



# Rochester Hills

## Minutes

### City Council Regular Meeting

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

*Kevin S. Brown, Dale A. Hetrick, Greg Hooper, Adam Kochenderfer, 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."*

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Monday, July 20, 2015

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

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

#### ROLL CALL

**Present** 5 - Kevin S. Brown, Greg Hooper, Stephanie Morita, Mark A. Tisdell and Thomas  
W. Wiggins

**Absent** 2 - Dale Hetrick and Adam Kochenderfer

#### Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Nancy Butty, Public Education Specialist - Fire  
Sean Canto, Chief of Fire and Emergency Services  
Scott Cope, Director of Building and Ordinance Compliance  
Ron Crowell, Deputy Fire Chief  
Todd Gary, Captain/Fire Marshall  
Pamela Gordon, Director of Human Resources  
Mike Hartner, Director of Parks and Forestry  
Ed Leafdale, General Foreman  
Gerry Lee, Forestry Operations Manager  
Allan Schneck, Director of DPS/Engineering  
Leanne Scott, Deputy Clerk  
Bob White, Supervisor of Ordinance Services  
Maria Willett, Chief Assistant to the Mayor*

*Mr. Hetrick and Mr. Kochenderfer provided prior notice that they would be unable to  
attend.*

#### PLEDGE OF ALLEGIANCE

*Led by Collin Vasseur, Eagle Scout*

## APPROVAL OF AGENDA

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

**Taylor Thorpe**, RHGYC Representative, expressed her thanks to Mayor Barnett and Council for the opportunity to serve as a representative for the RHGYC and speak at Council. She announced that next year's RHGYC members will take their oaths of office at the August 10, 2015 Regular City Council Meeting. She noted that the 2015-2016 RHGYC will hold their Orientation meeting on August 13, 2015.

## RECOGNITIONS

**2015-0302** Proclamation in Recognition of Eagle Scout Collin Vasseur

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** stated that the City has many outstanding Eagle Scouts in the community who have undertaken unique and valuable projects. He commented that one place that has benefitted the most is Veterans Memorial Pointe, and he noted that much of the Eagle Scout projects undertaken for the City have been coordinated through DPS General Foreman Ed Leafdale. He read the Proclamation honoring Eagle Scout Collin Vasseur and invited him up to the podium to receive the recognition.

**Collin Vasseur** stated that it was an honor to be able to do this project for the City. He commented that it is a great addition to Veterans Memorial Pointe and a good tribute to the city's troops and veterans. He noted that Mr. Leafdale was a huge help and stated that he had much support and assistance from many people to undertake the project.

**Mayor Barnett** commented that much work has gone into Veterans Memorial Pointe with memorials honoring World War I, World War II, the Korean Conflict, and the Revolutionary War.

Council congratulated Eagle Scout Vasseur.

**Presented.**

**Whereas**, young men, who master scouting skills, dedicate their efforts to upholding the Boy Scout Pledge, and serve their community with honor, can attain the rank of Eagle Scout, the highest rank in Scouting; and

**Whereas**, Collin Vasseur is a member of Boy Scout Troop 123 and has been an active member for several years and completed his Eagle Scout Project in the Spring of 2015; and

**Whereas**, Collin designed a Revolutionary War Memorial at Veterans Memorial Pointe. He coordinated several volunteers for a total of 140 hours of service to complete this memorial, which consists of beautiful landscaping and the planting of a 15' oak tree. The commemorative plaque was the finishing touch and installed on Memorial Day to honor the Rochester area forefathers who fought bravely for the freedom we have today.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills proudly recognize Eagle Scout, Collin Vasseur, and express gratitude for all of his hard work and offer our best wishes for his future success.

**2015-0303** Proclamation in Recognition of Marilyn Dulgerian

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** introduced **Marilyn Dulgerian**. He stated that her work with Keep Michigan Beautiful has helped the City of Rochester Hills receive many recognitions. He commented that Marilyn is a tireless advocate who volunteers much time. He read the proclamation recognizing her efforts.

**Ms. Dulgerian** stated that she will continue nominating Keep Michigan Beautiful projects as long as she is able. She commented that it is an honor to accept the recognition.

*Council congratulated Ms. Dulgerian.*

**Presented.**

**Whereas**, Marilyn Dulgerian, a resident of Rochester Hills for 17 years, has repeatedly committed her time, effort, and talent to promote the City of Rochester Hills by nominating city projects for the Keep Michigan Beautiful Awards; and

**Whereas**, because of Mrs. Dulgerian's extraordinary effort and valuable insight, the City of Rochester Hills has received 20 Keep Michigan Beautiful Awards over the past 14 years; and

**Whereas**, Mrs. Dulgerian has demonstrated a true passion for Rochester Hills through her active avocation of Rochester Hills projects.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills proudly recognize Marilyn Dulgerian and express gratitude for Mrs. Dulgerian's many years of promoting Rochester Hills.

## PRESENTATIONS

- 2015-0299** Presentation of a resolution thanking the City of Rochester Hills and the Rochester Hills Fire Department for the use of a city ambulance; Auburn Hills' City Manager Thomas Tanghe and Fire Chief James Manning, presenters

**Attachments:** [072015 Agenda Summary.pdf](#)

**Sean Canto**, Chief of Fire and Emergency Services, introduced **Thomas Tanghe**, Auburn Hills City Manager, and **James Manning**, Auburn Hills Fire Chief.

**Chief Canto** stated that on February 4, 2015, Auburn Hills Fire Department members were responding to a motor vehicle accident when their ambulance was in an accident of its own, rendering it unusable. In the spirit of cooperation, the Rochester Hills Fire Department lent Auburn Hills an ambulance.

**Chief Manning** explained that in early February, Auburn Hills lost an ambulance while on the way to a crash. The accident left the City in a very bad position, as losing an ambulance with a Life Support-EMS System can be devastating to a community. He stated that Chief Canto offered the use of a reserve ambulance, and he and his staff assisted with the follow-up needed with the State to file the necessary paperwork to ensure the ambulance could be licensed for use in Auburn Hills. He expressed his appreciation for the sense of cooperation between the communities, and read a resolution of appreciation passed by the Auburn Hills City Council.

**Presented.**

**2015-0297** Presentation of Executive Fire Officer Certificate to Nancy Butty, Fire and Life Safety Educator

**Attachments:** [072015 Agenda Summary.pdf](#)

**Sean Canto**, Chief of Fire and Emergency Services, stated that Nancy Butty, Public Education Specialist-Fire, completed coursework over the past four years in Emergency Management, Community Risk Reduction, and Leadership to achieve the Executive Fire Officer certification. After completion of each area of study, she wrote an applied research paper addressing the needs of her organization and the community. Ms. Butty's paper focused on Community Emergency Response Teams. He noted that Ms. Butty is the City's Fire and Life Safety Educator, and a Paid-on-Call Lieutenant for Fire Station 2. She spends countless hours with the community on fire safety, education, proper child seat installation, and other safety topics. He introduced an infomercial video that Ms. Butty teamed with representatives from the Goldfish Swim School to produce.

**Chief Canto** invited Ms. Butty to join him at the podium and presented the title of Executive Fire Officer.

Council congratulated Ms. Butty.

**Presented.**

## PUBLIC COMMENT for Items not on the Agenda

**Raza Qadir**, Secretary of Humanitarian Services of the Ahmadiyya Muslim Youth Association of Metropolitan Detroit (AMYA), stated that their parent organization is a nationwide youth group working with young Muslim men around the country, serving not only the needs of members but needs of the nation as well. He noted that the organization consists of 3,000 men and boys, ages seven to 40, in 70 chapters across the country. He stated that organization representatives spoke in front of Council one year ago and pledged their service to the community; and he commented that he was in front of Council tonight to describe how they have upheld their word and renew their pledge. He mentioned several activities the group has coordinated over the past year, highlighting Red Cross blood drives including one to commemorate and honor the victims of 9-11. He mentioned Adopt a Highway activities on a two-mile stretch of Auburn Road, and he noted that the AMYA sponsored of the City's Arbor Day ceremony and participated in the Avondale Youth ceremonies. They also participated in the Festival of the Hills to promote their Muslims for Loyalty program and show that they, too, have love for this nation. He noted that the AMYA held an education program at the Rochester Hills Public Library to promote a better understanding of the differences between hateful ideology of extremist groups and the true peaceful message of Islam, and what the AMYA is doing to combat youth radicalization in the United States. In addition, the AMYA hosted a special dinner for residents during the month of Ramadan to build better community relationships; and held food drives for HAVEN to support the organization and speak out against domestic violence. He stated that the AMYA are men of their word and renew their pledge to the City, as they feel that they are children of the city and are servants of Rochester Hills.

**President Hooper** expressed his appreciation to the AMYA for their service to the city.

**Scot Beaton**, 655 Bolinger, expressed concern over the commercial development at the corner of John R and Avon Roads, noting that construction has stalled and the site is unfinished and unlandscaped. He commented that it is becoming a detriment to the area's property values.

**Lee Zendel**, 1575 Dutton Road, stated that the recently-issued Affirmatively Furthering Fair Housing (AFFH) Rule recently issued by the Department of Housing and Urban Development (HUD) is a threat to communities and will change the character of every suburban neighborhood in the United States. He commented that the rule seeks to ensure that every community reflects the same consistency in racial and income characteristics. He noted that for example, 16.8 percent of Michigan residents are at the poverty level versus 6.7 percent in Rochester Hills; and he stated that to ensure Rochester Hills meets at least average state levels of poverty, 7,000 poverty-stricken residents could be moved into Rochester Hills. In addition, the Supreme Court recently released a decision that held that even if any housing discrimination was completely unintentional, it is still unconstitutional. He stated that the rule will result in a drastic change in the racial, ethnic, income, educational levels and cultural makeup of the residents of all middle-class suburban communities in the United States. He commented that the AFFH will negatively affect home market values far more than any gas pipe 4,000 to 6,000 feet under residents would. He stated that he is still studying the AFFH, which is in 377 pages long, to determine whether it contains any information that a community could use to mitigate its effect.

## ORDINANCE FOR ADOPTION

**2015-0225** Acceptance for Second Reading and Adoption - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone one parcel of land totaling approximately .91 acre, known as Parcel No. 15-29-427-036 at 2642-2652 Crooks Road, west of Crooks, south of M-59 from B-4 (Freeway Service Business) to Rec-W (Regional Employment Center, Workplace) and to prescribe penalties for the violation thereof; Southeast Michigan Management Co., Applicant

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[062915 Agenda Summary.pdf](#)  
[Staff Report 061615.pdf](#)  
[Map aerial.pdf](#)  
[Letter of Intent.pdf](#)  
[EIS.pdf](#)  
[Minutes PC 061615.pdf](#)  
[PHN OP.pdf](#)  
[062915 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

***President Hooper*** noted that the proposed Ordinance was Accepted for First Reading at the last Council Meeting, and was presented for Council's consideration this evening for Second Reading and Adoption.

***Ed Anzek***, Director of Planning and Economic Development, noted that co-owner of the property Sean Gretkierewicz was in attendance to represent the Applicant. He commented that this is a straightforward request that is supported by the Master Land Use Plan.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0197-2015

***Resolved***, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone one parcel of land totaling approximately .91 acre, known as Parcel No. 15-29-427-036 at 2642-2652 Crooks Road, west of Crooks, south of M-59 from B-4 (Freeway Service Business) to Rec-W (Regional Employment Center, Workplace) and to prescribe penalties for the violation thereof, is hereby accepted for Second Reading and Adoption and shall become effective on Monday, July 27, 2015, the day following its publication in the Oakland Press on Sunday, July 26, 2015.

## PLANNING AND ECONOMIC DEVELOPMENT

**2013-0171** Request for Approval of the Second Amendment to the Planned Unit Development (PUD) Agreement - City Walk/City Apartments, located at the southeast corner of Rochester Rd. and Tienken, to allow residential uses on the first floor of Building D and accessory structures, zoned FB-2, Flexible Business, with a Planned Unit Development Overlay; City Walk, LLC, Applicant

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Second Amendment to PUD Agmt 070815.pdf](#)  
[First Amendment executed 012714.pdf](#)  
[Map Aerial.pdf](#)  
[Presentation 063015 .pdf](#)  
[Staff Report 062615.pdf](#)  
[Minutes PC 063015.pdf](#)  
[Review Comments.pdf](#)  
[Site Plans.pdf](#)  
[PHN PUD 063015.pdf](#)  
[120913 Agenda Summary.pdf](#)  
[First Amendment PUD 102213.pdf](#)  
[Exhibit E Addendum.pdf](#)  
[PUD Approved in 2004.pdf](#)  
[Minutes PC 111913.pdf](#)  
[Minutes PC 043013.pdf](#)  
[Staff Report 111913.pdf](#)  
[Minutes CC 030304.pdf](#)  
[Preliminary Plans.pdf](#)  
[Memo Breuckman 042513.pdf](#)  
[120913 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, introduced Paul and Francis Aragona, developers for the City Walk Planned Unit Development (PUD) project. He noted that approximately 1-1/2 years ago, the PUD was amended to permit residential development on the property. He stated that the developers are ready to proceed with their project and are requesting the PUD once again be amended to permit residential on the first floor. The second of three items under consideration this evening is a request for approval of the site plan. The third item is a request for a Conditional Land Use approval for a building over 32 feet in height.

Mr. Anzek noted that the proposed setback will allow angles that will not affect the sky plane, affecting the view of nearby residents.

**Paul Aragona** reviewed the building proposed, noting that it will be four-story with wood and metal framing housing 52 high-end residential units. He noted that the site was test-marketed for the proposed changeover from office to residential use, and all units have been tentatively leased out except for one. He commented that this was undertaken to convince the lenders that there is a market in Rochester Hills for a Type A urbanized unit and that the project would be able to achieve the necessary rents to drive the economics of a building of this size and scope. He stated that they are ready to begin construction, and believe that this is a great addition to the City Walk area. He commented that it will allow people to live in



*Rochester Hills in a more urbanized setting, yet enjoy a walkable area. He stated that it is hoped that the development will re-attract people who may have lived in the area at one time and wish to return, and will offer something unique and different for a demand that is there right now.*

**Public Comment:**

**Scot Beaton**, 655 Bolinger, stated that when he was previously on Council, the property in question was zoned Office-Research-Technology (ORT) from its previous zoning of retail/strip mall. He commented that while ORT would have been a great use for that particular parcel, the market never materialized for the project. He stated that the negotiated consent judgment to construct City Walk has resulted in a charming development, and he commented that he will be delighted if this 21st Century approach to urban planning could work in this area of the city.

**Charles Kowaleski**, 1459 Courtland, expressed concern over the height of the building, and questioned whether there were any other structures with that height in Rochester Hills other than the hospital or nursing home. He questioned how his property value will be affected, as the proposed development is approximately 20 yards from the back of his property. He expressed concern over noise levels, and pointed out that the plans call for fire pits on top of garages. He mentioned that traffic on Tienken is already heavy, with numerous accidents and young pedestrians hit. He noted that while it was stated that trees will block his view, many of the trees on the site are dead, with most of the existing trees located on his own property. He commented that the proposal will exceed the City's Master Plan.

**President Hooper** questioned what the distance is of the setback to the property line.

**Mr. Anzek** responded that the required setback is 50 feet and the height permitted in a B-2 zoning district is 35 feet. He noted that any height above that must be set back an additional foot for whatever foot of height. He explained that the proposed garages are actually back an additional distance, making the setback 78 feet total, and the distance from the property line to the building is in excess of 115 feet. He stated that upon a site visit review, a significant number of trees were noted to be at the property line, with some on neighboring properties. He pointed out that some carports are also proposed for those residents who choose not to rent garages. He stated that the four-story height of the building is 44 feet, which he stated is not that much higher than the 35 feet permitted to the midpoint of the slope for single family residential.

**President Hooper** mentioned several other buildings in Rochester Hills which are four stories, including at Oakland University and the former Volkswagen building.

**Mr. Anzek** added that the Danish Village senior residential development is a four-story complex, and noted that all high schools exceed the height limitation. He commented that it is his opinion that 44 feet is not insurmountable. He mentioned that after concerns were raised with Crittenton Hospital when the parking deck was being constructed, the structure was designed to be stair-stepped.



**President Hooper** noted that the City's Traffic Engineer was engaged to review traffic concerns.

**Mr. Anzek** responded that the City's Traffic Engineer revisited the traffic concerns expressed by area resident Tim Srock and noted that the residential development would generate less traffic on Tienken than it would if the development remained retail.

**President Hooper** questioned whether the impact on neighboring property values was considered.

**Mr. Anzek** responded that there is no documentation that the development will affect values. He recalled a study years ago that found that while the Village of Rochester Hills was thought to affect values, it actually became a marketing tool for properties as a convenience to nearby homes.

**President Hooper** questioned whether the fire pit amenities on top of the garages would be a nuisance.

**Paul Aragon** responded that the fire pits will be located on the garage section and would be natural gas fired with no wood involved. He commented that noise will be a concern for the development as well, and the lease will have prohibitions stating there will be no use after midnight.

**Council Discussion:**

**Mr. Brown** questioned how close the development will get to the minimum threshold for parking.

**Paul Aragon** responded that there will still be an abundance of parking. He explained that one bedroom units require space for one car, and two bedroom units require space for two cars. He stated that one-and-one-half spaces will be available per apartment unit, and he noted that double the required parking is available in the existing spaces.

**Francis Aragon** responded that there will be 31 extra spaces.

**Mr. Tisdell** commented that an acquaintance of his served on a committee in Birmingham that called for a complete revision of their Master Plan, and he stated that height was the first issue addressed. He noted that their consultant asked the question whether Birmingham wished to be considered a village or a city, and recommended that the height limitations be eliminated. He stated that this is the type of walkable development that both Millennials and Baby Boomers will demand.

**Mr. Wiggins** questioned additional tree plantings could be required to reduce noise or a wall be required.

**Paul Aragona** responded that there is no additional space to add trees as the plantings were originally overdone. He explained that there are two layers of plantings on the property providing very dense vegetation and trees that are higher than the buildings themselves. He commented that the trees will block out 85 percent of any view of the building from the rear yards adjoining the building.

**Mr. Anzek** responded that the original plantings dictated in the PUD were very dense as the preference was to have a natural barrier. He added that the garage roof spaces will include some railing.

**Paul Aragona** stated that a parapet wall is proposed at a height of three to four feet with one to two foot handrails to shield the people using the roof patio from adjoining apartments and nearby residents.

**President Hooper** questioned whether the residents will be shielded against headlight intrusion from vehicles pulling into the carports.

**Paul Aragona** responded that carports are planned for a part of the rear yard distance and will include a drop panel to shield headlights.

**Ms. Morita** noted that the Fire Department initially withheld approval; however, it later approved the proposal.

**Mr. Anzek** responded that it had to do with requiring a paint striped fire lane on the east side of the garage doors. He added that on the west side, the Fire Department required a 26 foot aisle to maneuver equipment. The curb was designed to be pulled back to accommodate that distance.

**Ms. Morita** questioned where the 44 foot height is measured from.

**Mr. Anzek** responded that while it is 46 feet to the very top of the building, the top of the fourth floor will be closer to 36 feet in height. He noted that the remaining height is will allow for the HVAC equipment to be hidden by decorative design and parapets.

**Ms. Morita** questioned whether the tallest point of the building will be 46 feet.

**Francis Aragona** stated that the height to the top of the roof deck is 48 feet and to the top of the parapet in the front and center section is 60 feet.

**Paul Aragona** added that this height will be on features in the front and will not be viewed from the back of the building.

**Ms. Morita** questioned whether the height could be shortened and why four stories are necessary.

**Paul Aragona** responded that the building would not be aesthetically pleasing without the architectural features. He added that four stories are necessary to yield the unit count needed to make the project viable.

**Ms. Morita** questioned whether the homes directly to the east were mostly one or two stories in height.

**Paul Aragona** responded that it is approximately half and half.

**Ms. Morita** stated that someone with a ranch adjacent could have a 60 foot building in their backyard.

**Paul Aragona** responded that they will not see much of the building because of the trees, and he added that the adjacent lots are very deep.

**Ms. Morita** questioned whether the trees are deciduous.

**Paul Aragona** responded that they are both deciduous and non-deciduous. He stressed that the view will still be heavily obscured with the vegetation in between.

**Ms. Morita** commented that she has a problem with placing a 60-foot building next to residential.

**Paul Aragona** stated that the proposed development is residential as well.

**Ms. Morita** commented that commercial or office building workers leave at night; however, a residential building will be able to look into the backyards and homes of the neighbors.

**Paul Aragona** reiterated that the building residents will not be able to look into the residential properties.

**Ms. Morita** stated that the developer is relying on adjacent residents to keep their vegetation. She commented that while she understands the purpose and supports the idea, putting this development next to single family residential is too intense of a use.

**President Hooper** questioned what the average rear yard setback is for the homes on Courtland.

**Mr. Anzek** responded that the homes are close to 150 feet from the property line.

**President Hooper** commented that considering the proposed setback, there will be almost a football field of distance.

**Mr. Anzek** stated that the 60 foot height is on the western side of the building, with 48 feet on the eastern side abutting the existing neighborhood. He stated that this height is still in the same ballpark as single family homes. He commented that while this is a new idea for the community, the Planning Commission has discussed promoting walkability for years.

**President Hooper** stated that the development was looked at by the Planning Commission and resident concerns were taken seriously.

**Mr. Anzek** commented that Planning Commission Staff Architect David Reece was highly supportive, noting how the points of interest in the design break up the solid wall.

**Mr. Wiggins** questioned what other options would be available if this type of project was not built.

**Mr. Anzek** responded that the existing PUD supports this specific use and if it is not constructed, the developer would be back to Council for an amendment to the PUD.

**Paul Aragona** stated that if this is not constructed, most likely additional retail would be sought.

**Mr. Wiggins** commented that the consideration is between additional retail and a development of this quality.

**See Also Legislative Files 2015-0226 and 2015-0264.**

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

**Aye** 5 - Brown, Hooper, Morita, Tisdel and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0198-2015

**Resolved**, that the Rochester Hills City Council hereby approves the Second Amendment to the Planned Unit Development Agreement for City Walk/City Apartments PUD, located at the southeast corner of Rochester Rd. and Tienken, to allow residential uses on the first floor of Building D and accessory structures, zoned FB-2, Flexible Business with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant, with the following findings:

Findings:

1. The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.
2. The proposed amended PUD agreement is consistent with the approved Final PUD plan.
3. The amended PUD agreement will not create an unacceptable impact on public utility and circulation systems, surrounding properties or the environment.
4. The proposed amended PUD agreement promotes the goals and objectives of the Master Plan as they related to providing varied housing for the residents of the City.
5. The proposed agreement provides for an appropriate transition between the subject site and existing land uses to the east of the property.

**2015-0226** Request for Site Plan Approval - City Walk/City Apartments, a proposed 53-unit apartment building at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2, Flexible Business Overlay with a Planned Unit Development Overlay; City Walk, LLC, Applicant

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Site Plans.pdf](#)  
[Staff Report 062615.pdf](#)  
[Fire review.pdf](#)  
[Shumejko Memo.pdf](#)  
[Minutes PC 063015.pdf](#)  
[Minutes PC 111913.pdf](#)  
[Minutes PC 043013.pdf](#)  
[Resolution \(Draft\).pdf](#)

**See Legislative File 2013-0171 for Council Discussion.**

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

**Aye** 4 - Brown, Hooper, Tisdell and Wiggins

**Nay** 1 - Morita

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0199-2015

***Resolved***, that the Rochester Hills City Council hereby approves the final Site Plans, dated received June 11, 2015 by the Planning and Development Department for City Walk/City Apartments, a 53-unit apartment building and associated accessory structures at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2, Flexible Business with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant, with the following findings and conditions:

**Findings:**

1. The site plan and supporting documents demonstrate that all applicable requirements of the zoning ordinance, as well as other city ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed final plan promotes the goals and objectives of the Master Plan by offering a variety of housing.

**Conditions:**

1. Provision of landscape cost estimates to determine the amount of the performance bond, prior to issuance of a Land Improvement Permit.

2. Provision of an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
3. Address all applicable comments from City departments and outside agency review letters, prior to final approval by Staff.

**2015-0264** Request for Conditional Use Approval - City Apartments, for the height of the four-story apartment building at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2 with a Planned Unit Development Overlay; City Walk, LLC, Applicant

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Site Plans.pdf](#)  
[Minutes PC 063015.pdf](#)  
[PHN CLU 063015.pdf](#)  
[Resolution \(Draft\).pdf](#)

**See Legislative File 2013-0171 for Council Discussion.**

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

**Aye** 4 - Brown, Hooper, Tisdell and Wiggins

**Nay** 1 - Morita

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0200-2015

**Resolved,** that the Rochester Hills City Council hereby approves a Conditional Use for City Walk/City Apartments for the height of the four-story apartment building at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2 with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant with the following findings and condition:

**Findings:**

1. Per the PUD Agreement, the Planning Commission is authorized to make a recommendation to City Council for the height of the building.
2. The maximum height of the apartment building is 60 feet.
3. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
4. The expanded use will promote the intent and purpose of the Planned Unit Development Agreement.
5. The proposed building has been designed and is proposed to be constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing and planned character of the development, the general vicinity, adjacent uses of land, the natural environment and the capacity of public services and facilities affected by the land use.

6. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering an alternative housing option.
7. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and refuse disposal.
8. The proposed development should not be detrimental, hazardous or disturbing to existing or future neighboring land uses, persons, property or the public welfare.
9. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Condition:

1. Use of the common areas shall be available from 6:00 a.m. until midnight.

## 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.

- 2015-0289** Request for Approval of a SCADA Site License Agreement between the County of Oakland and the City of Rochester Hills to allow the City to install, operate and maintain SCADA facilities on a new radio tower to be constructed by Oakland County

**Attachments:** [072015 Agenda Summary.pdf](#)  
[SCADA Site License Agreement.Dequindre.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0201-2015

**Whereas**, the Department of Public Services, Engineering Division, requests Rochester Hills City Council to approve the SCADA (Supervisory Control and Data Acquisition) Site License Agreement between the County of Oakland and the City of Rochester Hills that will allow the City to install, operate and maintain SCADA facilities on a new radio tower that the County is constructing.

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the SCADA Site License Agreement between the County of Oakland and the City of Rochester Hills allowing the City to install, operate and maintain SCADA facilities on a new radio tower that the County is constructing, and authorizes the Mayor to execute the contract on behalf of the City.

- 2015-0290** Request for Approval of a SCADA Site License Agreement between the County of Oakland and the City of Rochester Hills for the existing radio tower located at City Hall

**Attachments:** [072015 Agenda Summary.pdf](#)  
[SCADA Site License Agreement.CityHall.pdf](#)  
[Resolution \(Draft\).pdf](#)



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

Enactment No: RES0202-2015

**Whereas**, the Department of Public Services requests Rochester Hills City Council to approve the SCADA (Supervisory Control and Data Acquisition) Site License Agreement between the County of Oakland and the City of Rochester Hills that will allow Oakland County to install, operate and maintain SCADA facilities on the existing radio tower located at City Hall.

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the SCADA Site License Agreement between the County of Oakland and the City of Rochester Hills allowing Oakland County to install, operate and maintain SCADA facilities on the existing radio tower located at City Hall, and authorizes the Mayor to execute the contract on behalf of the City.

- 2015-0278** Request for Purchase Authorization - DPS/ENG: Agreement for the installation, operations, and maintenance of the existing traffic signal at the intersection of Rochester Road (M-150) and Hamlin Road; Michigan Department of Transportation, Lansing, MI

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Cost Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0203-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the agreement between the Michigan Department of Transportation, Lansing, Michigan and the City of Rochester Hills for the installation, operations, and maintenance of the traffic signal at the intersection of Rochester Road (M-150) and Hamlin Road and further authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

- 2015-0288** Request for Purchase Authorization - FIRE: Purchase of Miscellaneous Fire Department Equipment in the amount not-to-exceed \$82,530.28; Safeware Inc., Lanham, MD; Douglass Safety Systems, Sandford, MI; First Due Fire Supply, Mason, MI; Essential Equipment Solutions, St. Charles, IL

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Bid Tab 15-036.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0204-2015

**Resolved**, that Rochester Hills City Council hereby authorizes the purchase of miscellaneous fire department equipment in the amount of \$44,393.52 to Safeware Inc., Lanham, Maryland, the amount of \$31,188.54 to Douglass Safety Systems, Sandford, Michigan, the amount of \$3,669.45 to First Due Fire Supply, Mason, Michigan and the amount of \$3,278.77 to Essential Equipment Solutions, St. Charles, Illinois, for a total purchase cost not-to-exceed \$82,530.28.

- 2015-0281** Request for Purchase Authorization - MAYOR: Increase to blanket purchase order for citywide printing services in the amount of \$36,150.00 for a new

not-to-exceed amount \$61,150.00 through February 29, 2016; Image Printing, Inc., Royal Oak, MI

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Proposal Spreadsheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0205-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Image Printing, Inc., Royal Oak, Michigan for citywide printing services in the amount of \$36,150.00 for a new not-to-exceed amount of \$61,150.00 through February 29, 2016.

**2015-0296** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for rental of two (2) temporary housing units in the amount not-to-exceed \$61,248.00; Mobilease Modular Space, Inc., Pedricktown, NJ

**Attachments:** [072015 Agenda Summary.pdf](#)  
[BID Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0206-2015

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order in the amount not-to-exceed \$61,248.00 to Mobilease Modular Space, Inc., Pedricktown, New Jersey for the rental of two (2) temporary housing units.

## 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** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** responded to Public Comment regarding a lapse in the progress of construction of a commercial development at the corner of John R and Avon Roads and requested that the Administration follow through and determine the status of construction. He mentioned that the Festival of the Hills Fireworks event was well attended and was very successful.

**Mr. Wiggins** noted that he has been in contact with Bob White, Supervisor of Ordinance Services regarding the commercial building at John R and Avon Roads. He stated that he was informed that while there had been issues with a deceleration lane, those issues have been resolved; and he noted that the owner has informed the City that they will continue to work on the site and is trying to find a tenant. He commented that this is in his district and he will continue to follow up.

**Mayor Barnett** reported the following:

- The City was the focus of an article in Crain's Detroit Business which highlighted the boom in development. Focusing on the Barrington Park project, the article stated that the City enjoys the lowest vacancy rate in its history.
- The Riverbend Park Committee, consisting of 15 to 18 interested City staff members are helping to provide the consultant with steering and creativity in ideas for the design of the park. The Planning Commission and Council will be updated on the progress.
- The North Oakland County Water Authority is in first place for consideration in the Community Excellence Awards. NOCWA moves into the next round for consideration.
- The weather has cooperated and allowed much of the City's road work to make great progress. Tienken Road has received its first paving coat from Kings Cove Drive to Rochester Road and the project is ahead of schedule. The road could reopen in as early as four to five weeks. The section from Brewster to Adams has had curb and gutter placed. Work on the eastern lanes of Rochester Road is complete.
- The City hosted a watch party for the USA Women's Soccer Team as they competed, where approximately 200 kids and adults enjoyed free food and gifts.
- Grand opening ribbon cuttings were held for Wayback Burgers on Walton Boulevard, Lululemon at the Village of Rochester Hills, and McDonald's on Auburn Road near Rochester Road.
- The site of the former Big Boy restaurant on Livernois will be the new home of three new food establishments. Leo's Coney Island, Smashburger and Potbelly Sandwiches will be housed in the new building.
- Bloomer Park will be site of a Park-It Family Fun Night on Tuesday, July 28, 2015. The event will feature live music, children's activities and giveaways. Starting at 6 p.m., the Lego Movie will be shown under the stars.
- The Rochester Hills Museum at Van Hoosen Farm hosts Wet and Wild Wednesdays through the end of the month.
- Registration is open for the Brooksie Way race, set for September 27, 2015.

## ATTORNEY'S REPORT

None.

## NOMINATIONS/APPOINTMENTS

**2015-0283** Appointment of Youth Members to the 2015/2016 Rochester Hills Government Youth Council (RHGYC)

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mr. Tisdell** stated that this is his fourth year as Council Liaison to the Rochester Hills Government Youth Council (RHGYC), which consists of 15 young adults serving the community. He noted that the RHGYC must consist of at two high school students from each Council district and the RHGYC Bylaws require that

*all high schools be represented. He listed the nine returning members who applied and were accepted, and will be returning for the 2015-2016 school year. He listed the proposed incoming members, and their schools and Districts represented. He commented that 17 additional eligible applicants were interviewed by Charnele Sanders, Clerk's Office Adult Liaison to the RHGYC, graduating senior Isabella Tan, and himself. He mentioned that the City continues to receive applications and interest from those outside of the City limits.*

*He commented that the RHGYC is an exceptional group of high school students that serve the city, raising over \$50,000 for charities over the past three years that he has been involved with the group and providing hundreds of hours of volunteer work. He mentioned that other youth come and support the RHGYC's efforts, and noted that Ahmadiyya Muslim Youth Association of Metropolitan Detroit (AMYA), whose representatives were in attendance at tonight's meeting, has helped on RHGYC projects.*

***Ms. Morita** stated that she was excited to see Grace Currier's name as a proposed member for next year. She commented that Ms. Currier lives in her neighborhood, and is a great example of the type of individual appointed to the RHGYC. She commented that she cannot wait to see what the group will do.*

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0207-2015

**Resolved**, that the Rochester Hills City Council hereby concurs with the recommendation of the Rochester Hills Government Youth Council (RHGYC) Interview Team and waives Article II, Membership and Terms, Section 1.a. of the RHGYC Bylaws and Rules of Procedure to allow the appointment of fifteen (15) members to the RHGYC for the 2015/2016 term.

**Be it further resolved**, that the Rochester Hills City Council concurs with the recommendation of the RHGYC Interview Team and appoints the following students to the 2015/2016 term beginning September 1, 2015 and ending August 31, 2016.

<b>Representative</b>	<b>High School</b>	<b>District</b>
Ali Ahmed	Rochester Adams	1
Jasneet Aulakh	Rochester High	3
Grace Currier	Marian High	1
Ramona Johnson	Rochester High	4
Hannah Kowalski	International Academy	2
Joshua Morgan	Oakland Christian	3
Brianna Morris	Avondale	3
Shreya Reddy	Rochester High	4
Elena Romund	Rochester Adams	2
Chris Russell	Rochester	3
Samina Saifee	Detroit Country Day	4
Alexis Smith	Stoney Creek	2
Katharine Smyth	Rochester Adams	1
Taylor Thorpe	Rochester Adams	2
Jack Vaglia	Rochester Adams	1

- 2015-0304** Request to Confirm the Mayor's reappointment of Ernest Colling Jr. to the Advisory Traffic and Safety Board for a three-year term to expire June 30, 2018

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Colling CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0208-2015

**Resolved**, that the Rochester Hills City Council hereby confirms the reappointment of Ernest Colling Jr. to the Advisory Traffic and Safety Board for a three-year term to expire June 30, 2018.

## **NEW BUSINESS**

- 2015-0085** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Langeron Charities, Inc.

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Cover Letter.pdf](#)  
[Bylaws.pdf](#)  
[Articles of Incorporation.pdf](#)  
[IRS Determination Letter.pdf](#)  
[Revenue and Expense Statement.pdf](#)  
[Board of Directors.pdf](#)  
[Initial Solicitation Registration Form.pdf](#)  
[Organization Summary.pdf](#)  
[Board Resolution.pdf](#)  
[Letters Regarding Langeron Charities.pdf](#)  
[CC Min 022315.pdf](#)  
[Articles of Incorporation obtained from State website on 062415.pdf](#)  
[022315 Agenda Summary.pdf](#)  
[022315 Cover Letter.pdf](#)  
[022315 Bylaws.pdf](#)  
[022315 Articles of Incorporation.pdf](#)  
[022315 IRS Determination Letter.pdf](#)  
[022315 Revenue and Expense Statement.pdf](#)  
[022315 Board of Directors.pdf](#)  
[022315 Initial Solicitation Registration Form.pdf](#)  
[022315 Organizational Minutes 050109.pdf](#)  
[022315 Organization Summary.pdf](#)  
[022315 Board Resolution.pdf](#)  
[022315 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Hooper** noted that Langeron Charities previously requested Council's adoption of a resolution recognizing them as a nonprofit organization in the community for the purpose of obtaining a charitable gaming license; however, at the time Council did not feel that enough information was provided to approve the request. He stated that Council's task tonight is to either approve or deny the request, which would vouch for the charitable nature of the organization.

**Rudolf Krichmar**, in attendance to represent Langeron Charities, stated that he submitted additional documentation in the hopes that everything is complete. He stated that if additional corrections are needed, they would be done. He commented that they help Ukrainian people and work to help those in crisis in the Ukraine. He explained that the charity did not have any donors this year and hopes to receive approval from the City and from the Michigan Gaming Control.

**Mr. Tisdell** noted that the original organization's Articles of Incorporation were filed in 2006 and the organization appears to have been relatively inactive since that time.

**Mr. Krichmar** responded that when they first submitted, the organization thought it would do home care. Subsequently the members changed their mind and resubmitted to the State of Michigan as a charity.

**Mr. Tisdell** questioned the primary function of the organization, its overall objective or goal, and who it is seeking to serve.

**Mr. Krichmar** responded that the group helps Ukrainian people with food and provides computers. The group also raises money to send to the Ukraine to help with the crisis.

**Mr. Tisdell** questioned whether there are other organizations in the area that the charity is familiar with that are targeted to serve the Ukrainian community.

**Mr. Krichmar** responded that the charity does not have any donors able to help them this year.

**Mr. Tisdell** questioned how many Ukrainian families or recent immigrants are in the Rochester Hills community and whether the charity can detail a demand or need for its services.

**Mr. Krichmar** responded that he does not know how many there are. He commented that the charity has individuals from all around communities in Michigan including Oak Park and Southfield and it is difficult to detail a demand or need.

**Mr. Wiggins** questioned why the charity has been unable to get any donors this year and if it is because the charity does not have a gaming license.

**Mr. Krichmar** stated that the charity decided to obtain a gaming license as it is aware of many charity rooms running these types of events. He stated that with a license the charity will be able to raise money for the poor. He commented that the charity considers the license a last chance.

**Mr. Brown** questioned what activities the charity will conduct with the license.

**Mr. Krichmar** responded that charity poker rooms exist in Michigan. He commented that he knows the suppliers of these rooms and they stated that once approval is granted by the State Gaming Control they would schedule events.

**Ms. Morita** questioned how someone would become a member of the organization.

**Mr. Krichmar** responded that the organization's members are not paid and are good people he has known for many years. He commented that the members meet each other to discuss the problems and made the decision to seek this approval.

**Ms. Morita** questioned what type of qualifications an individual needs to become a member of the organization and whether anyone can become a member.

**Mr. Krichmar** responded that not just anyone can become a member. He noted that the current members have known each other for many years, and he confirmed that anyone can become a member who wants to help.

**Ms. Morita** noted that the packet included several different versions of the Articles of Incorporation. She noted one version included a reference to a charity focused on Jewish traditions.

**Mr. Krichmar** responded that this was a mistake.

**Ms. Morita** commented that it appears that that version is on file with the State.



**Mr. Krichmar** responded that he will make a correction. He commented that his friends have a Jewish charity and helped with the paperwork. He stated that perhaps that information was included by mistake.

**Ms. Morita** stated that the organization's Statement of Purpose notes that the Ukrainian charity helps new immigrants to the United States get established. She questioned why the organization has not undertaken any activities or fund raising events this year and whether it organized any food drives.

**Mr. Krichmar** responded it undertook no activities because it had no funds and had not done any food drives. He stated that the gaming event will help the organization to survive.

**President Hooper** stated that Council's purpose is to vouch for the nonprofit nature of the charity, and he commented that he just does not see it. He commented that while Mr. Krichmar seems like an honorable person with an admirable goal of helping the Ukrainian community, it is his opinion that the organization is not a viable charity; and he cannot vouch for the organization as a charity for the purpose of obtaining a gaming license. He noted that it seems that the gaming license is the driving force for the charity, contrary to the purpose of a gaming license to assist a viable charity; and he stated that he cannot support the recognition.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0209-2015

**Resolved**, that the request from the Langeron Charities, Inc., located at 2781 Dearborn, Rochester Hills, MI 48309, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be denied.

**2015-0285** Request for Acceptance of the Engineer's Report for the proposed Special Assessment District (SAD) paving project of Norton Lawn and Hickory Lawn

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Aerial Location Map.pdf](#)  
[Engineer Report.pdf](#)  
[Hickory Lawn Draft Assessment Roll.pdf](#)  
[Norton Lawn Draft Assessment Roll.pdf](#)  
[OHM Prelim Const Cost Est.2015.June12.pdf](#)  
[Resolution \(Draft\).](#)

**Allan Schneck**, Director of DPS/Engineering, stated that tonight's request is one step in the Special Assessment District (SAD) process established by the Public Safety and Infrastructure Technical Review Committee and approved by Council. He noted that accepting the Engineer's Report as well as establishing a Public Hearing date is a part of the SAD process.

**Council Discussion:**

**Scot Beaton**, 655 Bolinger, stated that he is in favor of whatever the majority of the residents want. He commented that paving these three-quarter mile long roads with money from the residents' pockets will create dragways. He suggested Engineering staff look at installing traffic calming devices on each stretch of roadway to slow traffic down.

**Vicki Boork**, 2724 Hickory Lawn, expressed her opposition to the paving SAD. She commented that she chose to buy her home in Rochester Hills in 1993 because of its acre lots and dirt roads. She stated that if the petition is deemed legal, she will follow it; however, after obtaining a copy she does not believe that the petitions contain enough legal signatures of the owners. She questioned whether names could be added, or those who had changed their mind and ask that their names be removed would be taken off the petition list. She pointed out that cars can be heard coming on gravel roads and a child could be hit on a paved road because of not realizing a car was coming. She noted that one set of petitions for Hickory Lawn does not have the circulators' names or signatures.

In response to Public Comment, **President Hooper** noted that the design plan for the roadway contains four speed humps to be located on each street.

**Mr. Schneck** confirmed that speed humps are included in the Engineering Report for the purpose of traffic calming.

**President Hooper** explained that the SAD process is at the beginning, where Council would simply accept the Engineer's Report. Subsequent to the report, a multi-step process continues where an official petition is put out which is verified by the City Assessor as to who the property owners are. The majority of lot owners on each street, or a minimum of 51 percent, must agree to the SAD. He noted that the petitions received started the process. He pointed out that if there is not at least 51 percent of each street in concurrence, he is certain that Council will not proceed. He commented that from the number of residents that he spoke to at an informational meeting, it appears to him that there is an overwhelming support for paving both streets.

**Mr. Schneck** confirmed that this is part of a process to ensure that the paving project is vetted out prior to proceeding.

**Ms. Morita** noted that the motion in the packet would set a Public Hearing for August 10, 2015. She suggested that owners should plan on coming to that meeting to voice their opinions.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0210-2015

**Whereas**, the Department of Public Services requests that the Rochester Hills City Council accept the Engineer's Report for the proposed paving project of Norton Lawn and Hickory Lawn, City File Number E14-030, Section 27.

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the Engineer's Report for the proposed paving project of Norton Lawn and Hickory Lawn and sets the date of August 10, 2015, for the Public Hearing on the necessity of the project.

**2015-0291** Request for Acceptance of the Great Lakes Water Authority Water Service Contract and Authorization for the North Oakland County Water Authority (NOCWA) to execute the agreement

**Attachments:** [072015 Agenda Summary.pdf](#)  
[Agreement to Assign Wholesale Customer Water Service Contract .pdf](#)  
[Resolution-Agreement Detroit GLWA NOCWA.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that it is no secret that the industry is evolving since the transfer and lease of assets from the Detroit Water and Sewerage Department (DWSD) to the Great Lakes Water Authority. He noted that tonight's request asks for Council's approval of the DWSD's contract transition to the GLWA.

**Mr. Brown** commented that this is one of the best projects he has seen and will bring communities together and saves residents money.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0211-2015

**Whereas**, on September 9, 2014, a Memorandum of Understanding Regarding the Formation of the Great Lakes Water Authority was adopted by the City of Detroit, the State of Michigan and the counties of Wayne, Oakland and Macomb; and

**Whereas**, the Memorandum of Understanding required, among other things, that the City of Detroit and the counties of Wayne, Oakland and Macomb adopt Articles of Incorporation no later than October 10, 2014, and that the City of Detroit and the Great Lakes Water Authority execute a lease agreement regarding the operation and management of the Detroit water supply and sewage disposal systems; and

**Whereas**, on October 10, 2014, the City of Detroit and the counties of Wayne, Oakland and Macomb adopted the Articles of Incorporation of Great Lakes Water Authority; and

**Whereas**, on June 12, 2015, the City of Detroit and the Great Lakes Water Authority executed two 40-year lease agreements regarding (1) the operation and management of the Detroit water supply system ("Water Lease") and (2) the operation and management of the Detroit sewage disposal system; and

**Whereas**, at Section 4.1(a)(i) of the Water Lease, the City of Detroit assigns and the Great Lakes Water Authority assumes all of Detroit's rights and obligations under the wholesale customer water contracts; and

**Whereas**, Section 3.2(j) of the Water Lease provides that the effective date of the Water Lease is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of the wholesale water customers to the assignment of their 30-year water service contracts to the Great Lakes Water Authority; and

**Whereas**, pursuant to the Water Lease, and as provided in Article 13 of the Water Service Contract, the City of Detroit has presented an Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and this community for the assignment of the Water Service Contract with the City of Detroit Water and Sewerage Department to the Great Lakes Water Authority with a request for approval; and

**Whereas**, this Honorable Body finds it is in the best interests of this community to consent to the assignment of the Water Service Contract to the Great Lakes Water Authority;

**Now Therefore Be It Resolved**, that the attached Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority, and North Oakland County Water Authority is approved; and

**Be It Further Resolved**, that a certified copy of this Resolution and the executed Agreement to Assign Wholesale Customer Water Service Contract be returned to the City of Detroit Water and Sewerage Department within seven (7) days of the date of this Resolution.

**2015-0279** Request for Purchase Authorization - DPS/GAR: Purchase of one (1) crane service body in the amount of \$30,697.81; Knapheide Truck Equipment, Flint,

**Attachments:** [072015 Agenda Summary.pdf](#)  
[15-060 Crane Service Body Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that earlier this year, Council approved the purchase of a cab and chassis. He explained that this request will provide the upfit of the cab and chassis to house the City's hydrant vehicle, which is used when hydrants are hit or need to be replaced. He added that the equipment can also be used at the City's two lift stations, to remove pumps for service.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0212-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of one (1) crane service body from Knapheide Truck Equipment, Flint, Michigan in the amount not-to-exceed \$30,697.81.

**2015-0294** Request for Approval of the Tentative Agreement between the City of Rochester Hills and the Michigan Association of Fire Fighters (MAFF), effective January 1, 2015 through December 31, 2018

**Attachments:** [072015 Agenda Summary.pdf](#)  
[RH MAFF TA CC Exhibit.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Pam Gordon**, Director of Human Resources, and **Sean Canto**, Chief of Fire and Emergency Services, were in attendance.

**Ms. Gordon** noted that Council is requested to approve a four-year contract with the Michigan Association of Fire Fighters (MAFF), which conforms with Chief Canto's vision for the Fire Department to transition from a combination of full-time and paid-on-call members to a combination of full-time and part-time. She commented that the contract details were discussed during Closed Session on the particulars of the contract.

**Chief Canto** stated that the goal was to ensure that there is consistency between the MAFF and International Association of Fire Fighters (IAFF) contracts. He commented that he believes the proposed contract achieves that goal.

**Mr. Brown** complimented Chief Canto, noting that within his first 90 days with the City, he completed reviews of the City's fire stations to recommend upgrades. He commented that his efforts have continued into his second year with the City.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0213-2015

**Whereas**, a tentative four-year agreement, negotiated between the City of Rochester Hills and the Michigan Association of Fire Fighters (MAFF) was ratified by the union on July 8, 2015; and

**Whereas**, the agreement gives the City the right to transition from the current combination Full-time/Paid-On-Call operation to a combination Full-Time/Part-Time model as originally proposed by the Fire Chief.

**Resolved**, that the Rochester Hills City Council authorizes immediate ratification of the MAFF tentative agreement, effective January 1, 2015 through December 31, 2018.

**2015-0293** Request for Adoption of the Revised Tree Fund Policy

**Attachments:** [072015 Agenda Summary.pdf](#)  
[072015 Tree Fund Policy Mark Up.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mike Hartner**, Director of Parks and Forestry, explained that the City's Tree Conservation Ordinance has allowed the Forestry Division to plant over 8,000 trees in Rochester Hills since 1988. He stated that developers were required to deposit monies into an escrow fund to pay for one tree per lot after a subdivision is complete, which has been used to plant 5,800 trees planted to date.

*Developers are also required to preserve a minimum of 37 percent of the trees on the property prior to any development or pay into the Tree Fund for each tree they cannot relocate or replant. This has resulted in \$1.6 million dollars currently in the Tree Fund.*

*He stated that Administrative Policy 409-1999 initiated by then Mayor Ken Snell encouraged property owners to plant trees at a fifty-fifty cost share. The program has averaged approximately 100 trees each year since that time. He commented that these programs have run their course, and he noted that back in 1986 the City had over 4,000 planting sites. He mentioned that since that time, trees have been lost due to paving and ditching projects; and over 1,700 trees have been lost due to attacks by the Emerald Ash Borer. He stated that the time is right for the professional staff of the Forestry Division to plant trees in 500 locations per year for the next five years. He pointed out that the dedicated monies in the Tree Fund would plant those trees; and he suggested that Council approve the initiation of this new program in 2016. He explained that tonight's request is to delete reference in the Tree Fund Policy to the cooperative tree planting program, noting that if this is granted approval, the program would end for 2016. He stressed that the essence and mission of the Tree Fund Policy remains the same, which is to plant trees.*

***Gerry Lee**, Forestry Operations Manager, stated that there have been two major planting programs since 1988 and 1999, which have served the city well. He explained that the programs have leveled off and are declining, and the City's tree canopy has been diminished in the last 30 years. He stated that something must be done to try to reverse that, and he noted that the City has \$1.6 million available that the Forestry Division can use to plant street trees.*

**Public Comment:**

***Scot Beaton**, 655 Bolinger, noted that he was a member of Council when the original Tree Ordinance was adopted. He stated that this is an incredible opportunity to allow the Forestry Department to reexamine the Tree Fund and recanopy Rochester Hills with street trees. He mentioned that Earl Borden planted Mountain Ash trees along Walton Boulevard that were attacked and killed by disease, and he suggested that the Forestry Division replant trees along Walton.*

***Mr. Tisdell** noted that he has had the opportunity to speak at length with Mr. Hartner and Mr. Lee. He requested they describe the difference between the cooperative program and the escrow fund.*

***Mr. Lee** responded that the Subdivision Control Ordinance of 1979 requires developers to pay a per-lot fee to the escrow account, and the Forestry Division would plant a street tree. In 1999, a cooperative program began where any resident could ask to participate in the planting program at a cost share basis.*

***Mr. Tisdell** noted that the funding of those escrow trees and cooperative trees is from builders and developers. He mentioned that over the last decade, participation in the programs have fallen, a significant drop noted this past year. He stressed that the money in the Tree Fund can only be spent on trees, and he commented that a tree in the ground matures faster in value than the money*

does sitting in the bank. He stated that the sooner the City can plant trees, the faster will be its return on its investment. He pointed out that there will be some balance left in the Fund in the event that there is another outbreak of disease.

**Mr. Hartner** noted that the program will be re-evaluated at the end of five years. He commented that even with no interest, at that point in time there will still be over \$900,000 in the Fund.

**Ms. Morita** expressed her appreciation for the cooperative program, noting that she has a tree which she paid for. She questioned what happens if a homeowner has a good spot but does not want a tree. She stated that she does not want a tree planted where it will not be properly maintained.

**Mr. Hartner** stated that residents are notified and will have the opportunity to opt-out. He noted that it is the Forestry Division's decision as to what species is most appropriate for the location.

**Mr. Brown** commented that if the goal is to plant more trees, why not keep the cooperative program going and plant additional trees. He stated that it could stretch the City's money to plant more trees.

**Mr. Hartner** responded that he does not believe there will be much interest in the cooperative program after the new program begins. He explained that the cooperative program was more driven by residents, and stated that this new program will be driven by the City's professional staff. He commented that if a resident wants to donate to the City's tree fund, the donation would be accepted.

**Mr. Brown** questioned what would occur if someone in a subdivision wants a tree and does not make the City's list.

**Mr. Hartner** responded that the City has pretty much gone through everyone that is interested as the program has been in place for a number of years.

**Mr. Lee** concurred, commenting that the City has hit its maximum.

**President Hooper** stated that the City will receive many requests once it announces that free trees are available.

**Mr. Wiggins** questioned whether granting the approval will authorize the program for the next five years.

**President Hooper** noted that Council is being asked to approve a change in the Tree Fund Policy.

**Mr. Hartner** responded that reference to Mayor Snell's Administrative Policy under use of funds, which was included in the 2010 revision, is being deleted, and the date of the will be updated. He stressed that the City will still plant trees, and will come to Council for approval during the budget session for 2016-2017-2018 as the first three years of a five-year plan with 500 trees per year.

**President Hooper** noted that it will be an annual decision during the budget process.



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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0214-2015

**Resolved**, that the Rochester Hills City Council adopts the revised Tree Fund Policy, as amended.

**2015-0102** Request for Purchase Authorization - PARKS/FORESTRY: Increase to Blanket Purchase Order for 2015 Street Tree Planting in the amount of \$95,000.00 for a new not-to-exceed amount of \$155,000.00; Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, MI

**Attachments:** [072015 Agenda Summary.pdf](#)  
[033015 Agenda Summary.pdf](#)  
[Supplemental Proposals Tabulation.pdf](#)  
[Proposals Tabulation.pdf](#)  
[033015 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mike Hartner**, Director of Parks and Forestry, stated that this request is strictly for the Fall 2015 tree planting program. He explained that it will cover the remaining trees needed for the cooperative planting program and include an additional 250 trees to be planted by the City. He noted that the Mayor's original idea was to plant 500 trees. He commented that the Mayor's program only included 74 free trees for the Spring program and only 100 more residents called after the Spring program concluded. He pointed out that up to 250 trees can be planted; and noted that the blanket purchase order must be bumped up to cover the program.

**President Hooper** commented that the request to plant free trees was not dealt with during budget discussions; however, Council is considering it now to increase the budget to provide the free trees.

**Mr. Hartner** confirmed that 250 trees are requested.

**Mr. Tisdell** pointed out that Tree Fund monies are applicable only to putting trees in the ground. He commented that mature trees grow in value faster than the money does sitting in the bank.

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

**Aye** 5 - Brown, Hooper, Morita, Tisdell and Wiggins

**Absent** 2 - Hetrick and Kochenderfer

Enactment No: RES0215-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, in the amount of \$95,000.00, for a new not-to-exceed amount of \$155,000.00.

**ANY OTHER BUSINESS**

*None.*

**NEXT MEETING DATE**

*Regular Meeting - Monday, August 10, 2015 - 7:00 p.m.*

**ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 9:21 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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

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

*Approved as presented at the September 28, 2015 Regular City Council Meeting.*