



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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."*

Monday, October 26, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:04 p.m. Michigan Time.*

ROLL CALL

Present 7 - Kevin S. Brown, Dale Hetrick, Greg Hooper, Adam Kochenderfer, 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
Scott Cope, Director of Building and Ordinance Compliance
Captain Michael Johnson, Oakland County Sheriff's Office
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Pamela Valentik, Manager of Economic Development*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

None.

RECOGNITIONS

2015-0421 Proclamation in Recognition of the 50th Anniversary Season of Meadow Brook Theatre

Attachments: [102615 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that Meadow Brook Theatre is an outstanding community asset, celebrating its 50th anniversary season this year. He read a proclamation honoring the Theatre.

Travis Walter, Meadow Brook Theatre Artistic Director, stated that it is a great privilege to have been the Theatre's Artistic Director since 2010. He commented that the Theatre continues to make strides to provide Broadway-quality entertainment, with great plays and many Michigan premieres. He extended his thanks for Council's recognition. He noted other members in attendance with him this evening, including Board President Thomas Foxlee, Board Vice President John Savio, Board Member Jeff Wurges, Managing Director Cheryl Marshall, Development Director Katy Olson, and Meadow Brook Theatre Guild President Teresa Koempel.

Mayor Barnett noted how much he enjoys attending the Theatre; and commented that more individuals need to experience the productions there.

Presented.

Whereas, on October 10, 2015, Meadow Brook Theatre celebrated its 50th Anniversary Season; and

Whereas, Meadow Brook Theatre was founded in 1966 as a branch of the Royal Academy of Dramatic Arts at Oakland University and in 2003, Meadow Brook Theatre became an independent, non-profit theatre; and

Whereas, Meadow Brook Theatre has performed nearly 300 plays in its history, fulfilling its mission of creating innovative, Broadway-quality theatre productions that make audiences smile, laugh and cry; and

Whereas, Meadow Brook Theatre has been a source of entertainment for the Rochester Hills community for these 50 seasons, and continues to be a prime destination for our residents; and

Whereas, the City of Rochester Hills congratulates Meadow Brook Theatre on its 50th Anniversary and wishes it continued success in its mission.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council does hereby congratulate Meadow Brook Theatre on their 50th Anniversary Season and urge the residents of Rochester Hills to celebrate and recognize the importance and influence of the Meadow Brook Theatre in our community.

PLANNING AND ECONOMIC DEVELOPMENT

2015-0388 Request for Conditional Use Approval for sales of alcoholic beverages for on-site consumption accessory to a permitted use at MOD Pizza, located at 3058 S. Rochester Rd., Rochester Hills, MI 48307, zoned B-3, Shopping Center Business, part of Parcel No. 15-34-227-046, TSFR Pizza, LLC, Applicant

Attachments: [102615 Agenda Summary.pdf](#)
[Staff Report 102015.pdf](#)
[Map aerial.pdf](#)
[Letter of Intent 082815.pdf](#)
[Plans.pdf](#)
[Minutes PC 102015.pdf](#)
[Public Hearing Notice 102015.pdf](#)
[Resolution \(Draft\).pdf](#)

Ed Anzek, Director of Planning and Economic Development, stated that the request for a Conditional Land use for the on-site consumption of alcohol for MOD Pizza to be located in the Rochester Retail Center on the southwest corner of Auburn and Rochester Roads was approved at the Planning Commission, with one condition included that all State requirements be met for the outdoor seating area and surrounding fencing. He noted that a Public Hearing was held and all property owners within 300 feet were notified; and none expressed concern.

Eric Eggan, Honigman, Miller, Schwartz and Cohn, LLP, was in attendance on behalf of TSFR Pizza, LLC. He stated that the Applicant proposes to build a pizza restaurant and wishes to serve beer and wine. As such, a Conditional Land Use approval is requested. He noted that Applicants **Jake Shostak** and **Ryan Jones** were in attendance.

Mr. Schostak explained that the restaurant follows a pizza made-on-demand format, with a buffet-style line with meats, cheeses and toppings. He stated that the restaurant will be family-friendly and is not intending to be a bar.

President Hooper noted that the Liquor Licensing Committee met prior to tonight's meeting and offers a resolution of unanimous approval for the transfer.

Mr. Kochenderfer expressed his thanks to the Applicants for their investment in the city.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0284-2015

Resolved, that the Rochester Hills City Council hereby approves a Conditional Use for MOD Pizza for sales of alcoholic beverages for on-site consumption accessory to a permitted use, located at 3058 S. Rochester Rd., Rochester Hills, MI 48307, at the southwest corner of Rochester and Auburn, zoned B-3, Shopping Center Business, part of Parcel No. 15-34-227-046, TSFR Pizza, LLC, Applicant, with the following findings and condition:

Findings:

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

Condition:

1. That all State requirements be met for the outdoor seating area and that the fencing be decorative such as a wrought iron style.

PUBLIC COMMENT for Items not on the Agenda

***Vickie L. Arrington**, 2567 Gerald, expressed concerns over junk cars in her Brooklands Subdivision neighborhood. She commented that she has been contacting the City to report a neighbor's blight since 2009 and questioned why the City cannot force them to move the cars into their driveway or garage.*

***President Hooper** noted that Scott Cope, Director of Building and Ordinance Compliance, was attendance; and he requested Mr. Cope speak with Ms. Harrington this evening.*

***Lee Zendel**, 1575 Dutton Road, commented that the Don't Drill the Hills group is not using facts, reason and logic regarding their recent public remarks. He questioned how a horizontal pipe 6,000 feet underground affects a resident's usage of parks; and he commented that if residents were given the opportunity to vote no, it would not have prevented drilling in the city. He noted that the City's signing of an oil and gas exploration lease was a good idea because of pooling. He questioned how many wells in the tri-county area have used fracking methods. He commented that the use of the term fracking is a scare tactic.*

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.

- 2015-0407** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills and AMERCO Real Estate Company, a Nevada Corporation, for U-Haul

Attachments: [102615 Agenda Summary.pdf](#)
[Storm Water Sys Maint Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0285-2015

Resolved, that the Rochester Hills City Council, approves the Storm Water Maintenance Agreement, relative to the details of the development and use, repair and maintenance of the storm water system, from AMERCO Real Estate Company, a Nevada Corporation, whose address is 2727 N. Central Ave., Phoenix, Arizona 85004, City File #13-017, Parcel No. 15-02-300-004.

- 2015-0416** Request for Adoption of a Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2015 Christmas Parade to be held on Sunday, December 6, 2015

Attachments: [102615 Agenda Summary.pdf](#)
[2015 Parade Route.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0286-2015

Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Rochester Regional Chamber of Commerce; and

Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown Rochester; and

Whereas, staging this event requires closing certain State and County routes and using others for posted detour routes; and

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from E Second Street to Tienken Road.

Resolved, that the Rochester Hills City Council authorizes the Mayor or his agents to

make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved, that the parade detour routes be scheduled for Sunday, December 6, 2015, between the hours of 12:30 p.m. and 4:00 p.m. on Livernois, Avon, Rochester, and Tienken Roads; and

Now Therefore Be It Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

2015-0418 Request for Purchase Authorization - DPS/ENG: Project Budget for completion of SCADA System Upgrade and other vendors as appropriate in the amount not-to-exceed \$96,490.00; Kubica Corporation, Novi, MI

Attachments: [102615 Agenda Summary.pdf](#)
[Kubica Server Upgrade Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0287-2015

Resolved, that the Rochester Hills City Council authorizes a project budget for the completion of SCADA System Upgrade in the amount not to exceed \$96,490.00 to Kubica Corporation, Novi, Michigan and other vendors as appropriate.

Passed the Consent Agenda

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett stated that there are many great things happening in the city. He noted the following:

- Rochester Hills hosted Lieutenant Governor Brian Calley on a visit to Riverbend Park to view a display of proposed development. It is hoped that the Lieutenant Governor can help connect the City to find resources for the development.
- Hamlin Road between Rochester and Livernois Roads is now open to traffic.
- Tienken Road between Brewster and Livernois will be opening soon. Aesthetic improvements have been made to the roundabout at Livernois and Tienken.
- The City is hosting a Flu Clinic on Thursday, October 29. Anyone interested

in making an appointment for a flu shot should call the City's Human Resources Department.

- The City's Trick or Treating Hours will be from 6:00 p.m. to 8:00 p.m. on Saturday, October 31, 2015. Rochester Hills Television is running a charming video featuring several employees' children. Motorists are reminded to drive safely as the Trick or Treaters will be out in the early darkness.

- The City will once again begin its Thirty Days of Giving on November 1. Employees will be going out into the community to support nonprofits or people in need.

- The Clerk's Office will host a Passport Fair this coming Saturday.

- The third annual Paint the Plow event will be hosted by DPS on November 14. Over 100 students participated last year.

- The Village of Rochester Hills will host Light the Village on Friday, November 20. The event will feature a fireworks show and the arrival of Santa Claus.

- The General Election is next Tuesday, November 3.

Mr. Wiggins commented that he is happy to see Hamlin Road open. He encouraged everyone to get out and vote.

Ms. Morita stated that she had the pleasure of speaking before the Rochester Branch of the American Association of University Women last week. She commented that she wished to publicly thank the organization for inviting her.

She announced that the Avondale Youth Assistance will be hosting "Strategies to Promote Success for Struggling Students" on November 5, 2015. She commented that additional information on the event is available through her Facebook page or Twitter feed.

She noted that the Rochester Auburn Hills Community Coalition Youth Dialogue Day is scheduled for Friday, November 6, 2015. She stated that volunteers for the day's activities are needed; and interested individuals should contact her for more information.

She announced that the youth hockey team, the USA Warriors, won the Motown Cup this past week; and she noted that her son, Andrew, was in goal for the game.

Mr. Hetrick commented that he applauds the opening of Hamlin Road and looks forward to Tienken Road opening soon.

Mr. Brown expressed his appreciation for the work on Tienken, noting that the intersection of Tienken and Brewster has a nice retaining wall and pathways. He thanked Clerk Barton and her staff for the comprehensive training he has received to be a precinct chairperson for the upcoming election. He noted that he is continuing a tradition of working the election that he began years before he was elected to Council, and he commented that every year the training gets better and better. He stated that the Clerk's office staff have been consistently working for 12 hour days in training activities, and he pointed out that Rochester Hills has received two perfect scores in recent audits.

Mr. Tisdell congratulated Andrew Morita for his team's win.

President Hooper noted that the election is one week from tomorrow. He encouraged voters to get informed about the issues on the ballot and to voice their constitutional right to vote in person or by absentee ballot.

Tina Barton, City Clerk, thanked Mr. Brown for his words of appreciation. She pointed out that staff have spent 44 hours over the last two weeks doing training of election workers; and she commented that Rochester Hills has the best election workers in the state. She reminded voters that the Clerk's Office will be open this coming Saturday from 8:00 a.m. to 2:00 p.m. to issue absentee ballots. Concurrently, staff will hold a Passport Fair at the same time; and anyone needing passports can bring their original documents and checkbook Saturday, with no appointment needed.

She stated that she sits on the Economy and Government Committee for Leadership Oakland, which is comprised of leaders and business owners from throughout Oakland County. She noted that the Committee has had discussions of what it is like to do business with different types of communities. She noted that Paul Glantz, CEO of Emagine Theaters, is a member of the panel; and he had made the comment that Rochester Hills was the first community to thank him for bringing his business to their community. She pointed out that Mr. Kochenderfer did just that this evening when he thanked MOD Pizza representatives for investing in the community.

ATTORNEY'S REPORT

John Staran, City Attorney, noted that Ms. Morita was an invited speaker at the most recent meeting of the Oakland County Bar Law Committee, talking about Property Tax issues and Appeals. He commented that her speech was very well received and informative.

2015-0430 Adoption of Resolution to Adjourn to Closed Session immediately following the adjournment of the Regular Meeting held Monday, October 26, 2015 at 7:00 p.m. for the purpose of discussing the possible purchase or lease of real

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

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0288-2015

Resolved, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCL 15.268 on Monday, October 26, 2015 immediately following the adjournment of the Regular Meeting held Monday, October 26, 2015 at 7:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan. The purpose of the Closed Session is to discuss the possible purchase or lease of real property.

NEW BUSINESS

2015-0420 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Motor City Baseball Club

Attachments: [102615 Agenda Summary.pdf](#)
[Cover Letter.pdf](#)
[Bylaws.pdf](#)
[Articles of Incorporation.pdf](#)
[Amendment to Articles of Incorporation.pdf](#)
[IRS Determination Letter.pdf](#)
[Revenue and Expense Statement-Financials.pdf](#)
[Board of Directors.pdf](#)
[Board Resolution.pdf](#)
[Cover Letter & Initial Solicitation Registration.pdf](#)
[Charitable Gaming License Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

Jennifer Mooney, Fundraising Chair, and **Kari Perazza** were in attendance to represent the Motor City Baseball Club.

Ms. Mooney stated that the Motor City Baseball Club is a youth baseball organization in operation since 2010 and located in Rochester Hills near Crooks and M-59. She noted that the organization is designated by the Internal Revenue Services as a 501(c)3 charitable organization. She explained that after discussions regarding fundraising efforts with several other youth baseball and football organizations, the organization decided to look into having a millionaire's party. She noted that they have worked with the State of Michigan to submit an application for a gaming license, and asks that Council adopt a resolution recognizing the organization as a nonprofit.

She stated that it was brought to her attention today that there were some questions raised regarding the application materials and wording regarding dissolution of assets. She explained that after conversations with the State of Michigan, the Board of Directors was emailed today, and the Board Members gave written consent today to adopt an Amendment to the Articles of Incorporation. The Amendment was mailed today, and she was informed by State personnel that it will take three to five days for it to be filed and recorded.

President Hooper questioned how the organization has been raising money to date.

Ms. Mooney responded that revenues are from fees from the players, some fundraising events, and corporate sponsors.

President Hooper questioned what the rental expense noted includes.

Ms. Mooney responded that the organization rents a facility on Product Drive which it uses for indoor training.

Mr. Brown commented that his son is an avid travel baseball participant, and it is expensive to run baseball in Michigan year-round. He stated that this is a common fundraising method, and he noted that he would recommend approval.

Mr. Hetrick commented that from a community perspective the organization teaches young men and women discipline and the sport of baseball. He questioned how their activities might translate into building better discipline in school, and whether players that have gone through the program have received any scholarships.

Ms. Mooney responded that she has two boys that play on two different teams. She noted that their coaches make them bring their report cards and maintenance of good grades is encouraged. She pointed out that almost every one of their teams are nationally-ranked, and many players go on to college baseball. She commented that life lessons are taught with character and respect.

Ms. Perazza stated that she has two sons involved in the program. She commented that one coach's favorite motto is "Your book bag will take you further than your bat bags".

Mr. Hetrick questioned whether the change in the Articles of Incorporation presented tonight suffices in satisfying the requirements.

John Staran, City Attorney, responded that he believes it will. He explained that an issue discovered this morning brought a potential deficiency in the Articles to light. He noted that a provision in the State Law requires the organization include a statement in the By-Laws that upon dissolution the organization's assets will go to the local government or another 501(c)3 corporation. He commented that this provision was lacking; however, it appears that the amendment was filed today. He mentioned that even though the State informed them that it would take two to three days to recognize the filing; it would most likely be two to three weeks. He stated that the provision presented tonight would satisfy the concern that was raised.

Ms. Morita noted that she was the one who raised the question, and she apologized for the lateness of the notification. She questioned whether there could be a way for the City Attorney to receive these requests for review prior to their inclusion on an agenda, and if the City should be asking for an escrow.

President Hooper commented that he sees no reason for an escrow.

Ms. Perazza expressed her appreciation for calling the deficiency to their attention, and commented that it most likely saved them time at the State level to have it corrected now.

Ms. Morita questioned whether Council should consider changing its policy.

Mr. Staran responded that there is no need to change the policy; and that he would work with the Clerk's Office in the future.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0289-2015

Resolved, that the request from the Motor City Baseball Club, located at 2703 Product Drive, 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 considered for approval.

- 2015-0132** Request for Purchase Authorization - DPS/ENG: Increase to Blanket Purchase Order for As Needed Construction Inspection Services in the amount of \$50,000.00 for a new not-to-exceed amount of \$200,000.00; Spalding DeDecker Associates, Inc., Rochester Hills, MI

Attachments: [102615 Agenda Summary.pdf](#)
[042015 Agenda Summary.pdf](#)
[042015 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noting that these construction inspection services are used for private projects, and are paid out of escrowed funds from developers.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0290-2015

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order to Spalding DeDecker Associates, Inc., Rochester Hills, Michigan for As Needed Construction Inspection Services in the amount of \$50,000.00 for a new not-to-exceed amount of \$200,000.00 through December 31, 2015.

- 2015-0410** Request for Purchase Authorization - DPS/FLEET: Purchase Authorization of one (1) new John Deere 190G W Wheeled Excavator in the amount of \$234,635.00 and one (1) new John Deere 50G Compact Excavator in the amount of \$67,754.09 for a total not-to-exceed purchase amount of \$302,389.09; AIS Construction Equipment Corporation, New Hudson, MI

Attachments: [102615 Agenda Summary.pdf](#)
[JD 50G Compact Excavator Pricing.pdf](#)
[JD 190G W Wheeled Excavator Pricing.pdf](#)
[MiDeal Contract Pricing.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the two excavators requested were scheduled in the Capital Improvement Plan and are in the budget. He explained that one excavator being replaced is from 2003, and the Kubota Mini is from 1996. He noted that the City used the State of Michigan contract for the wheeled excavator which will result in a price approximately 42 percent less than what a private firm could secure the equipment for.

President Hooper noted that the replacement of the excavators is in the budget for 2015.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0291-2015

Resolved, that the Rochester Hills City Council authorizes the purchase of one (1) new John Deere 190G W Wheeled Excavator in the amount of \$234,635.00 and one (1) new John Deere 50G Compact Excavator to AIS Construction Equipment, New Hudson, Michigan in the amount of \$67,754.09 for a total not-to-exceed purchase amount of \$302,389.09.

2015-0415 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for lining portion of sanitary sewer main along Hickory Hill in the amount of \$35,917.00 with a 10% project contingency in the amount of \$3,591.70 for a total not-to-exceed amount of \$39,508.70

Attachments: [102615 Agenda Summary.pdf](#)
[Hickory Hill Dr. SS Lining Map.pdf](#)
[City of Livonia Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that the proposed project stems from preventative and routine maintenance done in that area. He explained that this reach of pipe contains much root intrusion and infiltration, and requires much more maintenance than other areas of the city. He commented that the line was scanned by remote television, and was determined to be a candidate for cured-in-place piping, which is a nondestructive method where a sock is placed into the pipe, pushed through, and cures in place. He explained that the method restores structural value to the pipe, and prevents maintenance issues and root intrusion.

President Hooper questioned whether the project is an emergency order as it was not a part of the City's Budget.

Mr. Schneck responded that it is.

Mr. Brown questioned why a bid tabulation from 2013 is included, and whether there would be price fluctuation resulting in increases.

Mr. Schneck responded that the City used the solicitation from Livonia; and upon review of their unit pricing, determined it to be favorable.

Mr. Hetrick questioned how the cost will be offset from savings in the Christian Hills project.

Mr. Schneck responded that the contingency has not yet been utilized in the Christian Hills project and plans are to utilize that contingency to offset this expense.

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 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0292-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract for lining portion of sanitary sewer main along Hickory Hill to Liqui-Force Services (USA), Romulus, Michigan in the amount of \$35,917.00 with a 10% project contingency in the amount of \$3,591.70 for a total not-to-exceed amount of \$39,508.70 and further authorizes the Mayor to execute a contract on behalf of the City.

2015-0419 Request for Purchase Authorization - BLDG/FACILITIES: Blanket Purchase Order/Contract for Architectural/Engineering Services for Fire Stations #1, #2, #3, and #5 in the amount not-to-exceed \$86,335.00; H2A Architects, Davison,

Attachments: [102615 Agenda Summary.pdf](#)
[H2A Proposed Fees.pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, stated that the request tonight is for the architectural services for construction administration and management of the renovations for the fire stations that have been approved for construction. He pointed out that due to the termination of the architect that completed the drawings, there is a need for architectural services during the construction process. He mentioned that services will include field changes, requests for information, and review of alternative materials, as well as inspection services to ensure that the City is getting the project delivered as specified. He pointed out that a Request for Proposal will be issued for architectural services for Station #4.

President Hooper questioned whether the negotiations with the previous architect have been completed.

Mr. Cope responded that they have not quite been completed as yet. He explained that the previous architect has submitted a termination letter to the City, which City Attorney John Staran has reviewed, and suggested a change. The Administration is currently waiting for that change.

City Attorney John Staran stated that the process is nearing completion; and he pointed out that in accordance with Council's direction no additional payments will be made to the previous architect beyond what was coming to them.

President Hooper questioned whether this amount plus the amount paid previously will equal the originally contracted amount.

Mr. Cope responded that the original architect's contract was \$420,000, which has been paid in full. The services requested for approval tonight will be in addition. He mentioned that there were some additional services provided by the previous architect for requested changes. In reviewing those additional amounts, the costs were similar to the construction administration portion of the contract. He noted that this request for \$86,335 would be in addition to the \$420,000 already paid.

Mr. Staran pointed out that under the contract with the original architect, should they have stayed on the project, they would have been entitled to roughly another

\$250,000. He stated that in this case, H2A Architects will come in and fill in that role for roughly \$86,000. He commented that it is still more cost that the City is absorbing; however, it is considerably less than what would have been owed on the original contract.

President Hooper noted that he would take issue with the percentage-based fee if he were still on Council for the remainder of the project.

Mr. Staran responded that this request is not percentage-based.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0293-2015

Resolved, that the Rochester Hills City Council authorizes a Blanket Purchase Order/Contract for Architectural/Engineering Services for Fire Stations #1, #2, #3, and #5 in the amount not-to-exceed \$86,335.00 to H2A Architects, Davison, Michigan and further authorizes the Mayor to execute the contract on behalf of the City.

2015-0414 Request to Authorize the Mayor and City Clerk to execute a one-year (Fiscal Year 2016) Agreement with the Oakland County Sheriff's Office for Law Enforcement Services

Attachments: [102615 Agenda Summary.pdf](#)
[OCSO 2016 Contract.pdf](#)
[Resolution \(Draft\).pdf](#)

Captain Michael Johnson, Oakland County Sheriff's Office (OCSO), stated that during the Budget workshop, he noted that he planned to present a three-year law enforcement contract to the City. He noted that in order to have a three-year contract, it would have required a three-year Deputy's contract. He explained that the County and the Deputy's Union have entered into a one-year contract; therefore, the OCSO will present only one-year contracts to all of its communities. He pointed out that there is no cost increase proposed over 2015 rates; with only a slight increase due to merit raises for the two clerical positions. He added that while the Deputies will receive a three percent raise in 2016, savings due to a move away from defined benefit to defined contribution in the 2000s and savings on retiree medical have made it possible for the OCSO to pass the savings on to its contract communities.

Mr. Kochenderfer noted that the Agenda Packet and Adopted 2016 Budget includes an anticipated two-and-one-half percent increase for staff.

Mr. Sawdon responded that overtime is included; however, until incurred, those amounts are not known. He stated that the amount is requested to remain the same as proposed in the Budget to reflect possible overtime.

Mr. Brown extended his compliments to OCSO staff, and mentioned that going home from the last Council Meeting on Old Perch Road, a tire flew off a truck and hit his fender. He stated that OCSO staff responded quickly.

Mayor Barnett pointed out that Rochester Hills has been named the safest city in Michigan and also has the lowest per capita police cost per resident.

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

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0294-2015

Whereas, the Rochester Hills City Council acknowledges the importance of public safety and benefits to contracting with the Oakland County Sheriff's Office for the City's law enforcement services.

Resolved, that the Rochester Hills City Council wishes to participate in a one-year (FY 2016) agreement with the Oakland County Board of Commissioners to contract between the City of Rochester Hills and the Oakland County Sheriff's Office for law enforcement services.

Be It Further Resolved, that the Mayor and City Clerk are authorized to execute the same on behalf of the City.

2015-0417 Request for Adoption of the Subdivision Street Lighting Policy

Attachments: [102615 Agenda Summary.pdf](#)
[Subdivision Street Lighting Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

Keith Sawdon, Director of Finance, stated that the Public Safety and Infrastructure Technical Review Committee (PSITRC) reviewed various City policies. One policy reviewed pertains to street lighting within subdivisions contracted by the City with DTE Energy. He explained that DTE will not work directly with subdivisions, and contracts with the City to provide this service. The City then goes through a billing process and collects funds from the subdivisions to pay for those services. He noted that the City currently has 50 agreements in place, two of which are done through the Special Assessment District (SAD) process; and the remaining 48 done through a quarterly billing to the associations. He stated that the PSITRC reviewed the agreement and billing process, and through that discussion are recommending that City Council adopt a policy which would call for any new agreements, and any current agreements that wish to change, move to a system of special assessment. He stated that if subdivisions wish to have the City contract with DTE on their behalf, the City would continue to do so; however, going forward a SAD process would be implemented. The City would then spread assessments to individual properties only. He explained that it is a better way of doing business, and would be more effective for the homeowners associations.

President Hooper noted that Tom Blackstone, Chairperson of the PSITRC, was also in attendance this evening. He pointed out that the City cannot force any current agreements to switch to the SAD.

Mr. Sawdon confirmed this, noting that associations with current agreements would have the option to convert. The Administration would recommend that the associations look at the option closely; however, they would not be forced.

Mr. Brown questioned whether the City would proactively approach the associations if the policy is approved.

Mr. Sawdon responded that once approved, the City would reach out to the associations and inform them of the new policy and their option to convert their current agreement to a special assessment. He stated that the City would do nothing more than merely encourage the conversion.

Ms. Morita expressed her concerns over the conversion of existing street lights to an SAD process. She noted that no new improvement is being provided; and she questioned how the City Attorney would defend a challenge for an existing improvement.

City Attorney John Staran responded that anytime an SAD is brought forward in the City there is an opportunity for those in the district to protest or appeal. He noted that grounds for such an appeal would be that the property owner is not being specially benefitted by the assessment, or the special assessment levied on the owner is disproportionate to the value of the special benefit being received. He stated that there is no new special benefit provided for those subdivisions with longstanding street lighting agreements. He commented that while he had not really thought about opening the door for an appeal, he is not aware of any situations where that has happened and has not come across a case reported on that type of protest. He explained that street lighting, allowed under State Law, is considered a different circumstance as it does not involve a new public improvement such as paving, sewers, or watermains, and has ongoing service fees. He noted that it is theoretically possible for someone to appeal; however, he does not believe that this has happened in the couple of lighting districts that are set up as SADs. He stated that he does not know how the City would defend it.

He explained that the City would have to go through the same steps that it always follows for SADs, including establishing necessity, holding a Public Hearing, and holding a Public Hearing to confirm the roll. He noted that should someone want to appeal, they would need to make a protest at that time, otherwise they would be foreclosed from appealing. He commented that the City should be able to develop a pretty good idea of whether there would be controversy or appeal. He stated that it is unlikely; however, he could not rule it out.

Ms. Morita noted that certain SADs are treated differently if the property owner goes through bankruptcy. She questioned how the City should move forward for those agreements currently in existence, and whether it needs to explore the potential cost for an appeal for any new SADs. She stated that it is her thought that Council should look a little more to the potential risks and legal ramifications, including determining how these liens are treated for bankruptcy or foreclosure. She commented that she does not want to make those amounts uncollectable.

President Hooper questioned whether the amounts are in the range of \$10.00.

Mr. Sawdon responded that the Christian Hills assessments are \$4.50. He pointed out that the City is relying on the homeowners associations to pay now, and he noted that the agreements currently state that if the association does not pay, the City could convert the subdivision to a special assessment.

Ms. Morita stated that the process should be examined further, as these amounts can add up.

Mr. Staran responded that he could continue to work with Mr. Sawdon to work through the details. He pointed out that the City is already faced with some of the issues raised regarding bankruptcy and foreclosure. He stated that it may come down to DTE dealing directly with the associations; however, they do not want to because they do not want to take the risks. He noted that it is a policy decision that the Township, and later the City has felt was an acceptable or manageable risk especially when raised with the benefit lighting provides to the residents. He commented that the risks should be identified in order for Council to decide if they are manageable. He stated that it should be explored whether there are things that the city can do to pass those risks on to a party other than the City.

Ms. Morita commented that anytime a community moves to an SAD; the policy must be reviewed going forward. She stated that the laws regarding assessments is evolving.

Mr. Hetrick questioned whether Mr. Staran could suggest any language changes to the policy that could be made tonight. He commented that he sensed that it required more work.

Mr. Staran stated that he would suggest consulting with Mr. Sawdon to bring forward any changes that Council should consider.

Mr. Hetrick suggested that the item should come back once reviewed and adjusted.

President Hooper questioned whether adjustments need to be made.

Mr. Sawdon responded that he would leave that decision to follow a legal review. He pointed out that the City has exposure already, and he noted that one SAD for street lighting resulted from a homeowners association that went defunct. He explained that the City exercised that particular section of the agreement and converted the agreement to a SAD. He noted that the City is currently paying the DTE Energy bills in advance of collection, and the City already has exposure. He commented that if there is tweaking needed to the policy, he would be open to the changes.

Mr. Staran stated that under the current agreements, the City retains the ability to terminate service if it is having a collection problem. He pointed out that this is a way to limit the City's maximum exposure. He noted that while the City may always have one month carrying cost, it is not something that the City would be totally helpless and end up paying a subdivision's electric bill without any hope of stopping the bleeding.

President Hooper stated that if Council wishes to defer this item, it could do so.

Discussed.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, November 9, 2015 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:18 p.m.

*GREG HOOPER, 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 (insert date, or dates) Regular City Council Meeting.