involved. She questioned why a human resources consultant was hired from central Ohio when human resources professionals are on staff and a human resources attorney is under contract.

Scot Beaton, 655 Bolinger, noted that he saw a sign at the Target store over the weekend prohibiting bicycles. He questioned whether the City could stripe a bike lane to the shopping center and have the center stripe bike lanes and include places to lock up bicycles. He commented that with a new residential development in close proximity it would be advantageous for the residents to be able to bike to the center.

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.

2016-0016 Approval of Minutes - City Council Regular Meeting - December 7, 2015

Attachments: [CC Minutes 120715.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0013-2016

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on December 7, 2015 be approved as presented/amended.

2016-0017 Approval of Minutes - City Council Special Meeting - December 14, 2015

Attachments: [CC Special Mtg Min 121415.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0014-2016

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on December 14, 2015 be approved as presented/amended.

- 2016-0012** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for water service repair parts in the amount not-to-exceed \$44,000.00 through December 31, 2016; S.L.C. Meter, Pontiac, MI

Attachments: [012516 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0015-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for water service repair parts to S.L.C. Meter, Pontiac, Michigan in the amount not-to-exceed \$44,000.00 through December 31, 2016.

- 2016-0020** Request for Purchase Authorization - CLERKS: Blanket Purchase Order for monument/marker sales in the amount not-to-exceed \$50,000.00; Patten Monument Company, Comstock Park, MI

Attachments: [012516 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0016-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Patten Monument Company, Comstock Park, Michigan for monument/marker sales in the amount not-to-exceed \$50,000.00 through December 31, 2016.

Passed the Consent Agenda

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

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

- 2016-0018** Approval of Minutes - City Council Regular Meeting - December 14, 2015

Attachments: [CC Min 121415.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Morita noted that references within the minutes should be corrected to reflect State Senator Knollenberg rather than State Representative Knollenberg.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0017-2016

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on December 14, 2015 be approved as amended to correctly list references to State Senator Marty Knollenberg.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Kubicina commented that the City has 39 boards, commissions and committees; and he stated that this is a great way for residents to participate in City government.

Mr. Wiggins announced that the Rochester Avon Recreation Authority is holding a bowling fund raiser for its SCAMP program on Saturday, February 6, 2016 at Avon North Hill Lanes. The event begins at 8:00 a.m. and includes three games of Nine-Pin No-Tap. He noted that donations are welcome as well.

Mayor Barnett responded to Public Comment on the hiring of a human resources consultant, noting that this was discussed before Council during the Budget sessions. He commented that the firm selected was the lowest responsible, responsive bidder.

He noted the following:

- The Clinton River Trail signage project is underway. Blue tarps are protecting the installations from the weather.
- The City has spent only 30 percent of its winter budget thus far, responding to only light snows.
- Signal work is planned beginning on January 27, 2016 for the intersection of Avon and Rochester Roads. Single lane closures will occur during the day until the work is complete.
- Council is receiving copies this evening of the Draft Parks Master Plan. The Public Review Phase has begun. A Public Hearing will be scheduled for the February 22, 2016 Regular Meeting to review and ultimately approve it. The Plan is key to getting grants. An online survey is active regarding the Parks Master Plan which has already received close to 450 responses.
- The Riverbend Park open house was well attended this evening prior to the Council meeting.
- Grand Openings were held for MOD Pizza and 2491 Street Food. These great new businesses are located where a vacated dealership and gas station once stood.
- A 15-foot structure carried on a flat bed truck tried to go under a 14-foot bridge on M-59 at the Auburn Road overpass. Traffic was halted for several hours until cleanup of the accident could be completed.
- The Mayor's Business Council held its January meeting at the Auto Show. The Mayor's Business Council was nationally-recognized by the National Council of Mayors last year.

- The One Home One Tree Program continues this year. Applications for a street tree will be accepted through March 4, 2016. Contact the Parks Department. Forestry Staff will ensure there is adequate space to plant a street tree.
- The Spencer Park Pond Hockey Classic is set for Saturday, February 13, 2016.
- Dr. Bertha VanHoosen was recognized in the Congressional Record last month for the founding of the American Medical Woman's Association. She is also a finalist for the naming of the new Medical School Dormitory at the University of Michigan, and is being considered for a U.S. Postage Stamp.

In response to public comment regarding the hiring of a Human Resources Consultant, **President Tisdell** commented that the City is blessed with many senior employees, and the consultant has been engaged to ensure adequate succession planning and determine best practices for Human Resources. The consultant will act as a third party to benchmark the City against other cities. He noted that he would request City Attorney John Staran address Public Comment regarding the Penberthy lawsuit. Regarding other Public Comment, he requested Mr. Anzek respond as to what influence the City would have over private land owners regarding bicycles.

Mr. Anzek responded that while the City may have influence, it has no rights to make demands of private land owners in this instance.

Vice President Morita announced that the Ahmadiyya Muslim Community Center continues to hold its Humanity First Flint Water Donation Dropoff from 7:00 p.m. to 10:00 p.m. each day at its Center at 1730 West Auburn Road. She noted that anyone knowing of a child that lives in the Avondale School District, attends to Avondale Schools or any of the parochial or private schools located within that district could nominate the child for recognition of any personal acts of heroism, volunteer service to the community, or personal achievement. Forms for that nomination are available at avondaleyouthassistance.com or individuals can call their office at 248-852-3716. She commented that this is an amazing annual event held in March with many local and State dignitaries coming to shake the hand of each child receiving an award. Last year approximately 60 children received recognition.

Dr. Bowyer responded to Public Comment noting that she did not reach out to the Penberthy family. She pointed out that an update was given at the November 9, 2016 Council Meeting, and stated that the City is still paying for the Penberthy's temporary lodging. She commented that much is going on that the newspaper is not aware of or reporting on. She announced that the Friends of the Clinton River Trail will host an open house on Thursday evening. Norm Cox, one of the original designers of the Clinton River Trail, will be their guest speaker. She noted that the Friends are always looking for volunteers, and interested individuals can visit their website at clintonrivertrail.org.

City Clerk Tina Barton reported that in partnership with Professor O'Connor at Oakland Community College (OCC), the Clerk's Office hosted 24 OCC students on Monday to help prepare and stuff ballot envelopes. She credited the students with helping to get the ballots out faster; and noted that they provide much energy and

excitement in the office in addition to saving the City money. She stated that the primary goal is to involve college students in the governmental process; and she commented that typically a handful of those students sign up to work the election. She stated that the bulk of the absentee ballots will be going to the post office on Wednesday, and will hopefully be delivered by early next week. She explained that the election is a nominating process for the parties and voters will be required to pick a party style for the ballot. She stated that the last day to register for the March 8, 2016 Presidential Primary Election is February 8, 2016. She mentioned that her parents are now Rochester Hills residents, having moved here from Illinois.

ATTORNEY'S REPORT

City Attorney John Staran responded to Public Comment regarding the Penberthy litigation noting that the litigation is still pending and court dates are scheduled by the court spanning months out in advance. He mentioned that there have been possible new developments that could extend those dates out further. He noted that there have been two court hearings thus far where efforts to have the City held liable and required to advance money to pay the Penberthy's expenses resulted in both requests being denied by the courts. He stated that the City still defends that it is not responsible, and he pointed out that the Penberthy's attorney has not filed to date any legal claims for damages against the City. He commented that this may change as they have been ordered by the courts to do so; and he stated that at that time, the City will defend and respond. He stated that as additional parties may be brought into the fray, it may result in the court proceedings being scheduled out further.

He commented that his firm is the only one representing the City and being paid for services relative to the litigation; however, the Michigan Municipal Risk Management Authority, the City's insurance company, has their own law firm retained. He commented that this is typical as any anticipated claim for money damages brought against the City is referred to its insurance company; and that company supports their own counsel.

He noted that Council Member Dr. Bowyer has not reached out to anyone involved in opposing litigation, noting that it is dangerous and unethical for parties in litigation to bypass attorneys. He stated that Dr. Bowyer is following proper protocol.

He pointed out that had he been notified of a request for the amount of legal fees expended prior to the meeting this evening, he could have provided that information. He commented that any bills from his office are public record and would be available from the City, with bills through the end of December available. He stated that he is not certain that the City has incurred any charges relative to the insurance company's attorney, and he stated that any additional exposure the City may have in the case will be known ultimately when the case is either settled or goes to trial.

He explained that the principal dispute is how much the City owes for the right-of-way that the City has acquired. He stated that the City has paid the Penberthys the amount that the City estimated through two appraisals, and he

noted that this amount is in dispute. He stated that with respect to damages, the City is waiting for legal claims to be formally filed. He commented that in the meantime, the City has been paying for, and will continue for the foreseeable future to pay for temporary accommodations and any storage needs. He stated that ultimately any amounts the City will pay will be accounted for.

NOMINATIONS AND APPOINTMENTS

2015-0545 Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board, to fill the unexpired term of Thomas Neveau ending December 31, 2016

Attachments: [020816 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Lyons CQ.pdf](#)
[Stephens CQ.pdf](#)
[012516 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Granader CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[McGunn CQ.pdf](#)
[Muenk CQ.pdf](#)
[Nachtman CQ.pdf](#)
[Van Dusen CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[121415 Agenda Summary.pdf](#)
[Neveau Resignation.pdf](#)
[121415 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell Opened the Floor for Nominations.

Dr. Bowyer nominated Kelly Lyons.

Vice President Morita nominated Terry Stephens.

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

He noted that as there were two nominees, this item would be carried over to the next meeting for a vote.

Discussed.

2016-0021 Nomination/Appointment of one (1) Citizen Representative to the Deer Management Advisory Committee, to fill the unexpired term of James Kubicina ending December 31, 2016

Attachments: [012516 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Denno CQ.pdf](#)
[Donovan CQ.pdf](#)
[Suppl Granader CQ.pdf](#)
[Helsom CQ.pdf](#)
[Moore CQ.pdf](#)
[Nachtman CQ.pdf](#)
[Paille CQ.pdf](#)
[Paurazas CQ.pdf](#)
[Waller CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdal Opened the Floor for Nominations.

Mr. Kubicina nominated James Nachtman.

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

President Tisdal noted that James Nachtman would be appointed to the Deer Management Advisory Committee.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdal and Wiggins

Enactment No: RES0018-2016

Resolved, that the Rochester Hills City Council appoints James Nachtman to the Deer Management Advisory Committee, to fill the unexpired term of James Kubicina ending December 31, 2016.

2016-0022 Nomination/Appointment of one (1) Citizen Representative to the Rochester Avon Recreation Authority, to fill the unexpired term of James Kubicina ending December 31, 2018

Attachments: [012516 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Johnson CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Muenk CQ.pdf](#)
[Probst CQ.pdf](#)
[Siegfried CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdal Opened the Floor for Nominations.

Mr. Hetrick nominated Johnathan Muenk.

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

President Tisdel announced that **Johnathan Muenk** would be appointed to the Rochester Avon Recreation Authority.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdel and Wiggins

Enactment No: RES0019-2016

Resolved, that the Rochester Hills City Council appoints Johnathan Muenk to the Rochester Avon Recreation Authority, to fill the unexpired term of James Kubicina ending December 31, 2018.

2016-0023 Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Commission, to fill the unexpired term of Sue Thomasson ending December 31, 2017

Attachments: [020816 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Hill CQ.pdf](#)
[McKinnon CQ.pdf](#)
[Reina CQ.pdf](#)
[012516 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDC Appt Memo.pdf](#)
[Deel CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[McGunn CQ.pdf](#)
[Olson CQ.pdf](#)
[Sykes CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett noted that Historic Districts Commission member and City Staff Member Sue Thomasson passed away last month. He commented that nine days before her death, she chaired an event that successfully raised \$10,000 for children.

Council observed a moment of silence in memory of Sue Thomasson.

Public Comment:

Steve Reina, 162 Stratford, stated that he is a local attorney and Rochester Hills resident for 26 years, and wished to be considered for the appointment. He commented that after focusing on his family, he is now in a position where he can devote time to the community. He expressed his interest in not only this appointment, but any appointment where he can support the City.

President Tisdel Opened the Floor for Nominations.

Dr. Bowyer nominated Melinda Hill.

Mr. Hetrick nominated Susan McKinnon.

Mr. Brown nominated Steve Reina.

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

He noted that as there were three nominees, this item would be carried over to the next meeting for a vote.

Discussed.

- 2016-0024** Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Study Committee, to fill the unexpired term of Sue Thomasson ending December 31, 2017

Attachments: [020816 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[McKinnon CQ.pdf](#)
[Sykes CQ.pdf](#)
[012516 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDSC Appt Memo.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Neveau CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell Opened the Floor for Nominations.

*Mr. Hetrick nominated Susan McKinnon.
Dr. Bowyer nominated Devin Sykes.*

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

He noted that as there were two nominees, this item would be carried over to the next meeting for a vote.

Discussed.

NEW BUSINESS

- 2015-0552** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for ready mix concrete materials in the amount not-to-exceed \$220,860.00 through December 31, 2017; Superior Materials, Farmington Hills, MI; Paragon Ready Mix, Inc., Utica, MI

Attachments: [012516 Agenda Summary.pdf](#)
[Ready Mix Concrete Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, explained that Ready Mix Concrete is used during favorable times of the year for water and sewer repair, and in maintenance activities such as adjusting catch basins and repairing structures. He noted that Superior is recommended as the primary supplier, with Paragon as secondary.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0020-2016

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for ready mix concrete materials to Superior Materials, Farmington Hills, Michigan as the primary vendor and Paragon Ready Mix, Inc., Utica, Michigan as the secondary vendor in the amount not-to-exceed \$220,860.00 through December 31, 2017.

2016-0025 Request for Purchase Authorization - DPS/FLEET: Purchase of two (2) tandem axle truck chassis in the amount of \$202,346.00, and two (2) tandem axle dump body/snow and ice control systems with material pre-wet and wing plows in the amount of \$245,824.00, in the not-to-exceed amount of \$448,170.00; Wolverine Freightliner-Eastside, Inc., Mount Clemens, MI; Truck and Trailer Specialties, Dutton, MI

Attachments: [012516 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the two trucks requested for replacement were eligible for replacement in 2012. He noted the process the Department undertakes when evaluating equipment for replacement, and stated that following the completion of straight line depreciation, the equipment undergoes a maintenance evaluation. He pointed out that two single axle dump bodies will be replaced with two tandem-axle bodies. The wing plows recommended have not been used in Rochester Hills previously, and will allow the trucks to clear an additional seven to eight feet in width, allowing some areas to be cleared in one pass. He noted that this will allow the Department to become more efficient and effective as more roads are constructed and conveyed to the City. He stressed that people will not be added; however, the Department will function more effectively. He pointed out that this is a cooperative purchase, with over 70 vehicles purchased by the various communities from the solicitation.

Public Comment:

Dr. Lisa Winarski, 194 Bedlington, commented that the City keeps purchasing vehicles and questioned why the funds cannot be placed back into the Water and Sewer Fund to fund work in that area.

Mr. Schneck responded that the purchase will not add to the fleet. He noted that the purchase will replace two trucks that were suggested for replacement back in 2012, but kept longer due to extended life. He explained that a rental rate with depreciation is determined in order to have the necessary funds in the Fleet Fund to replace the vehicle.

President Tisdell noted that the purchase is coming in approximately \$50,000 under budget. He questioned whether parking the vehicles indoors prolongs their life.

Mr. Schneck responded that it does.

Mr. Wiggins questioned whether having equipment that can accomplish clearing in one less run should also extend equipment life.

Mr. Schneck responded that it is weather dependent. He pointed out that Hamlin Road was recently widened from two lanes to three lanes. He commented that the wing plows may extend the service life of the vehicles; however, he would not wish to speculate.

Mr. Brown commented that once the equipment with extended wings is in use for a few seasons, he would be interested in knowing how operating hours are affected by the investment. He suggested a return on investment be undertaken.

President Tisdell questioned whether single axle trucks could be fitted with extenders.

Mr. Schneck responded that once these vehicles are replaced, the City will no longer have any single axles.

Mr. Hetrick commented that it is a testament to the efficiency of the Department that the equipment was able to be maintained from 2012 to today prior to needing replacement.

Dr. Bowyer questioned whether the 14 year old trucks to be replaced will be traded in, and when the City would receive any funds.

Mr. Schneck responded that they will be surplused out to the open market for competitive bidding. He explained that the new cabs and chassis will be received in 90 days, and then must be upgraded and built. He stated that the new trucks are expected to be delivered sometime in September of 2016. Once they have been evaluated for quality control, the others will be surplused. He commented that vehicles maintained by local departments are in demand, and the City could see 30 percent salvage value as opposed to 18 to 22 percent usually expected.

Mayor Barnett commented that the City wants to keep its fleet at the top. He stated that Mr. Schneck has led the Department to where it has been the best in the State of Michigan.

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

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdell and Wiggins

Enactment No: RES0021-2016

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of two (2) tandem axle truck chassis in the amount of \$202,346.00 from Wolverine Freightliner-Eastside, Inc., Mount Clemens, Michigan and two (2) dump body/snow and ice control systems with material pre-wet and wing plows in the amount of \$245,824.00 from Truck and Trailer Specialties, Dutton, Michigan for a combined total of two (2) complete tandem axle dump salt trucks in the not-to-exceed amount of \$448,170.00.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, February 8, 2016 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Tisdell adjourned the meeting at 8:57 p.m.

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

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

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

Approved as presented at the February 8, 2016 Regular City Council Meeting.