



# 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)

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

*Vision Statement: The Community of Choice for Families and Business*

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

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Monday, July 16, 2012

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 7:04 p.m. Michigan Time.*

## ROLL CALL

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

## Others Present:

*Bryan Barnett, Mayor  
Jim Breuckman, Manager of Planning  
Scott Cope, Director of Building/Ordinance Compliance  
Ron Crowell, Fire Chief/Emergency Management Director  
Pamela Gordon, Director of Human Resources  
Bob Grace, Director of MIS  
Kevin Krajewski, Network Administrator/Deputy Director of MIS  
Jane Leslie, City Clerk  
Pat McKay, Supervisor of Interpretive Services  
Tara Presta, Chief Assistant  
Jack Sage, Ordinance Inspector  
Keith Sawdon, Director of Finance  
Allan Schneck, Director of DPS/Engineering  
Eddie Schodowski, Rochester Hills Government Youth Council Representative  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

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

## **PUBLIC COMMENT**

**Dee Hilbert**, 3234 Quail Ridge Circle, expressed opposition to the Police Millage on the August 7th Primary Ballot and stated upcoming millages that will be expiring should be repurposed. She requested information regarding the contract to lease the Environmental Education Center to the Clinton River Watershed Council.

The following residents expressed support for the Police Millage:

**Dale Hetrick**, 1586 Deerhurst Lane  
**Don Cline**, 420 Cherry Blossom  
**Linda Davis Kirksey**, 1337 N. Acre Drive  
**Timothy Maurer**, 854 Ravine Terrace  
**Christine Hughes**, 1408 New Life Lane  
**Terry Stephens**, 3056 Rolling Green Circle South

The following individuals requested Council adopt a Human Rights Ordinance to protect the LGBT community:

**Linda Davis Kirksey**, 1337 N. Acre Drive  
**Timothy Maurer**, 854 Ravine Terrace  
**Christine Hughes**, 1408 New Life Lane  
**Dr. Tim Larrabee**, 1893 Ardmore Drive, Ferndale

**John Przybysz**, 3120 Primrose Drive, requested Council oppose legislation sponsored by State Representative Tom McMillin which repeals legislation setting State licensing requirements and fees for Barbers. He commented that it is essential to public health to keep these licensing regulations in place.

**Ann Edwards**, 296 Meadow Bridge, announced that the League of Women Voters Forum for Candidates for the State Representative 45th District on Wednesday, July 18, 2012, at 7:30 p.m. in the City Hall Auditorium.

## **LEGISLATIVE & ADMINISTRATIVE COMMENTS**

**President Hooper** encouraged residents to cast their ballots in the August 7th Primary Election. He made the following comments and announcements:

- In response to Public Comment, he noted that the Police and Road Funding Technical Review Committee (PRTRC) has identified expiring debt millages and has made recommendations for repurposing them.
- He requested City Clerk Jane Leslie address Ms. Hilbert's request regarding the Clinton River Watershed Council's lease of the Environmental Education Center.

- He noted that while there has been discussion regarding the possible drafting of a Human Rights Ordinance, there has been no public distribution of any draft ordinance language.
- He encouraged voters to attend the League of Women Voters Candidates Night on July 18th at 7:00 p.m.
- He stated that he has received many complaints from residents regarding the State's recent change to fireworks regulations; and noted that subsequent to the change in State Law, the City passed an Ordinance restricting the use of fireworks to the day prior, the day of, and the day following a National Holiday. He commented that this Ordinance is clearly not being observed and fireworks are being shot off every night. He mentioned that the legislators are looking to recraft this legislation to address safety concerns and avoid a future tragedy.
- He noted that City Attorney John Staran will report on the Smart Meter Program.

**Mr. Webber** noted that he has received many phone calls and e-mails regarding the use of fireworks in the City. He mentioned that the State Law prohibits cities from placing a curfew time on fireworks. He stated that while the change will provide additional Sales Tax revenue for the State, residents report that neighborhoods sound like war zones. He expressed hope that the State Legislature will resolve this issue before the July 4<sup>th</sup> holiday next year.

**Mr. Klomp** reported that the Festival of the Hills was a tremendous success. He thanked the Mayor's Office and City staff for coordinating the event and expressed his appreciation to the sponsors and the Oakland County Sheriff's Department. He announced that the Avon Road Bridge is now open. He expressed his appreciation to the residents speaking tonight on the Police Millage and Human Rights issues.

**Mr. Kochenderfer** stated that City Council is looking at each issue discussed tonight. He reported legislation is pending in Lansing regarding speed limits on gravel roads and noted that residents' comments made during the Gravel Road Forum held on June 21st will be transmitted to State Legislators.

**Mr. Rosen** noted that he has also received resident complaints regarding fireworks. He requested President Hooper comment on the Main Street Reconstruction Project in downtown Rochester.

**President Hooper** noted that Rochester Road (Main Street) will be open tomorrow at noon allowing for one lane of traffic in each direction.

**Mr. Yalamanchi** noted that he had voted no on placing the Police Millage Ballot Question on the ballot. He commented that while he believes the PRTRC has done an excellent job, and the Oakland County Sheriff's Department provides excellent service to the community, the ballot language does not specify that the General Millage will be reduced by 2.5 mills. He stated that nothing prohibits a future Council from increasing the millage. He commented that in April he worked with City Attorney John Staran to draft a Human Rights Ordinance and noted that he discussed the language with several individuals to gain their input.

**Eddie Schodowski**, Rochester Hills Government Youth Council (RHGYC)

*Representative, reported that the RHGYC has completed a great year, hosting both a Youth Summit and a 5K Run/Walk. He stated that the 5K raised \$13,500 for the Boys and Girls Club of Troy. He mentioned that the current RHGYC members will be recognized and new members will take their Oath of Office at the City Council Meeting on August 13th.*

**Mayor Barnett** expressed his appreciation to the RHGYC members, noting that the current group has been absolutely outstanding. He pointed out that City Council passed a resolution by a six-to-one vote stating its intent to reduce the General Fund subsidy for Police Services by 2.5 mills should the Police Millage Ballot Question be successful. He stated that the City is undertaking an educational effort to inform the voters. He made the following comments and announcements:

- He expressed his appreciation to Crittenton Hospital and Arteva Homes for their sponsorship of the Festival of the Hills, noting that this is the 13th year that the Festival has been held using no tax dollars. He stated that a new vendor provided the fireworks this year and comments received were exceptionally positive.
- There is much building and development going on in the City. He noted that 53 single family homes are under construction, and the Building Department has been very busy.
- The Avon Road bridge is now open. The turn lanes are still closed as guard rail issues are being resolved.
- The Livernois Road bridge closed on July 9th. Re-opening of that bridge is scheduled to occur on November 1st.
- Bids will be let on August 3rd for work to be done on the pedestrian areas around Veterans Memorial Pointe. A \$200,000 enhancement grant will fund the project.
- The pre-construction meeting for the Crooks Road project will be held on July 24th. While the project is ongoing, motorists should expect sporadic closures of the roadway and intersection.
- While there are still several months left on the Main Street Reconstruction Project, work has been moving at a very quick pace.
- He reminded residents that the City's Watering Ordinance dictates that automatic sprinkler systems can only be used between midnight and 5:00 a.m. He reported that this year, the City's peak day occurred on July 2nd, where just under 19 million gallons of water was used. The peak hour was 4:00 a.m. He commented that both peak use and peak hour were within the City's contract constraints with the Detroit Water and Sewerage Department.
- He announced that the Rochester Hills Museum at Van Hoosen Farm hosts Wet and Wild Wednesdays for the next three weeks. Admission is \$3.00 and over 1,000 people attended the last Wednesday event.
- The International Three Day Race at the Velodrome will be held Friday, Saturday and Sunday, July 20th, 21st and 22nd.
- Two Rochester Hills residents will be competing in the Summer Olympics. Marathon runner Desiree Davila and swimmer Peter Vanderkaay will be competing in London.

*He commented that residents have reported receiving a letter from American Water Resources of Michigan noting a possible need for water line work. He stated that the City did not send out the letters and has no affiliation with this third-party*

*group, and residents should carefully consider whether they wish to have any work performed before using this private company.*

***President Hooper** noted that the completion date for the Main Street Project is November 15th.*

**(Mr. Kochenderfer exited at 7:35 p.m. and re-entered at 7:38 p.m.)**

## ATTORNEY MATTERS

***John Staran**, City Attorney, noted that Council previously spent a considerable amount of time over several meetings hearing the concerns of residents regarding DTE Energy's Smart Meter Program, the program to replace electric meters with meters that transmit a wireless radio signal. As a result of the consumer concerns, and in response to resolutions passed by City Council and other municipalities, the Michigan Public Service Commission (MPSC) ordered a study of Smart Meters and a review of the utility's program. Prior to July 4th, the MPSC issued a rather detailed memorandum setting forth findings and conclusions of the study, and found that they were unable to find adverse safety problems or privacy issues with the meters. The study recommended, however, that the MPSC require utilities to develop an opt-out program for those consumers who do not want Smart Meters and do not want the meters forced upon them. He noted that there may be a fee associated with an opt-out program. He commented that while he does not believe that the MPSC has acted on the findings, it is his opinion that they will accept the staff recommendation. Subsequently, DTE has gone public and announced that the utility will develop an opt-out program.*

## RECOGNITIONS

**2012-0254** Proclamation in Recognition of Dr. Virinder K. Moudgil for his dedication and service to Oakland University

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

***Mayor Barnett** introduced **Dr. Virinder Moudgil**, and stated that Dr. Moudgil is an outstanding leader and has been a friend since he attended Oakland University. He noted that Mr. Yalamanchi requested he be recognized for his dedication and service to Oakland University as he leaves to become President of Lawrence Technological University (LTU).*

***Mr. Yalamanchi** stated that Dr. Moudgil has been a resident of Rochester Hills for over 30 years and has been a part of Oakland University for over 36 years. He commented that Dr. Moudgil is an exemplary leader, scientist and administrator. Dr. Moudgil has received numerous awards and has penned over 200 publications and works in scientific journals.*

**Mayor Barnett** added that Dr. Moudgil has played a significant role in the events at Oakland University over the past 36 years. He read the proclamation.

**Dr. Moudgil** stated that one of the most humbling moments of his 36 years in Rochester Hills and at Oakland University is to be honored and recognized by his City. He commented that the friendships he has with members of this and previous City Councils and Mayors is very important to him. He mentioned that he has come before City Council regarding the Technology Park and the Incubators and commented that the growth and development has attracted businesses. He stated that Rochester Hills is a City where one can live and raise a family; and noted that his children, now grown, have expressed their appreciation that their family decided to live in Rochester Hills. He commented that while his commute to LTU will be difficult, his main residence will remain in Rochester Hills. He expressed appreciation for Council's recognition.

**Presented.**

**Whereas**, after 36 years of outstanding service to Oakland University, Dr. Virinder K. Moudgil has accepted the position of President at Lawrence Technological University; and

**Whereas**, Dr. Moudgil is known for his dedication to academic progress, outstanding professional qualifications, and expertise in advanced long-term educational program development; and

**Whereas**, during his tenure, Dr. Moudgil demonstrated passion and unfaltering dedication as an academic administrator. His administrative responsibilities included the main library and 16 administrative units, including technology services, international studies, business incubators, e-learning, and sponsored research; and

**Whereas**, Dr. Moudgil began as provost with a focus on enhancing the already exceptional quality of Oakland University's academic programs, support services, and cultural environment. As OU provost, he oversaw six schools, the college of Arts and Sciences, the Honors College, and eight charter schools. He also sought to expand funding support for faculty research, advance the role of undergraduate students in research, and enhance OU's interaction in both the academic and broader communities; and

**Whereas**, Dr. Moudgil's significant accomplishment includes co-chairing the establishment of a partnership with Beaumont Health Systems to create OU's William Beaumont School of Medicine, and played a key role in the affiliation agreement with Thomas M. Cooley Law School to the OU campus; and

**Whereas**, perhaps Dr. Moudgil's greatest legacy will be the education, inspiration, and mentorship he provided countless individual students, faculty, and staff members of Oakland University.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills hereby recognize Dr. Virinder Moudgil for his dedication and service to Oakland University and wish him continued success in his new position as President of Lawrence Technological University.

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

**2012-0219** Approval of Minutes - Special Joint Planning Commission and City Council Meeting - May 29, 2012

**Attachments:** [Minutes PC-CC Joint 052912.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0127-2012

**Resolved**, that the Minutes of a Special Joint Planning Commission and City Council Meeting held on May 29, 2012 be approved as presented.

**2012-0261** Approval of Minutes - City Council Special Meeting - June 18, 2012

**Attachments:** [CC Special Mtg Min 061812.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0128-2012

**Resolved**, that the Minutes of a Rochester Hills City Council Special Meeting held on June 18, 2012 be approved as presented.

**2012-0262** Approval of Minutes - City Council Regular Meeting - June 18, 2012

**Attachments:** [CC Min 061812.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0129-2012

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 18, 2012 be approved as presented.

**2012-0238** Request for Purchase Authorization - MIS: Contract/Blanket Purchase Order for wide area network and internet services in the amount not-to-exceed \$63,000.00; Comcast Business Communications, LLC, Philadelphia, PA

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

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

Enactment No: RES0130-2012

**Resolved**, that the Rochester Hills City Council authorizes a Contract/Blanket Purchase Order to Comcast Business Communications, LLC, Philadelphia, Pennsylvania, for wide

area network and internet services in the amount not-to-exceed \$63,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2012-0239** Request to Grant a Driveway Grading License for the Tienken Road (Livernois Road to Sheldon Road) Project to the Road Commission for Oakland County (RCOC)

**Attachments:** [Agenda Summary.pdf](#)  
[ROW Plan Doc.pdf](#)  
[Driveway Grading License.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0131-2012

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the granting of a Driveway Grading License to the Road Commission for Oakland County (RCOC), for the Tienken Road (Livernois Road to Sheldon Road) project, City File No. E06-001, over, on, under, through and across land more particularly described as Parcel No. #15-03-351-069.

**Further Resolved**, the City Council authorizes the Mayor to execute the easement on behalf of City.

- 2012-0240** Request to Grant a Highway Easement and Driveway Grading License for the Tienken Road (Livernois Road to Sheldon Road) Project to the Road Commission for Oakland County (RCOC)

**Attachments:** [Agenda Summary.pdf](#)  
[ROW Plan Doc.pdf](#)  
[Driveway Grading License RPM.pdf](#)  
[Exhibit A.pdf](#)  
[Exhibit B Driveway Grading License Descip.pdf](#)  
[Exhibit B Highway Easement Descip.pdf](#)  
[Highway Easement.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0132-2012

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves and authorizes the grant a Highway Easement and Driveway Grading License to the Road Commission for Oakland County (RCOC), for the Tienken Road (Livernois Road to Sheldon Road) project, City File No. E06-001, over, on, under, through and across land more particularly described as Parcel No. #15-02-376-012.

**Further Resolved**, the City Council authorizes the Mayor to execute the easement on behalf of City.

- 2012-0241** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for crack sealant material in the amount not-to-exceed \$70,000.00 through December 31, 2012; National Highway Maintenance Systems LTD, Akron, OH



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

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

Enactment No: RES0133-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to National Highway Maintenance Systems LTD, Akron, Ohio for crack sealant material in the amount not-to-exceed \$70,000.00 through December 31, 2012.

**2012-0242** Request for Purchase Authorization - BLDG/FAC: Contract/Blanket Purchase Order for janitorial services in the amount not-to-exceed \$95,400.00 through August 1, 2013; Du All Cleaning Inc., Macomb, MI

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

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

Enactment No: RES0134-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for janitorial services to Du All Cleaning Inc., Macomb, Michigan in the amount not-to-exceed \$95,400.00 through August 1, 2013.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2012-0250** Request for Purchase Authorization - DPS/ENG: Agreements for Traffic Control Devices for the installation, operations and maintenance of the proposed school zone speed limit signs and flasher signal assemblies on Dutton Road: (1) 175 feet east of Independence Drive and (2) 150 feet west of Kings Pointe Drive in the amount of the City's share of \$5,326.00; Road Commission for Oakland County, Waterford, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Agreement - Dutton \(EB\).pdf](#)  
[Agreement - Dutton \(WB\).pdf](#)  
[RCOC Ltr 070212.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0135-2012

**Resolved**, that the Rochester Hills City Council authorizes Agreements for Traffic Control Devices for the installation, operations and maintenance of the proposed school zone speed limit signs and flasher signal assemblies on Dutton Road: (1) 175 feet east of Independence Drive and (2) 150 feet west of Kings Pointe Drive with the Oakland County Road Commission, Waterford, Michigan in the amount of the City's share of \$5,326.00.

**2012-0253** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for

underground utility repairs and related services in the amount not-to-exceed \$100,000.00 through December 31, 2012; Pamar Enterprises, Inc., New Haven, MI and Superior Excavating, Inc., Auburn Hills, MI

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

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

Enactment No: RES0136-2012

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order for underground utility repairs and related services shared by Pamar Enterprises, Inc., New Haven, Michigan and Superior Excavating, Inc., Auburn Hills, Michigan in the amount not-to-exceed \$100,000.00 through December 31, 2012 and further authorizes the Mayor to execute a contract on behalf of the City.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of contracts shall be contingent and conditioned upon the parties' entry into and execution of written agreements acceptable to the City.

- 2012-0255** Request for Purchase Authorization - HR: Three-year renewal of the accident and sickness insurance policy in the amount of \$24,549.00 per year for a total not-to-exceed amount of \$73,647.00 for July 1, 2012 through June 30, 2015; Volunteer Firemen's Insurance Services, Grand Rapids, MI

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

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

Enactment No: RES0137-2012

**Resolved**, that the Rochester Hills City Council authorizes a three-year renewal of the accident and sickness insurance policy with Volunteer Firemen's Insurance Services, Grand Rapids, Michigan in the amount of \$24,549.00 per year for a total-not-to-exceed amount of \$73,647.00 for a policy term of July 1, 2012 through June 30, 2015.

- 2012-0256** Request for Approval of a Resolution in Support of continuing participation in the Oakland County No Haz Consortium Program for three (3) additional years through 2015

**Attachments:** [Agenda Summary.pdf](#)  
[Ltr from Oakland County 062012.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0138-2012

**Whereas**, Oakland County's Waste Resource Management Unit has facilitated the North Oakland Household Hazardous Waste Consortium (No Haz) since 2003;and

**Whereas**, over 25,000 residents have attended No Haz collections, resulting in more than

2.6 million pounds of household hazardous waste materials being recycled or properly disposed of; and

**Whereas**, Oakland County and the No Haz member communities are committed to the protection of public health, the natural environment and preventing toxic materials from entering our waterways and landfill resources; and

**Whereas**, participating in the No Haz program contributes to the Phase II Storm Water Permit requirements of our community; and

**Whereas**, reduced revenue sharing and other economic stresses have affected our ability to provide our residents with a household hazardous waste program on our own; and

**Whereas**, our community recognizes a cost-savings by partnering with other communities to offer this valuable service to our residents; and

**Whereas**, intergovernmental cooperation of services is looked upon favorably by the State, and when applying for grants; and

**Whereas**, Oakland County's cost of facilitating the program and all other costs associated with the program are reimbursed by the member communities; and

**Whereas**, without Oakland County's leadership, the future of the No Haz program would be questionable.

**Now, Therefore, Be It Resolved**, that the City of Rochester Hills encourages the Oakland County Board of Commissioners to authorize the Economic Development & Community Affairs Department to continue facilitation of the No Haz program for an additional three years (2013, 2014 and 2015).

**2012-0258** Request for Purchase Authorization - BLDG: Project Budget for Building Permit Software, Software Upgrades, Training, Installation and Software Support in the amount of \$34,000.00 plus a 10% contingency of \$3,400.00 for a total of \$37,400.00 and four (4) laptop computers with printers in the amount of \$9,200.00 plus a 10% contingency of \$920.00 for a total of \$10,120.00 for a total project budget of \$47,520.00; BS&A, Bath, MI; various cooperative vendors

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

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

Enactment No: RES0139-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Project Budget for Building Permit Software, Software Upgrades, Training, Installation and Software Support to BS&A Software, Bath, Michigan, in the amount of \$34,000.00 plus a 10% contingency of \$3,400.00 for a total of \$37,400.00 and four (4) laptop computers with printers to various cooperative vendors in the amount of \$9,200.00 plus a 10% contingency of \$920.00 for a total of \$10,120.00 for a total Project Budget of \$47,520.00.

### Passed the Consent Agenda

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

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

**The following Consent Agenda Item was Discussed and Adopted by Separate Motion.**

**2012-0251** Request for Purchase Authorization - MIS: Blanket Purchase Order for annual support and maintenance for the City's Asset Management Software in the amount not-to-exceed \$38,400.00; Lucity, Inc., Overland Park, KS

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

*Mr. Yalamanchi questioned how the number of user licenses is determined.*

*Bob Grace, Director of MIS, stated that the City has 100 users and 79 licenses, noting that only 79 users can be on the system at any one time. He mentioned that each year during the budget process, the actual number of users are verified to ensure that software maintenance and license costs are kept as low as possible.*

*Mr. Yalamanchi requested that a report be provided to Council on the effectiveness and efficiencies of the Asset Management Software.*

*Mr. Grace responded that MIS and DPS staff will prepare a report for Council.*

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

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

Enactment No: RES0140-2012

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order for annual support and maintenance for the City's Asset Management Software to Lucity, Inc., Overland Park, Kansas in the amount not-to-exceed \$38,400.00 through September 30, 2013.

## **NOMINATIONS/APPOINTMENTS**

**2012-0246** Request to Confirm the Mayor's reappointments of Ernest Colling, Jr. and Thomas Blackstone to the Advisory Traffic and Safety Board each for three-year terms expiring June 30, 2015

**Attachments:** [Agenda Summary.pdf](#)  
[Colling, Jr. CQ.pdf](#)  
[Blackstone CQ.pdf](#)  
[Resolution.pdf](#)

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

**Aye** 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdel, Webber and Yalamanchi

Enactment No: RES0141-2012

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointments of Ernest Colling, Jr. and Thomas Blackstone to the Advisory Traffic and Safety Board each for three-year terms expiring June 30, 2015.

**2012-0267** Appointment of Youth Members to the 2012/2013 Rochester Hills Government Youth Council (RHGYC)

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

**Mr. Tisdel** stated that the selection committee interviewed 36 excellent applicants. He noted that the committee consisted of himself, Jane Leslie, City Clerk, Leanne Scott, City Council Coordinator, departing senior Farha Hanif and four-year member and two-year Chairperson Rachel Schlagel.

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

**Aye** 7 - Hooper, Klomp, Kochenderfer, Rosen, Tisdel, Webber and Yalamanchi

Enactment No: RES0142-2012

**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 2012/2013 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 2012/2013 term beginning September 1, 2012 and ending August 31, 2013:

<u>Name</u>	<u>High School</u>	<u>Council District</u>
Pranita Balusu	Rochester HS	1
Scott Difilippo	Rochester HS	1
Emma Hickey	Adams HS	1
Jordan-Akil Hunter	Rochester HS	3
Sean Kosecki	Rochester HS	4
Eric LaRose	Notre Dame Prep	3
Jacqueline Markey	Adams HS	2
Chris Russell	Rochester HS	3
Scott Schlagel	Rochester HS	3
Alexis Smith	Stoney Creek HS	2
Michelle Thorpe	Adams HS	2
Francesca Tiberio	Adams HS	1
Chris Tower	Notre Dame Prep	1
Ashish Tripathi	Adams HS	2
Michelle Zabat	Stoney Creek HS	4

## NEW BUSINESS

**2008-0302** Request for Approval of an Extension of the Final Site Condominium Plan until July 14, 2013 - Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One Family Residential, L&R Homes, Applicant

**Attachments:** [Agenda Summary.pdf](#)  
[V. Randazzo Ltr 060712.pdf](#)  
[Map.pdf](#)  
[Site Plans.pdf](#)  
[Minutes PC 062612 \(Excerpt\).pdf](#)  
[Memo Anzek 062212.pdf](#)  
[080811 Agenda Summary.pdf](#)  
[Minutes PC 071911.pdf](#)  
[Memo Anzek 071911.pdf](#)  
[080910 Agenda Summary.pdf](#)  
[Letter Randazzo 060211.pdf](#)  
[Signed Request for Extension.pdf](#)  
[Memo Delacourt 072010.pdf](#)  
[Minutes PC 072710.pdf](#)  
[Minutes PC 061708.pdf](#)  
[Minutes PC 032007.pdf](#)  
[Minutes PC 020706.pdf](#)  
[071408 Agenda Summary.pdf](#)  
[Staff Report 061708.pdf](#)  
[Review Comments.pdf](#)  
[071408 Resolution.pdf](#)  
[080910 Resolution.pdf](#)  
[080811 Resolution.pdf](#)  
[Resolution.pdf](#)

**Jim Breuckman**, Manager of Planning, introduced applicants Lorenzo Randazzo and Vito Randazzo, and noted that the project was originally approved in 2008 and received subsequent extensions; and the developers are requesting an additional extension to July 14, 2013.

**Vito Randazzo** noted that the development will consist of 29 lots.

**Mr. Kochenderfer** questioned when the developers expect to begin construction.

**Lorenzo Randazzo** responded that as soon as economic conditions improve, construction will start. He stated that while he hopes it will be soon, it is still a bit risky to begin construction now.

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

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

Enactment No: RES0143-2012

**Resolved**, that the Rochester Hills City Council hereby approves an Extension of the Final

Site Condominium Plan until July 14, 2013 for Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One Family Residential, Parcel Nos. 15-34-101-073 to -075, L&R Homes, Applicant.

**2012-0208** Request for Approval of the Preliminary Site Condominium Plan for Somerset Pines, a proposed 41-unit residential development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One Family Residential, MV Somerset Properties, Applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Map.pdf](#)  
[Staff Report 062212.pdf](#)  
[Site Condo Plans \(Revised\).pdf](#)  
[Site Condo Plans.pdf](#)  
[Landscape Plans.pdf](#)  
[Minutes PC 062612 \(Excerpt\).pdf](#)  
[EIS 062012.pdf](#)  
[PHN 062612.pdf](#)  
[Resolution.pdf](#)

*In attendance for the applicant were **Vito Pampalona Jr.**, MV Somerset Properties LLC, Developer; and **Jeff Rizzo**, Fenn & Associates Inc., Surveyor and Civil Engineer.*

***Mr. Rizzo** noted that a boulevard entrance was added along with a 23-foot wide easement far east of the boulevard to resolve access concerns with the Fire Department. He stated that the details of these features will be worked out during the project's engineering phase.*

***President Hooper** noted that the easement will be added as a condition of approval.*

***Mr. Rizzo** stated that the 23-foot easement will be on Units 2 and 3 to allow for emergency access to the development and accommodate the City's largest fire truck.*

***Jim Brueckman**, Manager of Planning, noted that this would be added as Condition 9; and stated that while the Fire Department has verbally approved the easement and gate access, written approval has not been received yet.*

*Council requested information on the following:*

- What the developer sees as a market for condominiums in the next five to ten years.*
- Whether any conservation elements will be incorporated.*
- Whether any designs for the homes have been completed and if the Planning Commission will have the opportunity to review home design.*

***Mr. Pampalona** responded that the development will be configured as site condominiums, with single-family homes of 2,800 to 3,200 square feet and pricing from \$379,000 to \$429,000. He noted that lot reservations are being taken and he expects the development to be complete within two to three years.*

*He stated that developers are currently working on designs. He stated that the homes will be similar to those in the Manchester Knolls development off of Brewster Road.*

***Mr. Breuckman** stated that the natural features on the north portion of the site will be preserved. He pointed out that the site will benefit because it is proximate to Pine Trace Golf Course and the west boundary of the development will back up to the course. The 19-acre parcel will have significant natural features bordering it; however, the site does not contain intrinsic natural feature value within the site. He stated that the Planning Commission will not review home design.*

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

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

Enactment No: RES0144-2012

**Resolved**, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Somerset Pines, a 41-unit development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One Family Residential, Parcel Nos. 15-32-300-007, -008, -009 and -010, MV Somerset Properties, Applicant, with the following findings and conditions:

#### Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominium Ordinance.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.

#### Conditions

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.
3. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans.
4. Payment of \$8,200 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
5. Submit a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees, and irrigation prior to issuance of a Land Improvement Permit.
6. Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a Land Improvement Permit.



7. Approval of all required permits and approvals from outside agencies.
8. Compliance with the Engineering and Fire Department memos dated June 18, 2012 and June 20, 2012, respectively.
9. Granting of a 23 foot easement on Units 2 and 3 for Fire Department emergency access, subject to written Fire Department approval of easement access and approval of the gates.

**2012-0268** Request to Accept the Dance-Entertainment Permit Agreement between the City of Rochester Hills and Double L. Restaurant, Inc. (Sero's), 1330 Walton Blvd., Rochester Hills, Michigan 48309

**Attachments:** [Agenda Summary.pdf](#)  
[Dance Entertainment Permit Agreement.pdf](#)  
[Resolution.pdf](#)

**Lucky and Alicia Vasilakis**, owners of Sero's Restaurant, were in attendance.

**Ms. Vasilakis** stated that the business has been in the area since 1986, and the liquor license is being requested to differentiate the restaurant from the other family restaurants in the area and increase the dinner hour business.

**Mr. Klomp** questioned whether the restaurant's other locations currently have liquor licenses and if business will increase.

**Mr. Vasilakis** responded that they do. He stated that the restaurant will make more money when it sells liquor. He commented that when the restaurant first opened 26 years ago, there was less competition from other restaurants.

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

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

Enactment No: RES0145-2012

**Whereas**, the Rochester Hills City Council accepts the Dance-Entertainment Permit Agreement between the City of Rochester Hills and Double L. Restaurant, Inc. (Sero's), 1330 Walton Blvd., Rochester Hills, Michigan.

**Now, Therefore, Be It Resolved**, that the Mayor and the City Clerk are hereby authorized to execute and deliver the agreement on behalf of the City.

**2012-0269** Request for a Transfer of an escrowed 2012 Class C License with Dance-Entertainment Permit from Steak and Ale of Michigan, Inc. (a Texas Corporation), 27590 Orchard Lake, Farmington Hills, Michigan 48334 to Double L. Restaurant, Inc. (Sero's) located at 1330 Walton Blvd., Rochester Hills, Michigan 48309

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

**See Legislative Item 2012-0268.**

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

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

Enactment No: RES0146-2012

**Resolved**, that the request to transfer ownership of an escrowed 2012 Class C licensed business with Dance-Entertainment Permit located at 27590 Orchard Lake, Farmington Hills, Michigan 48334, Oakland County from Steak and Ale of Michigan, Inc. (a Texas Corporation) to Double L. Restaurant, Inc.; transfer location (governmental unit) under MCL 436.1531(1) to 1330 Walton Blvd., Rochester Hills, Michigan 48309 be considered for approval.

**2012-0259** Request for Purchase Authorization - MIS: Contract/Purchase Order for JDE Financial System support services in the amount of \$72,000.00; Rimini Street, Inc., Las Vegas, NV

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

**Bob Grace**, Director of MIS, noted that in 2009, the City opted to discontinue support of its JDE Financial System software by JDEdwards and moved to use Rimini Street, a third-party support vendor. By the end of this year, the City will have saved \$568,000 over the life of the current contract by going with third-party support. He explained that committing to a multi-year contract will yield a savings of \$4,000 per year, or ten percent of the contract cost. He noted that there is a certain amount of risk when considering a longer-term contract, and a two-year contract is preferred. He commented that should the City be required to upgrade to new software due to changes in legislative requirements, it would take at least two years to implement a new package.

**Mr. Webber** stated that he is in support of committing to a two-year contract, knowing that the City will be taking advantage of a savings that will help the budget.

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

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

Enactment No: RES0147-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Purchase Order to Rimini Street, Inc., Las Vegas, Nevada for JDE Financial System support services in the amount of \$72,000.00 through December 31, 2014 and further authorizes the Mayor to execute a contract on behalf of the City.

**2012-0260** Request for Purchase Authorization - MUSEUM: Project Budget for the construction of Phase I of the Calf Barn Adaptive Reuse Project in the amount not-to-exceed \$320,000.00; MJC Construction Management, Macomb Township, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Ltr Community Foundation.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** stated that the Calf Barn Adaptive Reuse Project has been quite

*a few years in the making; and private fund raising efforts have been ongoing.*

**Pat McKay**, Supervisor of Interpretive Services, noted that three years ago, Council was presented with a request to grant permission for the implementation of new strategies to help the financial stability of the Museum. He acknowledged the efforts and financial support of the George & Elizabeth Seifert Foundation and listed progress toward implementing these new strategies, including:

- Efforts to acquire national prominence through Accreditation by American Association of Museums (AAM). The AAM is meeting in Washington to review the application for accreditation and will render a decision whether the process will move forward to a site visit.
- Acceptance of ownership of the 1848 Stoney Creek Schoolhouse from the Rochester Community Schools. Fund raising efforts resulted in \$100,000 raised for capital expenditures, along with \$100,000 to begin an endowment for the Schoolhouse.
- Initiation of the Adaptive Reuse Project of the 1927 Calf Barn.
  - \* Exhibit and Archival Space for the Congressman Broomfield Collections and Community Family Legacies.
- Reconstruct the 1872 Big Barn as an educational/historic setting and Community Center.
- Initiation of an Endowment Campaign.

Mr. McKay explained that the building has been open to the elements since the original Calf Barn roof collapsed 20 years ago. He noted that most of the emphasis to date has been on capital work. He mentioned that approximately \$200,000 is available in funds held at the Community Foundation of Greater Rochester, and he stated that the endowment will now move to fund the operational aspect of the project. He displayed photographs of the barn buildings in their current state and a rendering of the project. He explained that staff are currently working with two different donors to fund the construction of cupolas, and noted that the result will be an exterior that is an identical replica of the 1927 barn. He commented that an additional \$150,000 will be needed for interior adaptive reuse of the building; and he stated that although the building will not be heated and air conditioned initially, a system will be added in the future.

**Mr. Yalamanchi** requested information on the following:

- Whether all funding noted by the Community Foundation is designated for projects or whether it can be used for general museum purposes, and if all available funding would be used.
- Whether the \$100,000 grant to fund Congressman Broomfield Archives had been received.
- Whether the project will be completed without the use of General Operating or Family Recognition Project funds.

**Mr. McKay** responded with the following:

- While some funds are donor-directed, undesignated donor funds were tapped to provide funding. He noted that approximately \$25,000 will still be available. The project has built in a 20 percent contingency due to the condition of the building.

Approximately \$150,000 in pledges are expected to come in as well.

- Funding from the Archive Project is currently in year five of an eight-year timeframe.
- The Calf Barn Project will not use General Operating or Family Recognition Project funds. He noted that display windows will recognize long-time families in the Rochester area; and mentioned that donors have committed to fund six of nine windows thus far.

**Mr. Yalamanchi** commended the Museum team for setting the direction to pull private resources.

**Mr. McKay** stated that he is proud of the community's response in supporting the Museum.

**Mr. Kochenderfer** offered his congratulations, noting that partnerships like this are few and far between.

**Mayor Barnett** thanked George and Elizabeth Seifert for their support, noting that while Council has had to deal with shrinking budgets, their family has stepped up and made a difference. He mentioned that Phase II of the Museum plan will be presented during the budget process.

**President Hooper** acknowledged the Seiferts and Frank Cardimen, in attendance, for their continued support.

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

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

Enactment No: RES0148-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Project Budget for the construction of Phase I of the Calf Barn Adaptive Reuse Project to MJC Construction Management, Macomb Township, Michigan in the amount not-to-exceed \$320,000.00 subject to receipt of funding by the City and further authorizes the Mayor to execute a contract on behalf of the City.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2012-0247** Request for Purchase Authorization - BLDG/FAC: Modifications to the HVAC system at Fire Station #1 in the amount of \$75,400.00 with a 10% contingency of \$7,540.00 for a total not-to-exceed amount of \$82,940.00; Denny's Heating, Cooling & Refrigeration Service, Inc.

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

**Scott Cope**, Director of Building/Ordinance Compliance, noted that the modification of the HVAC system at Fire Station #1 will address four different areas at the station where there are temperature control issues. The project

was initially approved by Council in December of 2009. Following a 26-month process of construction and challenges, it has come to staff's attention that there are still issues that must be resolved. He noted that problems exist in controlling the temperature of office areas where exterior windows change temperatures, and in sleeping areas where temperatures are not cool enough for comfort.

**President Hooper** stated that it is unfortunate that a great deal of money has been expended and problems remain. He commented that he hopes this work will solve the remaining issues once and for all.

**Mr. Cope** responded that he has been assured by the Mechanical Engineer for the project that he has designed a system that will adequately address all issues.

**Mr. Yalamanchi** expressed concern over the project budget of \$82,000 and questioned whether any other option exists or if the City has any recourse against the original contractor.

**Mr. Cope** responded that ducting must be redone in four areas, including the administrative offices and an additional area in the southwest corner of the building. He explained that the system as installed now operates both the training room and the bunk room, and the project will separate that portion to address concerns of staff that must sleep there. He expressed his frustration over the problems with the project, and stated that he has been working with a consultant engineer to decipher whether problems with temperature and humidity levels in the building were the result of product recalls encountered, contractor performance or the actual design of the system. He stated that while the previous contractor was not cooperative in completing the project in the approved contract manner, upon review it was determined that the contractor did complete the work and was paid. He explained that the system was originally designed by a Mechanical Engineer, and was reviewed by the City's Mechanical Inspector and Mechanical Consultant.

**Mr. Rosen** questioned how much square footage is involved, and pointed out that a home can be heated and air conditioned with a top-of-the-line system for approximately \$15,000 to \$20,000.

**Mr. Cope** responded that the Bunk Room is approximately 800 to 1,000 square feet, and the project includes the training room, four or five administrative offices in one portion of the building and another four or five in another, for a total of approximately 2,000 to 2,500 square feet. He added that the project also involves the heating system for the entryway. He commented that this work should bring the item to a close.

**President Hooper** mentioned that four additional rooftop units are included and noted that the cost will be taken from retained earnings.

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

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

Enactment No: RES0149-2012

**Resolved**, that the Rochester Hills City Council authorizes the purchase of modifications to the HVAC system at Fire Station #1 to Denny's Heating, Cooling & Refrigeration Service, Inc., Walled Lake, Michigan in the amount of \$75,400.00 with a 10% contingency of \$7,540.00 for a total not-to-exceed amount of \$82,940.00.

**2012-0096** Request for Purchase Authorization - DPS/GAR: Increase to Blanket Purchase Order for water meters and equipment in the amount of \$125,000.00 for a new not-to-exceed amount of \$150,000.00 through December 31, 2012; ETNA Supply Company, Grand Rapids, MI

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

**President Hooper** stated that while he works in the construction industry and has had dealings with this firm through his employer, he had no participation on the bid item, did not discuss the bid with the firm, and has no financial interest in the firm. As such, he sees no need to recuse himself from this item.

**Allan Schneck**, Director of DPS/Engineering, stated that the purchase would replenish the City's stock and provide meters for new installations as well as replacements.

**President Hooper** questioned whether this requirement constitutes an unfunded mandate where the City must absorb the cost to replace these meters.

**Mr. Schneck** responded that Federal Law as well as the American Water Works Association (AWWA) mandates that utilities must begin installation of only lead-free water equipment by 2014. He noted that not all meters in the system must be lead-free by 2014; however, the City must begin to abide by the Federal Mandate.

**Mr. Klomp** questioned how current meters would be replaced. He noted that the Water and Sewer Technical Review Committee has discussed incorporating advanced metering technology for improved reporting and questioned whether the Administration has considered alternative meters that can provide additional reporting capabilities.

**Mr. Schneck** responded that the City has 30,000 water meters in its distribution system and has guidelines for systematic replacement. Meters are replaced approximately every ten years, as the accuracy of mechanical positive displacement meters slows over time. He noted that the new meters have no moving parts and their accuracy will be better over the long term of their design life. He explained that AWWA guidelines recommend replacement of typical 5/8-inch residential meters at 10 years or at a million gallons of flow. He commented that future technology will allow a look toward advanced metering and these meters could comply with such a system.

**Mr. Webber** questioned whether the City's current stock will still be used and if the mandate might be repealed by a future Federal administration.

**Mr. Schneck** stated that current stock will be used, and noted that the cost of the proposed meter is approximately \$20 more than the current meters, or \$2 more per year of use. He stated that as the mandate is by Federal Law for all utility operators, the industry has moved in this direction and all meters available today are lead-free.

**Mr. Yalamanchi** questioned the status of the program initiated a few years ago to replace all meters. He noted that only one vendor responded and stated that the City should have a backup plan in the event something could happen to this company.

**Mr. Schneck** responded that only approximately 50 out of 30,000 manual read meters remain in the system and staff is aggressively working to notify property owners and pursue replacement. He explained that this will be the first purchase of lead-free meters and commented that beginning in 2014, only lead-free meters can be installed. He stated that while other manufacturers may make a similar meter, reading technology and piping configuration must also be considered. Should something happen to the supplier, staff would have to find a meter that would work within the City's system. He mentioned that staff periodically reviews available metering products to determine whether an alternative exists that would work well with the City's system.

**President Hooper** commented that this is clearly a sole source supply.

**Mr. Schneck** responded that the City's solicitations offer the opportunity to provide an alternate. He commented that the City is not the only community using this product, and noted that Birmingham uses the same meter.

**Mr. Rosen** questioned how much lead the current meters contain. He commented that any plumbing older than 20 years most likely used lead tin solder.

**Mr. Schneck** responded that he did not know how many milligrams of lead content a meter has. He noted that Federal Law does not address flow-through water, and is concerned with water that is stagnant within the meter.

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

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

Enactment No: RES0150-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the Blanket Purchase Order to ETNA Supply Company, Grand Rapids, Michigan, for water meters and equipment in the amount of \$125,000.00 for a new not-to-exceed amount of \$150,000.00 through December 31, 2012.

**2012-0248** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for the non-participating costs for items of work proposed for construction with the Livernois Road Bridge Replacement Project in the amount of \$27,597.00; Road Commission for Oakland County, Beverly Hills, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Cost Share Agreement.pdf](#)  
[Resolution.pdf](#)

**Allan Schneck**, Director of DPS/Engineering, explained that this funding agreement will cover ineligible or non-participating items on the Livernois Road Bridge Project. Estimated at \$27,597, the project consists of decorative fencing and additional pedestrian walkways on either side of the bridge.

**President Hooper** questioned when the existing wooden bridge structure will be removed.

**Mr. Schneck** responded that the work falls within the Enhancement Grant that the City is receiving and explained that the wooden pathway cannot be removed until ITC realigns the utility poles and wires. He stated that he expects this will be done sometime later this fall.

**Mr. Webber** commented that it is good planning to complete the work on both bridges while the area is all torn up.

**Mr. Klomp** questioned whether the pathway on the west side of Livernois will connect to the pathway at Fire Station #1.

**Mr. Schneck** responded that this work will provide connectivity on Livernois from the Clinton River Trail to the intersection at Avon.

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

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

Enactment No: RES0151-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Cost Participation Agreement with the Road Commission for Oakland County for the non-participating costs for items of work proposed for construction with the Livernois Road Bridge Replacement project in the amount of \$27,597.00 and any additional costs to complete the project and further authorizes the Mayor to execute the agreement on behalf of the City.

**2012-0252** Request for Purchase Authorization - MAYOR: Contract/Blanket Purchase Order for governmental representation and consulting services in the amount not-to-exceed \$60,000.00 through August 1, 2013; Strategic Communication Solutions, Inc., Novi, MI

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

**Mayor Barnett** stated that the Administration has looked to see what communities have done in these relatively challenging economic times to address various concerns in the community. He noted that unfunded mandates, health care regulations, legislation such as that which set speed limits on gravel roads,



and challenges in finding more resources are just a few of the areas where the City could strive to gain influence. He explained that a dozen firms responded to a Request for Proposal (RFP); and after intensive meetings, Strategic Communication Solutions, Inc., was selected.

**Robert Law**, President, Strategic Communication Solutions, Inc., highlighted his firm's background noting that they do Federal, State and local Government Affairs work. He introduced his team:

- **Lisa Nocerini**, coordinates governmental accounts and works with consultant Former Congressman Joe Knollenberg, to work with Federal agencies.
- **Sarah Ledford**, works in Lansing on a day-to-day basis.
- **Dan Pero**, Former Chief of Staff for Governor John Engler, works in Lansing.
- **Stephanie Moran**, Public Relations Specialist for the firm, performs grant writing duties.
- Research Assistants **Aron Wortham** and **Richard Jordan**, assist in filings.

Mr. Law noted that he was a part of the original team involved in the development of Oakland Technology Park and while involved in State government, wrote the legislation that created the Michigan Economic Development Corporation (MEDC), beginning as the Michigan Strategic Fund. He commented that team members will periodically attend Council meetings to keep abreast of local issues.

#### **Council Discussion:**

**Mr. Kochenderfer** commented that retaining such a firm is an excellent idea, as the reinvention of Michigan is not yet complete. He stated that it is essential that the City's voice is heard in Lansing and in Washington. He pointed out that the contract will obligate the City to use this firm's services through August 1, 2013, and stated that he would encourage the Administration to review benchmarks next year to ensure that the City is receiving a value for its investment.

**Mr. Tisdell** stated that the competition for upstream governmental dollars is intense and questioned how the City will measure or identify the success of the firm's services.

**Mr. Law** responded that the firm will look for resources that will help the community. He mentioned several issues that affect Rochester Hills, including the elimination of Personal Property Tax, and policies set which have an economic impact. He stated that the firm will develop a list of prioritized issues and there needs to be a good understanding of what the firm's job needs to be in order to develop a success ratio.

**Mr. Tisdell** requested an example of a recent victory.

**Mr. Law** responded that one of its client communities had a prison that they had been trying to get rid of for over 20 years. The firm was successful in influencing the passage of legislation which allowed the community to sell the prison land in a manner where it can be developed. He noted that another example is a community's receipt of Land Trust funding to undertake a cleanup. He mentioned that one of the projects the firm is currently working on is an interesting and viable technology, and they have brought out top people in the Environmental Protection Agency to support the project.

**Mayor Barnett** stated that one of the first questions he asked was how to measure success. He noted that grant funding is a top priority, while the success of influencing specific legislation is more difficult to measure. He commented that of those responding to the RFP, there were firms that had many municipal clients and those that had none. This firm was in the middle. He noted that one community's council accepted this firm's contract on a four-three vote in the first year. Subsequent renewal years received a seven-zero vote by the same Council.

**Mr. Yalamanchi** questioned what the specific scope of work will be.

**Mayor Barnett** responded that while difficult to define initially, discussions with Directors yielded 40 different issues, ranging from pending legislation to building codes and grant funding. He stated that the Administration will prioritize what its needs are.

**Mr. Law** stated that his firm's job is to work with the Mayor, City Council and the Directors to define priorities and how their representation can have an impact.

**Mr. Yalamanchi** questioned whether Council and Directors can work together to define these issues before approval is granted. He noted that Tara Presta, Chief Assistant, currently prepares grant applications and questioned whether other means of partnering with other communities could be done, such as through the Chamber of Commerce.

**Mayor Barnett** responded that there would never be a completed scope of work, as new legislation is always being developed.

**Mr. Yalamanchi** stated that he wished to defer a decision until the department heads become engaged.

**Mr. Webber** commented that while he understands Mr. Yalamanchi's concerns, he can speak from experience working in State Government that it helps to have a presence at the Federal, State and County level and constitutes having "boots on the ground" in committee hearings. He noted that this type of representation is different from what the Michigan Municipal League and the Southeast Michigan Council of Governments can provide. He stated that politics can be viewed as a game, and commented that while the City did not invent the game, it needs players to represent its interests. He commented that the City needs to qualify and quantify its investment and Council will see a return-on-investment moving forward.

**Mr. Klomp** stated that there is a move at the State level to emphasize grants. He commented that hiring an individual to do grant work has yielded countless benefits and stated that entering into this contract will be an investment.

**Mr. Rosen** commented that he worked in a similar capacity for over 40 years in the automotive industry and stated that public affairs people need to know intimately the business and organization of the entity they serve. He commented that the firm must spend innumerable hours getting up to speed on Rochester Hills. He

mentioned that he has quite a bit of skepticism and commented that the City already has a public affairs group in its own Mayor and Administration. He stated that while he is willing to try this for a little while, he is reluctant to do so. He commented that the biggest influence should be focused on Lansing as the City will have almost no impact in Washington.

**Mayor Barnett** stated that the measure of success is reliant on the Administration's ability to relay the City's priorities. He mentioned that when he first proposed a grant writer position on staff, Council approved the position by a four-three vote. He noted that the cost of the position of approximately \$100,000 per year has yielded over \$3 million in grants. He commented that the City must continue moving forward to protect the community, and noted that neighboring municipalities have engaged similar firms.

**Mr. Webber** stated Council needs to be involved in the process and the City will get out of this contract what it puts into it. He commented that it would be a shame if the City pays \$60,000 and does not use this firm's expertise to better Rochester Hills.

**President Hooper** expressed his support, stating that the City must have access to the contacts that have been developed over the years. He commented that the firm must get to know Rochester Hills.

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

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

**Nay** 2 - Rosen and Yalamanchi

Enactment No: RES0152-2012

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for governmental representation and consulting services to Strategic Communication Solutions, Inc., Novi, Michigan in the amount not-to-exceed \$60,000.00 through August 1, 2013 and authorizes the Mayor to execute a contract on behalf of the City.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2012-0257** Request for Approval of an amendment to the City Pension Plan Document in order to be in compliance with IRC 401(a)(9) based on the Worker, Retiree, and Employer Recovery Act 2008 (WRERA)

**Attachments:** [Agenda Summary.pdf](#)  
[Proposed Pension Plan Document 071612.pdf](#)  
[Resolution.pdf](#)

**Keith Sawdon**, Director of Finance, stated that the Worker, Retiree and Employer Recovery Act of 2008 affects qualified pension and retirement plans and suspends the minimum distribution requirement for persons 70-1/2 and above for the 2009 period. He explained that the City is required to amend its Pension Plan Document to comply with the legislation; and noted that changes were made on page 30

regarding Minimum Distribution Requirements and on Page 31 regarding definitions related to a non-spousal beneficiary.

**Mr. Rosen** questioned whether the suspension of minimum distribution requirements in 2009 was due to the volatility of the stock market at that time.

**Mr. Sawdon** responded that he believed that was the reason.

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

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

Enactment No: RES0153-2012

**Resolved**, that the Rochester Hills City Council hereby adopts the July 16, 2012 amendment to the City of Rochester Hills Group Pension Plan to be in compliance with IRC 401(a)(9) based on the Worker, Retiree, and Employer Recovery Act 2008 (WRERA).

**2011-0575** Discussion relative to support of the Older Persons' Commission (OPC)

**Attachments:** [Agenda Summary.pdf](#)  
[Ltr to Marleau 062512.pdf](#)  
[Beier Howlett Ltr 052212.pdf](#)  
[121211 Agenda Summary.pdf](#)  
[Rochester Revised OPC Budget 2012.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that Council is aware of the City of Rochester's Council's actions relative to the Older Persons Commission (OPC) Budget for the 2012 Fiscal Year, and explained that a proposed resolution has been drafted for discussion and possible adoption. He noted that Mayor Barnett drafted a letter for submission to the State Attorney General through State Senator Jim Marleau with questions prepared regarding the OPC budget process.

**Mr. Yalamanchi** questioned whether the Mayor's letter has been transmitted to the State Attorney General.

**Mayor Barnett** responded that the letter was sent to both State Senator Marleau and State Representative Tom McMillin at the end of June. Both officials indicated that they would carry the letter on to the State Attorney General.

**Mr. Yalamanchi** suggested that the last paragraph of the proposed resolution end with the words "continue to support the OPC".

**President Hooper** responded that he included the final paragraph as he believes that the leadership team and Executive Director Marye Miller have been taking unfair comments relative to the conflict. He stated that the residents of the community have been blessed to have the OPC staff and Ms. Miller's leadership and he felt it appropriate to make that statement.

**Mr. Yalamanchi** stated that while he concurs, his suggestion is to stay focused in the issue to communicate with the Attorney General and not bring any names or personalities into it.

**Mr. Webber** expressed his appreciation to President Hooper for bringing this forward. He commented that it officially communicates to the residents the work that Council, the City Attorney and the Administration have done to protect the City's investment in the OPC by asking a few questions of the State Attorney General. He stated that he believes the last sentence should not be deleted.

**Mr. Klomp** commented that he would support removing reference to any name in the resolution. He stated that he does not support dismantling the OPC further and feels it is important to protect the organization. He thanked Council and the Mayor for not getting too heavily involved in public debate and stated that his constituents appreciate, enjoy and continue to use and support the OPC. He mentioned that he has not had anyone complain to him or have a negative comment about the organization. He stated that with all due respect to the City of Rochester and Township of Oakland, what makes the OPC great is the involvement of the three communities; and he expressed his hopes that the communities can step forward and do what is right.

**Mr. Rosen** suggested that the last paragraph of the proposed resolution should remain; however, specific reference by name to the Executive Director should be removed. He commented that three communities set up the OPC's structure and leadership group and it works very well. He stated that the communities should work out a management process that will avoid this type of confrontation, rather than look toward a dispute resolution mechanism. He mentioned that either one of the proposed budgets would have been fine; and the OPC Board should ultimately be comfortable with its budget. He stated that he wants to see the OPC Board work things out with all three communities.

**Mr. Tisdell** commented that it was not the City of Rochester Hills that initially brought the Executive Director's name into the discussion.

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

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

Enactment No: RES0154-2012

**Whereas**, the OPC Interlocal Agreement requires the three municipalities (Rochester, Rochester Hills and Oakland Township) to pass the OPC Budget by October 1st; and

**Whereas**, Oakland Township and Rochester Hills did pass the OPC Budget by October 1, 2011 while Rochester did not; and

**Whereas**, the Rochester City Council has now asked the State Attorney General for an opinion regarding the OPC Budget process that has the potential to shut down the operations of the OPC; and

**Whereas**, the Rochester Hills City Council, the Mayor and the City Attorney have discussed questions regarding the OPC Budget process that should be asked of the State Attorney General to provide greater clarity on the matter.

**Therefore, Be It Resolved**, that the Rochester Hills City Council supports the administration in sending a letter through our state elected officials to the State Attorney

General that asks questions that should provide greater clarity regarding this current budget process and future OPC Budget processes.

***Be It Further Resolved***, that the City of Rochester Hills has been a strong supporter of the OPC for over twenty-five years, the city will continue to support the OPC, including the Executive Director and the leadership team, and stand ready to defend and protect our residents' ability to use and enjoy this facility.

## COUNCIL COMMITTEE REPORTS

### **Older Persons Commission (OPC):**

***Mr. Webber*** noted that the OPC Board has scheduled a Special Meeting for Thursday, July 26th to discuss and adopt the 2013 Budget for OPC. He noted that Mr. Yalamanchi is the Board Treasurer.

### **Liquor License Technical Review Committee:**

***Mr. Webber*** reported that the Liquor License Technical Review Committee has met four times and has been working with City Clerk Jane Leslie on the process of reviewing applications. He commented that a report will be brought to Council on July 30th.

### **Rochester Avon Recreation Authority (RARA):**

***Mr. Klomp*** reported that an Environmental Assessment was completed on the property proposed for purchase and the report noted that no concerns were encountered. He stated that a roof inspection of the building also yielded a favorable rating, and the acquisition process will continue to move forward.

## ANY OTHER BUSINESS

*None.*

## NEXT MEETING DATE

*Regular Meeting - Monday, July 30, 2012 - 7:00 p.m.*

## ADJOURNMENT

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

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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

*Approved as presented at the August 27, 2012 Special City Council Meeting.*