



Rochester Hills

Minutes

City Council Regular Meeting

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

*Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdel,
Michael Webber 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, December 8, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A.
Tisdel, Michael Webber and Thomas W. Wiggins

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Tara Presta, Chief Assistant to the Mayor
Matthew Randall, Rochester Hills Government Youth Council Representative
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Brown, seconded by Kochenderfer, that the Agenda be Approved as Amended to move Legislative File 2014-0511 Request for Purchase Authorization - DPS/ENG: Agreement for Municipal Street Lighting for street lighting installations within Falcon Estates Subdivision; Legislative File 2014-0543 - Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for water meters and equipment in the amount not-to-exceed \$175,000.00; and Legislative File 2014-0553 Request for approval of the Water Service Contract provided by the Detroit Water and Sewerage Department (DWSD), ahead of Legislative File 2014-0512 Election of City Council President for a one-year term to expire December 6, 2015. The motion carried by the following vote:

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

PUBLIC COMMENT

Philip Barker, 1434 Burhaven, requested Council extend the moratorium on oil and gas exploration past its expiration date in February of 2015 and encouraged work with the Planning Commission to incorporate citizen input regarding the development of ordinances. He commented that much research is coming out regarding horizontal drilling and its effect on communities.

Brian Dorey, 2525 Roseview, stated that he recently received a flyer regarding drilling in Nowicki Park. He commented that while he supports oil and gas exploration, he is concerned that it would be done close to his home.

Jay Arnold, 3141 Tamarron Drive, questioned whether Council has taken into consideration the cost of a clean up of any potential drilling accident. He mentioned emergency and environmental incidents occurring in area communities and noted the cost the communities must bear.

Mike Powers, 3632 Aynsley, commented that citizens were denied the right to vote for use of the parks for oil and gas exploration. He noted that gas prices are dropping.

Clark Barrett, 1376 Kingspath, stated that the City receives a poor grade for its handling of the oil and gas exploration issue. He commented that the moratorium is useless, as it cites action on an incomplete Senate bill.

Erin Howlett, 3597 Aynsley, announced that St. Irenaeus is collecting donations for the area VA Hospital. She noted that Senate Bill 1026 did not move past its hearing this last Thursday and stated that the City's moratorium should be rewritten and extended for an additional six months.

Melinda Hill, 1481 Mill Race, stated that Council has been unaccommodating to its citizens. She commented that the last item in the agenda should be moved forward for discussion earlier in the meeting.

Lee Zendel, 1575 Dutton Road, commented that five of the nine surviving crewman of the Pearl Harbor attack on the USS Arizona held a reunion this past week. He stated that 2,400 American Sailors and Marines died in the attack and stressed that this nation must always know that there are evil people preying on the weak. He commented that the government's primary job is to serve the public.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett made the following announcements:

- The Tienken Road roundabout has opened. The roundabout includes a slip lane for northbound to eastbound traffic and incorporates the Hawk signal system for pedestrians.

- The Department of Public Services estimates that approximately \$10 million in public and private infrastructure improvements have been delivered in 2014, the highest in many years. There will be little carryover to 2015 included in the 4th Quarter Budget Amendment. Residents deserve a huge thank you for their patience.
- The City recently celebrated its 30th birthday. A thank you goes to Home Bakery's Heather Tocco for donating a cake depicting 30 years of events.
- As a part of its birthday celebrations, the City recognized long-time employees; thirteen percent have been here every day that the City has been in existence.
- Santa Claus arrived at the Village of Rochester Hills on a firetruck. The event was celebrated in conjunction with the Rainbow Connection, and included fireworks.
- Over 100 people came out to volunteer their time during this year's Paint the Plow event. Students connect with DPS staff in decorating the City's snowplowing equipment and show their school spirit.
- The Rochester Hometown Christmas Parade was held yesterday, and was a huge success.
- In conjunction with the City's birthday celebrations, staff members have undertaken Thirty Days of Giving, donating their time to nonprofit organizations in the community. A video highlighted the efforts of several departments, and urged residents to take up the challenge.

Matthew Randall, Rochester Hills Government Youth Council (RHGYC) Representative, reported that RHGYC members volunteered in the warming tent at the Rochester Hometown Christmas Parade by hosting games, face painting, and temporary tattoos for children. The group will be helping out at the City's Holiday Family Fun Night, and is scheduled to wrap gifts at Barnes and Noble to collect donations to support the charity Blessings in a Backpack. He encouraged everyone to follow the group on their Twitter feed, @RHYouthCouncil.

In response to Public Comment, **Mr. Tisdell** noted that the City's web page contains a link to view the specific prohibition contained in the lease that Council signed regarding oil and gas exploration. He announced that the Planning Commission's next meeting is January 13, 2015 at 7:00 p.m. and he believes that the Oil and Gas Ordinances would be on the agenda at that meeting.

Ms. Morita commented that she received an email from a resident concerned about trees and branches left in Nowicki Park. She stated that Parks and Forestry Director Mike Hartner responded that this is mostly tornado debris and should be removed by December 19th.

Mr. Kochenderfer announced that Claire Elizabeth Kochenderfer was born three weeks ago.

Mr. Brown reported that Older Persons' Commission staff partnered with the Rochester Hills Kiwanis Club to serve over 235 Thanksgiving Day meals to homebound seniors in the area.

Mr. Webber expressed his congratulations to the Kochenderfers on the birth of their daughter. He expressed his appreciation to the Rochester Regional Chamber of Commerce and the volunteers who worked to put on a successful parade this past Sunday.

President Hooper echoed Council's congratulations to the Kochenderfers.

ATTORNEY MATTERS

City Attorney John Staran responded to public comment regarding oil and gas exploration in the City. He stated that many of the comments have been addressed repeatedly at Council Meetings, and he noted that there will be no oil derricks or wells drilled at Nowicki Park, nor are there any oil wells proposed or currently permitted anywhere in the city. He explained that the oil and gas lease was approved almost two years ago after thorough research and several open meetings, and is a binding lease that expressly prohibits drilling or derricks in Nowicki Park.

He noted that the current moratorium is in place until February, and he commented that the process of vetting and developing appropriate oil and gas regulations in the city is a time-consuming process. He stated that he is quite confident that if it looks like more time is needed, he will recommend to Council that the moratorium be extended. He noted that he is confident that there will be an appropriate legal basis to extend the moratorium when the time comes; however, it is premature to extend it now.

Regarding public comment made that Council has deprived people of their voting rights and violated the City Charter, he noted that those issues have been settled by the Courts. He stated that the City received a clear and thorough court decision from the Oakland County Circuit Court, ruling in favor of the City on every claim made against it, and finding that Council acted lawfully. He noted that the Court determined that there was no right to vote. The ruling stated that the Charter provision does not apply and the City acted lawfully in entering into the oil and gas lease with Jordan Development. He commented that while the ruling is under appeal, he fully expects that the decision will be affirmed.

He stated that this is an opportunity for the City to commence on a healing process and make an effort to analyze and develop appropriate local ordinances and regulations. He commented that as long as misinformation and false statements as to the facts and law regarding fracking and illegalities continue, it will be very difficult to have a cooperative process. He stated that the law should be accepted and the Court has ruled.

City Attorney Staran commented on the recent passing of long-time Township and City Attorney Larry Ternan. He stated that Mr. Ternan was the Township and City Attorney for over a quarter of a century, and he commented that Mr. Ternan's sound and strong guidance especially during this City's early formative years was instrumental to the City being what it is today. He stated that Mr. Ternan was a tower of integrity and honesty, and was recognized by his peers, bench and bar alike, as one of the leaders in the state in the municipal law field as well as in zoning and land use cases. He commented that on a personal note, Mr. Ternan was a mentor, colleague and friend, and he will miss him dearly.

PRESENTATIONS

2014-0551 Presentation regarding Green Space Natural Features Stewardship Program

Attachments: [120814 Agenda Summary.pdf](#)
[Niswander presentation.pdf](#)

Mike Hartner, Director of Parks and Forestry, introduced Dr. Steven Niswander and Jeff Bridgland, representing Niswander Environmental. He stated that the gentlemen were in attendance to bring some concepts for Stewardship to Council for discussion.

Dr. Niswander noted that he was the City's wetlands consultant ten years ago. He explained that concurrent to the passage of the Open Space Millage in 2005, a Natural Features Inventory was completed, which identified by ranking Priority 1, 2 and 3, the highest quality natural areas in the city. He stated that since that passage, five Priority 1 parcels have been acquired by the City; and he listed each parcel highlighting its features.

His presentation noted that it is not enough to merely purchase open space, it must be managed through a stewardship process, which includes evaluation, prioritization of critical things to protect or restore, implementing the protection process including management, restoration and enhancement, and monitoring effectiveness in achieving the goal.

The presentation explained adaptive management, and included the following steps:

- Year 1 - Evaluation and prioritization
- Years 2 through 5 - Implementation
- Year 6 and beyond - Maintenance and monitoring

He highlighted long-term stewardship goals and potential costs, including each phase:

- Year 1 - \$100,000 to \$200,000 for detailed site assessments, a long-term plan for each Green Space Property, and demonstration areas.
- Years 2 through 5 - \$150,000 to \$235,000 for preservation, restoration, enhancement, monitoring and evaluation, and education.
- Years 6 and beyond - \$150,000 to \$200,000 for preservation, restoration, enhancement, monitoring, and education.

He noted that successful long-term management relies upon site assessment and prioritization, preservation and restoration, maintenance and monitoring, education, involvement, ownership and commitment. He commented that having the opportunity to create a trust fund into perpetuity is almost unheard of. He cited the example of Department of Natural Resources funding, and mentioned that when their projects are dependent on Federal and local grants, lapses in funding create gaps in projects causing them to have to start over.

He stated that community involvement includes teamwork, engaging citizens, corporate involvement, and non-profit agencies.

Mr. Hartner explained that a presentation of detailed accounting and budget figures will be brought to Council after the holidays, along with recommendations for transfers to allow funding in perpetuity. He expressed his appreciation to the citizen members of the Green Space Advisory Board for their work over the past two years to define stewardship and determine the appropriate elements of a stewardship plan. He pointed out that a solid implementation plan will begin at first with qualified contractors and include an ongoing education and communication program with the residents. He stated that efforts to create a ranking system to set priorities for each subsequent year's projects during the budget cycle will prevent a stopping and starting of projects, and provide an opportunity that no other park system has.

Council Discussion:

Mr. Kochenderfer expressed his appreciation for the presentation, and stated that stewardship will be a long-term project and a monumental task. He commented that this is a fantastic opportunity and the City should ensure that it is done right.

Mr. Wiggins thanked Mr. Hartner for his efforts, and noted that it is much clearer to him that \$3 or \$4 million could be needed. He commented that he looks forward to seeing the numbers needed.

President Hooper echoed the appreciation expressed, noting that he will be relying on Keith Sawdon, Director of Finance, and Kurt Dawson, Director of Assessing/Treasury, along with Mr. Wiggins' expertise in the field.

Presented.

RECOGNITIONS

2014-0577 Proclamation in Recognition of Dr. Rubel Shelly

Attachments: [120814 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett stated that it is his privilege to honor someone who is both a mentor and a friend. He noted that he first met **Dr. Rubel Shelly** in 2008, when Dr. Shelly was given the position of Interim President of Rochester College. He stated that Rochester College was in a challenging position at that time, and Dr. Shelly took over and guided the college in a very dramatic way. He commented that the City and the College have a strong partnership in part due to Dr. Shelly's leadership. He mentioned the College's support of the Albanian population by contributing a four-year full-ride scholarship for an Albanian student.

He read the proclamation honoring Dr. Shelly.

Dr. Shelly expressed his thanks for the recognition, and commented that he will miss this community as he returns to his hometown in Tennessee.

Presented.

Whereas, In 2005, Dr. Rubel Shelly accepted the position of Professor of Religion and Philosophy at Rochester College and moved his family to Rochester Hills. In 2008, he became the President of Rochester College and served in that capacity until he resigned the position and became Chancellor in 2013; and

Whereas, Since that time, Dr. Shelly has dedicated his time and considerable talents to the students of Rochester College and the residents of the City of Rochester Hills. Dr. Shelly diligently serves as teacher, mentor, spiritual leader, and confidant to many throughout the community; and

Whereas, In addition to serving as an influential member of the Rochester Hills Museum Foundation and the Mayor's Business Council, Dr. Shelly notably provided a very special four-year academic scholarship to be awarded to one young person from our Sister City of Tuz, Montenegro. This student may have never been able to attend college in America if it were not for the kindness of Dr. Shelly; and

Whereas, Dr. Shelly has made many significant contributions to this community and is well respected by all. He generously gives his time, talent, and expertise to ensure the City of Rochester Hills is, and continues to be, the preeminent place to live, work and raise a family.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize Dr. Rubel Shelly for his dedication and service to Rochester College and wish him continued success in his future endeavors.

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.

2014-0484 Approval of Minutes - City Council Regular Meeting - October 20, 2014

Attachments: [CC Min 102014.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0302-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on October 20, 2014 be approved as presented.

2014-0567 Approval of Minutes - City Council Regular Meeting - November 10, 2014

Attachments: [CC Min 111014.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0303-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 10, 2014 be approved as presented.

- 2014-0554** Request for Acceptance of Highway Easement granted by Wanda Humiecki, and Successors as Trustees of the Wanda Humiecki Revocable Living Trust, 70 W. Hamlin Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowner in the amount of \$6,500.00

Attachments: [120814 Agenda Summary.pdf](#)
[Highway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0304-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a highway easement granted by Wanda Humiecki, and Successors as Trustees of the Wanda Humiecki Revocable Living Trust, dated March 23, 20015 as amended, a Michigan Limited Liability Company, whose address is 70 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-016, and authorizes payment to the landowner in the amount of \$6,500.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2014-0556** Request for Acceptance of Temporary Construction Easement and Quit Claim Deed granted by BIC Ltd., a Michigan Corporation, 1835 S. Rochester Road, Rochester Hills, Michigan 48307, and authorization of payment to the landowner in the amount of \$25,127.00

Attachments: [120814 Agenda Summary.pdf](#)
[Temporary Construction Easement.pdf](#)
[Quit Claim Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0305-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a Temporary Construction Easement and Quit Claim Deed granted by BIC Ltd., a Michigan Corporation, whose address is 1835 S. Rochester Road, Rochester Hills, Michigan, 48307, over, on, under, through and across land more particularly described as Parcel No. 15-23-300-004, and authorizes payment to the landowner in the amount of \$25,127.00.

Further Resolved, that the City Clerk is directed to record the easement and quit claim deed with the Oakland County Register of Deeds.

- 2014-0563** Request for Acceptance of Highway Easement granted by St. Mark Orthodox Church, a Michigan non-profit corporation, 400 W. Hamlin Road, Rochester

Hills, Michigan 48307, and authorization of payment to the landowner in the amount of \$8,500.00

Attachments: [120814 Agenda Summary.pdf](#)
[Highway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0306-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a highway easement granted by St. Mark Orthodox Church, whose address is 400 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-022.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

2014-0564 Request for Acceptance of Highway Easement granted by Iosif and Mihela Meluta, 344 W. Hamlin Road, Rochester Hills, Michigan, and authorization of payment to the landowner in the amount of \$20,000.00

Attachments: [120814 Agenda Summary.pdf](#)
[Highway Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0307-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills accepts a highway easement granted by Iosif and Mihela Meluta, whose address is 344 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-032, and authorizes payment to the landowner in the amount of \$20,000.00

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

2014-0375 Request for Approval of Traffic Control Order TM-31, Tienken Road at Adams High School, Section 6

Attachments: [120814 Agenda Summary.pdf](#)
[TCO TM-31-14.pdf](#)
[Adams HS Van Hoosen MS Report.pdf](#)
[Bus Loop Picture.pdf](#)
[School Messenger 082814.pdf](#)
[Tienken at Adams HS Study.pdf](#)
[AT&SB Minutes excerpt 111114.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0308-2014

Whereas, Traffic Control Order No. TM-31 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98,

Michigan Vehicle Code, MCL 257.1 et seq.: and

Whereas, said Traffic Control Order covers:

Tienken Road at Adams High School, Section 6

TM-31.1 - Prohibit Left and Right Turns Exiting Adams High School, First Driveway Located 250 feet West of Adams Road along North Side of Tienken.

TM-31.2 - Prohibit Left and Right Turns Entering Adams High School, Second Driveway Located 575 feet West of Adams Road along North Side of Tienken.

TM-31.3 - Prohibit Left Turns Exiting Adams High School, Third Driveway Located 775 feet West of Adams Road along North Side of Tienken Road.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved;

Resolved, that the Rochester Hills City Council approves the issuance of the Traffic Control Order TM-31 to be in effect until rescinded or superseded by subsequent orders; and

Now Therefore Be it Resolved, that a certified copy of this Resolution is filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

- 2014-0555** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for the maintenance of the Rochester Hills Supervisory Control and Data Acquisition (SCADA) System in the amount not-to-exceed \$60,000.00 through December 31, 2015; Kubica Corporation, Novi, MI

Attachments: [120814 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0309-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the maintenance of the Rochester Hills Supervisory Control and Data Acquisition (SCADA) System to Kubica Corporation, Novi, Michigan in the amount not-to-exceed \$60,000.00 through December 31, 2015.

- 2014-0509** Request for Purchase Authorization - MIS: Purchase of GIS software annual maintenance in the amount not-to-exceed \$33,000.00; ESRI (Environmental Systems Research Institute), Redlands, CA

Attachments: [120814 Agenda Summary.pdf](#)
[ESRI Quote.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0310-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of GIS software annual maintenance to ESRI (Environmental Systems Research Institute), Redlands, California, in the amount not-to-exceed \$33,000.00 through December 31, 2015.

- 2014-0561** Request for Purchase Authorization - MIS: Project budget for purchase of equipment, supplies and software in the amount not-to-exceed \$43,900.00 through December 31, 2015; State Contracts and Other Supply Sources

Attachments: [120814 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0311-2014

Resolved, that the Rochester Hills City Council authorizes a project budget for the purchase of equipment, supplies and software utilizing State Contracts and Other Supply Sources in the amount not-to-exceed \$43,900.00 through December 31, 2015.

Passed the Consent Agenda

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

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

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

- 2014-0562** Request for Purchase Authorization - DPS/GAR: Purchase of one (1) Television Sewer Inspection Camera in the amount of \$52,881.00; Telespector Corporation, Auburn Hills, MI

Attachments: [120814 Agenda Summary.pdf](#)
[Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Lisa Winarski, 194 Bedlington, expressed concern why the City is purchasing another camera as it already purchased two last year. She questioned whether this service was contracted out to LiquiForce.

Mr. Schneck responded that the City did not purchase a camera last year. He noted that the City's camera is 13 years old and in need of replacement. He explained that it is vital to maintain operations and is used to inspect the City's 350 miles of sanitary sewer. He noted that the camera provides insight and allows for the sewers to be rated. Data is incorporated into the asset management system and capital improvement plans are developed based on the inspection results. He pointed out that a contractor provides cured-in-place pipe lining to prevent inflow and infiltration and restore structural condition. He added that the camera is used for preventive maintenance as it also inspects leads for obstructions.

President Hooper questioned how many cameras the City owns.

Mr. Schneck responded that the City owns only one.

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

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

Enactment No: RES0312-2014

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) Television Sewer Inspection Camera in the amount of \$52,881.00 from Telespector Corporation, Auburn Hills, Michigan.

ORDINANCE FOR INTRODUCTION

2013-0360 Request for First Reading - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately 1.36 acres, located at 880 South Boulevard, east of Livernois from R-2 (One-Family Residential) to R-2 (One Family Residential) with an FB-1 (Flexible Business) Overlay and to prescribe penalties for the violation thereof; AGE of Rochester Hills, Inc., Applicant

Attachments: [120814 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Map Aerial.pdf](#)
[Environmental Impact Stmt 102413.pdf](#)
[Staff Report 111814.pdf](#)
[Minutes PC 111814.pdf](#)
[Minutes PC 101513.pdf](#)
[PHN 111814.pdf](#)
[111113 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[102813 Agenda Summary.pdf](#)
[Staff Report.pdf](#)
[Letter of Intent.pdf](#)
[Map Aerial.pdf](#)
[EIS.pdf](#)
[PHN Rezoning.pdf](#)
[102813 Resolution.pdf](#)
[111113 Resolution.pdf](#)
[120814 Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, explained that the Applicant owns land immediately to the west of the subject parcel and lacked sufficient land for truck turnaround for his proposed development. He noted that this parcel is planned to provide additional access and open space for his development, and the FB-1 zoning overlay would permit the proposed use.

Chuck SeKerenes, representing the Applicant, stated that he has been working diligently with Mr. Anzek and Sara Roediger, Manager of Planning, trying to come up with the perfect fit for his development at 920 South Boulevard. It was determined that a second access is required. He noted that negotiations with the adjacent Moose Lodge to secure an access point were not successful. He mentioned that the development strives to create a home-style of building on one level for seniors. He stated that the development was originally designed to include underground detention; however, the water table is too high and the cost too high to create a closed-tank system. He explained that the developer has been successful in purchasing property to the east and requests an FB-1 overlay to extend to that parcel to allow for a second drive, create more green space, spread buildings apart, and provide for an outside patio area for residents promoting walking activity.

Mr. Anzek noted that the Planning Commission held a public hearing on this item in November, and property owners within 300 feet were notified. He stated that the Planning Commission recommended approval by a vote of eight to one.

Public Comment:

Melinda Hill, 1481 Mill Race, commented that when the FB-1 overlay was approved on the adjacent property in 2013, it went against the Master Land Use Plan. She stated that the variety of uses approved under FB-1 should be considered when discussing rezoning. She commented that a conditional rezoning should have been done for the initial parcel.

Lisa Winarski, 194 Bedlington, stated that the City approved ten new senior facilities in 2013 and 2014. She commented that it is her assumption that the building size is too large for the parcel and instead of rezoning, the building size should be made smaller. She noted that the impact study showed that Fire and EMS services will be affected and commented that Rochester Hills is already deficient in Fire and EMS. She stated that all FB-1 uses should be considered.

President Hooper stated that the worst case scenario for FB-1 zoning would be office, medical, or restaurant use permitted under Conditional Land Use.

Mr. Anzek confirmed that was correct.

President Hooper questioned whether the initially proposed facility size has changed.

Mr. SeKerenes responded that four additional rooms were added to the west side for memory care. He pointed out that Homes for the Aged (HFA) licensing rules and guidelines state that there must be 20 feet of clear view out of any resident's bedroom. He noted that by moving the building more to the west, a wall would be in view. He added that a second access is required for fire trucks. He stated that by spreading the buildings apart, the development will encroach onto the property by approximately 30 feet. He mentioned that the open detention will create a natural area.

President Hooper questioned how many units are proposed.

Mr. SeKerenes responded that 28 unassisted rooms and 32 memory care rooms are proposed.

Council Discussion:

Ms. Morita questioned whether the notice to the adjacent owners within 300 feet included a reference to a detention basin.

Mr. Anzek responded that it did not include a site plan.

Ms. Morita questioned whether residents in the area have been informed of the plan for the detention basin.

Mr. Anzek responded that Mr. SeKerenes met with residents prior to original rezoning and site plan submittal.

Mr. SeKerenes explained that the developer went out to everyone last year and never conveyed the idea that there would be underground detention. He stated that parking will be in the back, and the open detention will be internal, behind the current existing house at 880 South Boulevard.

Ms. Morita questioned how big the detention basin will be.

Mr. SeKerenes responded that the basin will meet whatever the requirements are for stormwater management, and will be a nice grass-landscaped area.

Ms. Morita expressed concern that it will attract geese and insects.

Mr. SeKerenes pointed out that the detention basin will not retain standing water. He commented that detention will be required for stormwater management no matter what is constructed.

Ms. Morita questioned what the procedure would be to explore a variance with more conditions.

Mr. Anzek responded that staff worked with the Applicant to reduce the size of the building or stack the buildings. The Applicant went out and sought a solution to acquire additional land. He noted that their design is to create more open space look. He commented that a variance cannot be sought for use of land; it would take a zoning ordinance change to add the FB overlay.

Ms. Morita commented that the developer could seek a use variance. She questioned what could be built if the Ordinance is granted and the Applicant sells the property to someone else. She noted that a new owner would not be bound by the current plans.

Mr. Anzek responded that a purchaser could do R-4 base zoning, or FB-1 which includes office, some attached housing or apartments. Uses such as a restaurant would require a Conditional Land Use.

Ms. Morita stated that by granting the ordinance, the development could have a much more intense use than what is currently proposed.

Mr. Anzek responded that was true; however, the City would also have the option of reversing the zoning and take it away.

Mr. SeKerenes stated that this was discussed at the Planning Commission. He stated that they are ready to move forward and are months from starting. He explained that they are weeks from closing their bank loan and are planning to be back to the Planning Commission in January or February at the latest.

Mr. Kochenderfer questioned if the request is granted and the City later wanted to reverse it, does the City have an unfettered right to change the zoning back with a new property owner.

John Staran, City Attorney, responded that it would depend on what is meant by unfettered. He commented that certainly the City Council always has the legislative prerogative to pass ordinances to zone or rezone. However, any time this is done, the resulting zoning must be reasonable and constitutional, and not constitute a regulatory taking. He added that this is why all possible uses are reviewed in addition to what the actual applicant is proposing. He commented that in making the decision to rezone both last year and looking at this particular parcel, Council's decision should be based not just on what this applicant is presenting, but whether the proposed zoning make sense for this parcel at this location at this time. He stated that if conditions dictate the zoning change tonight, what would justify the changing of the zoning to something else at a later time. He questioned whether the Planning Commission considered approaching this as a conditional rezoning, requiring the applicant to submit particular written conditions stating the proposed use. He explained that if conditions were proposed, then Council could look at the specific use proposed and would not have to worry what would happen if the applicant goes away. He pointed out that under the Michigan Zoning and Enabling Act if the zoning is conditional and conditions are not fulfilled, the zoning would be null and void.

President Hooper responded that the Planning Commission did not consider a conditional rezoning.

Mr. Anzek stated that this was discussed with the Applicant; however, the Manager of Planning at that time recommended that the FB-1 overlay was the way to go.

Mr. Staran suggested that conditional zoning could go a long way toward satisfying everyone's needs and alleviate Council's concerns.

Mr. Wiggins questioned whether this is something done on a regular basis had precedence.

Mr. Anzek responded that the Master Land Use Plan (MLUP) is generally updated every five years by State Law. He noted that the City did an update in 2013, and previous to that in 2007. He explained that it takes into consideration changes in the city and looks at places to invigorate or initialize change. He stated that this parcel was not reviewed at the time as a private school was considering it. He commented that MLUPs are a guide, and the actual law is the Zoning Ordinance.

Mr. Brown questioned what it would take to make this a conditional use.

City Attorney Staran stated that it is procedurally correct to convert a conventional to a conditional in mid-stream. He explained that the Applicant must submit

voluntary written conditions in writing to the City and the Ordinance could be brought right back to Council for First Reading. Council would have the prerogative to send it back to the Planning Commission; however, he does not believe that it would be necessary. He pointed out that a conditional rezoning would pare down and narrow the types of uses. He commented that if the Applicant were to submit written conditions this week, the item could come back as soon as the next available Council agenda.

Mr. Brown questioned whether the item could be on the agenda for December 15th.

Mr. SeKerenes responded that the developer has nine days to close the deal on the parcel. He stated that Jim Breuckman, previous Planning Manager, felt that FB-1 was the best way to go. He pointed out that they have invested in the first parcel and is investing in the second; and stated that if they do not obtain the second parcel, they will sell the original piece. He commented that the second piece is mainly for emergency access and detention systems and will be preserved to make it their nature area.

Mr. Tisdell commented that there is already commercial activity in the area. He questioned whether an FB-1 low-intensity overlay is a proper use for the parcels in the absence of this applicant.

Mr. Anzek responded that he believes it is. He stated that had the MLUP given the intersection more scrutiny, it would likely be found to lend itself to an office/institutional use. He commented that he does not believe that single-family could be built there and stated that an office zoning would most likely be considered.

Mr. Tisdell commented that single use zoning is giving way to form based zoning; and he noted that FB- 1 is the lowest intensity of form-based zoning. He stated that in his vision and need, in absence of this applicant he thinks that FB-1 is appropriate for these contiguous parcels considering nearby commercial uses.

President Hooper concurred, stating that FB-1 is appropriate. He commented that he did not see Council granting a Conditional Land Use for a restaurant; and if not senior housing, it would be most likely be a medical or office building.

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

Aye 5 - Brown, Hooper, Tisdell, Webber and Wiggins

Nay 2 - Kochenderfer and Morita

Enactment No: RES0338-2014

Resolved, that the Rochester Hills City Council hereby accepts for First Reading an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone one parcel of land totaling approximately 1.36 acres, Parcel No. 15-34-352-013, located at 880 South Boulevard, east of Livernois from R-2, One Family Residential to R-2, One Family Residential with an FB-1, Flexible Business Overlay, and to prescribe penalties for the violation thereof, AGE of Rochester Hills, Inc., Applicant, with the following findings:

Findings for Approval:

1. FB-1 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.
2. Approval of the proposed rezoning will allow for uses that are consistent and compatible with existing uses to the west and south.
3. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

NOMINATIONS/APPOINTMENTS

2014-0437 Nomination/Appointment of one (1) Citizen Representative to the Building Authority for a six-year term to expire December 31, 2020

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Butler CQ.pdf](#)
[Fons CQ.pdf](#)
[McCracken CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than one individual is nominated, the vote would be deferred to the next Council Meeting.

Mr. Tisdell nominated Chris McCracken.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Chris McCracken was appointed to the Building Authority to serve a six-year term to expire December 31, 2020.

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

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

Enactment No: RES0313-2014

Resolved, that the Rochester Hills City Council appoints Chris McCracken to the Building Authority to serve a six-year term to expire December 31, 2020.

2014-0456 Nomination/Appointment of seven (7) Citizen Representatives to the Deer Management Advisory Committee, each for a one-year term to expire December 31, 2015

Attachments: [120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Nomination/ Appt Memorandum 120814.pdf](#)
[Austin CQ.pdf](#)
[Balaban CQ.pdf](#)
[Decker CQ.pdf](#)
[Denno CQ.pdf](#)
[Helsom CQ.pdf](#)
[Kubicina CQ.pdf](#)
[Marries CQ.pdf](#)
[McDonald CQ.pdf](#)
[Moore CQ.pdf](#)
[Neveau CQ.pdf](#)
[Paille CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than seven individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Webber nominated Bruce Austin, Monique Balaban, Allen Decker, Benjamin Denno, Jim Kubicina, Thomas McDonald and Joe Podvin.

President Hooper noted that current Deer Management Advisory Authority member Joe Podvin had not responded as to whether he wished to be considered for reappointment.

Mayor Barnett responded that he had seen Mr. Podvin at a recent event and Mr. Podvin indicated that he wished to be considered to continue on the Committee.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Bruce Austin, Monique Balaban, Allen Decker, Benjamin Denno, Jim Kubicina, Thomas McDonald and Joe Podvin were appointed to the Deer Management Advisory Committee, each to serve a one-year term to expire December 31, 2015.

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, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0314-2014

Resolved, that the Rochester Hills City Council appoints Bruce Austin, Monique Balaban, Allen Decker, Benjamin Denno, Jim Kubicina, Thomas McDonald and Joseph Podvin to the Deer Management Advisory Committee, each to serve a one-year term to expire December 31, 2015.

2014-0457 Nomination/Appointment of two (2) Citizen Representatives to the Elections

Commission, each for a three-year term to expire December 31, 2017

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Butler CQ.pdf](#)
[Hauser CQ.pdf](#)
[Janulis CQ.pdf](#)
[Mazur-Abear CQ.pdf](#)
[Tischer CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than two individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Brown nominated Daniel Hauser and Chip Tischer.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Daniel Hauser and Chip Tischer were appointed to the Elections Commission, each to serve a three-year term to expire December 31, 2017.

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

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

Enactment No: RES0315-2014

Resolved, that the Rochester Hills City Council appoints Daniel Hauser and Charles (Chip) Tischer to the Elections Commission, each to serve a three-year term to expire December 31, 2017.

2014-0458 Nomination/Appointment of three (3) Citizen Representatives to the Green Space Advisory Board, each for a three-year term to expire December 31, 2017; and one (1) Citizen Representative to fill the unexpired term of Luke Fleer ending December 31, 2016

Attachments: [120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Nomination/Appt Memorandum 120814.pdf](#)
[Austin CQ.pdf](#)
[Carvey CQ.pdf](#)
[Fons CQ.pdf](#)
[Gauthier CQ.pdf](#)
[Hulbert CQ.pdf](#)
[Hunter CQ.pdf](#)
[Janulis CQ.pdf](#)
[Lyons CQ.pdf](#)
[Mazur-Abear CQ.pdf](#)
[McGunn CQ.pdf](#)
[Muenk CQ.pdf](#)
[Neveau CQ.pdf](#)
[Nielson CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper noted that there are three three-year appointments to the Green Space Advisory Board to be made, along with one appointment to fill the unexpired term of Luke Flee ending December 31, 2016. He questioned how Council wished to determine who receives the three-year terms and who will receive the term ending in 2016.

City Attorney John Staran stated that Council should decide how it wishes to apportion the terms prior to beginning the nomination process. He suggested the individual with the lowest votes could receive the shortened term.

City Clerk Tina Barton suggested Council could nominate four individuals, and hold a vote with each Council member selecting three individuals. The individual receiving the lowest number of votes would then fill Mr. Flee's term.

President Hooper Opened the Floor for Nominations.

Mr. Webber nominated Gerald Carvey, Tim Gauthier, and Darlene Janulis.

Mr. Kochenderfer nominated Thomas Neveau.

Seeing no further nominations, **President Hooper Closed the floor for Nominations.**

President Hooper instructed Council to vote for three individuals.

The nominees received the following votes:

Gerald Carvey: Hooper, Webber, Brown, Kochenderfer, Morita, Tisdell and Wiggins

Tim Gauthier: Hooper, Webber, Brown, Kochenderfer, Morita, Tisdell and Wiggins

Darlene Janulis: Hooper, Webber, Tisdell and Wiggins

Thomas Neveau: Brown, Kochenderfer and Morita

President Hooper announced that **Gerald Carvey, Tim Gauthier and Darlene Janulis** would be appointed to the Green Space Advisory Board, each for three-year terms to expire December 31, 2017; and Thomas Neveau would fill the unexpired term of Luke Fleer ending December 31, 2016.

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

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

Enactment No: RES0316-2014

Resolved, that the Rochester Hills City Council appoints Gerald Carvey, Tim Gauthier, and Darlene Janulis to the Green Space Advisory Board, each to serve a three-year term to expire December 31, 2017; and Thomas Neveau to fill the unexpired term of Luke Fleer ending December 31, 2016.

2014-0459 Nomination/Appointment of two (2) Citizen Representatives to the Historic Districts Commission, each for a three-year term ending December 31, 2017

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDC Appt Memo.pdf](#)
[Aubuchon CQ.pdf](#)
[Booth CQ.pdf](#)
[Deel CQ.pdf](#)
[Janulis CQ.pdf](#)
[Marries CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Olson CQ.pdf](#)
[Paille CQ.pdf](#)
[Thomasson CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than two individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Tisdell nominated Sue Thomasson and Darlene Janulis.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Sue Thomasson and Darlene Janulis were appointed to the Historic Districts Commission, each to serve a three-year term to expire December 31, 2017.

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

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

Enactment No: RES0317-2014

Resolved, that the Rochester Hills City Council appoints Darlene Janulis and Sue

Thomasson to the Historic Districts Commission, each to serve a three-year term to expire December 31, 2017.

- 2014-0460** Nomination/Appointment of three (3) Citizen Representatives to the Historic Districts Study Committee, each for a two-year term to expire December 31, 2016

Attachments: [120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[HDSC Appt Memo.pdf](#)
[Suppl Nomination/Appt Memorandum 120814.pdf](#)
[Granthen CQ.pdf](#)
[Janulis CQ.pdf](#)
[Mazur-Abearé CQ.pdf](#)
[McGunn CQ.pdf](#)
[Neveau CQ.pdf](#)
[Thompson CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than three individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Brown nominated Julie Granthen and Jason Thompson.

Mr. Webber nominated Maria Willett.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Julie Granthen, Jason Thompson and Maria Willett were appointed to the Historic Districts Study Committee, each to serve a two-year term to expire December 31, 2016.

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

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

Enactment No: RES0318-2014

Resolved, that the Rochester Hills City Council appoints Julie Granthen, Jason Thompson, and Maria Willett to the Historic Districts Study Committee, each to serve a two-year term to expire December 31, 2016.

- 2014-0461** Nomination/Appointment of two (2) Citizen Representatives to the Human Resources Technical Review Committee, each for a one-year term to expire December 31, 2015

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Atkinson CQ.pdf](#)
[McDonald CQ.pdf](#)
[Soisson CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than two individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Tisdell nominated Thomas McDonald and Nancy Soisson.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Thomas McDonald and Nancy Soisson were appointed to the Human Resources Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

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

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

Enactment No: RES0319-2014

Resolved, that the Rochester Hills City Council appoints Thomas McDonald and Nancy Soisson to the Human Resources Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

2014-0464 Nomination/Appointment of two (2) Citizen Representatives to the Liquor License Technical Review Committee, each for a one-year term to expire December 31, 2015

Attachments: [121514 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Blackstone CQ.pdf](#)
[Pixley CQ.pdf](#)
[Stephens CQ.pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Butler CQ.pdf](#)
[Fons CQ.pdf](#)
[Hauser CQ.pdf](#)
[Helsom CQ.pdf](#)
[McCracken CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than two individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Webber nominated Thomas Blackstone and Vern Pixley.

Ms. Morita nominated Tom Stephens..

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

He noted that as there were three nominees, a vote would be deferred to the next Council Meeting.

Discussed.

2014-0506 Nomination/Appointment of seven (7) Citizen Representatives to the Public Safety & Infrastructure Technical Review Committee, each for a one-year term to expire December 31, 2015

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Blackstone CQ.pdf](#)
[Carlock CQ.pdf](#)
[Fons CQ.pdf](#)
[Hetrick CQ.pdf](#)
[Johnson CQ.pdf](#)
[McCracken CQ.pdf](#)
[Marries CQ.pdf](#)
[Moore CQ.pdf](#)
[Rogers CQ.pdf](#)
[Schroeder CQ.pdf](#)
[Struzik CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than seven individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Webber nominated Dale Hetrick, Thomas Blackstone, Walter Johnson and LeAnne Rogers.

Mr. Tisdell nominated Jason Carlock, Dane Fons and Scott Struzik.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Thomas Blackstone, Jason Carlock, Dane Fons, Dale Hetrick, Walter Johnson, LeAnne Rogers and Scott Struzik were appointed to the Public Safety and Infrastructure Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

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

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

Enactment No: RES0320-2014

Resolved, that the Rochester Hills City Council appoints Thomas Blackstone, Jason Carlock, Dane Fons, Dale Hetrick, Walter Johnson, LeAnne Rogers, and Scott Struzik to the Public Safety & Infrastructure Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

2014-0507 Nomination/Appointment of one (1) Citizen Representative to the Rochester Hills Museum Foundation for a two-year term to expire December 31, 2016

Attachments: [120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Nomination/Appt Memorandum 120814.pdf](#)
[Granthen CQ.pdf](#)
[Mallon CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than one individual is nominated, the vote would be deferred to the next Council Meeting.

Mr. Brown nominated James Mallon.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

James Mallon was appointed to the Rochester Hills Museum Foundation to serve a two-year term to expire December 31, 2016.

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

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

Enactment No: RES0321-2014

Resolved, that the Rochester Hills City Council appoints James Mallon to the Rochester Hills Museum Foundation to serve a two-year term to expire December 31, 2016.

2014-0545 Nomination/Appointment of one (1) Citizen Representative as Alternate to the Trailways Commission, for the unexpired term of Danielle Shurkus ending December 31, 2016

Attachments: [121514 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Loebs CQ.pdf](#)
[Young CQ.pdf](#)
[120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Nomination/Appt Memorandum 120814.pdf](#)
[Austin CQ.pdf](#)
[Butler CQ.pdf](#)
[Carlock CQ.pdf](#)
[Fons CQ.pdf](#)
[Foster CQ.pdf](#)
[Goldman CQ.pdf](#)
[Hauser CQ.pdf](#)
[Hulbert CQ.pdf](#)
[Hunter CQ.pdf](#)
[Janulis CQ.pdf](#)
[Marries CQ.pdf](#)
[Mazur-Abeare CQ.pdf](#)
[Muenk CQ.pdf](#)
[Olson CQ.pdf](#)
[Tischer CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper noted that it is necessary for Council to appoint an individual to fill the unexpired term of Danielle Shurkus as Alternate to the Trailways Commission.

Public Comment:

Alice Young, 3160 Eastern, stated that she has served on the Paint Creek Trailways Commission for the past ten years as a representative of Orion Township. She noted that as she has recently moved to Rochester Hills and could no longer serve for Orion Township, she would like to continue serving as a representative of Rochester Hills. She explained that she is a founding member of the Friends of the Paint Creek Trail, is a Certified Public Accountant, and handled the application to the Internal Revenue Service for the Friends organization to be a 501(c)3. She requested Council select her for appointment.

President Hooper Opened the Floor for Nominations. He noted that if more than one individual is nominated, the vote would be deferred to the next Council Meeting.

Mr. Brown nominated Lynn Loebs.

Mr. Wiggins nominated Alice Young.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

President Hooper noted that as two individuals have been nominated, the item would be deferred to the next meeting for a vote.

Discussed.

2014-0508 Nomination/Appointment of seven (7) Citizen Representatives to the Water and Sewer Technical Review Committee, each for a one-year term to expire December 31, 2015

Attachments: [120814 Agenda Summary \(Revised\).pdf](#)
[120814 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Suppl Nomination/Appt Memorandum 120814.pdf](#)
[Butler CQ.pdf](#)
[Goldman CQ.pdf](#)
[Graham CQ.pdf](#)
[Helsom CQ.pdf](#)
[Hurst CQ.pdf](#)
[McDonald CQ.pdf](#)
[Paille CQ.pdf](#)
[Schroeder CQ.pdf](#)
[Soisson CQ.pdf](#)
[Suppl Willett CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations. He noted that if more than seven individuals are nominated, the vote would be deferred to the next Council Meeting.

Mr. Tisdell nominated Patrick Butler, Richard Graham, Philip Hurst, Thomas McDonald, C. Neall Schroeder, Nancy Soisson, and John Paille.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Patrick Butler, Richard Graham, Philip Hurst, Thomas McDonald, C. Neall Schroeder, Nancy Soisson and John Paille were appointed to the Water and Sewer Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

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, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0322-2014

Resolved, that the Rochester Hills City Council appoints Patrick Butler, Richard Graham, Philip Hurst, Thomas McDonald, John Paille, C. Neall Schroeder, and Nancy Soisson to the Water and Sewer Technical Review Committee, each to serve a one-year term to expire December 31, 2015.

NEW BUSINESS

- 2014-0511** Request for Purchase Authorization - DPS/ENG: Agreement for Municipal Street Lighting for street light installations within Falcon Estates Subdivision; The Detroit Edison Company, Belleville, MI

Attachments: [120814 Agenda Summary.pdf](#)
[Agreement-Falcon Estates Rochester Hills.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the request is for approval of a standard DTE Agreement for Street Lighting. He explained that DTE requires the agreement be between itself and the City and will not enter into an agreement directly with a homeowners association. He stated that the City works with the homeowners association and acts as a liaison with DTE.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0323-2014

Resolved, that the Rochester Hills City Council approves the Standard Municipal Street Lighting Agreement for street light installations within Falcon Estates Subdivision to the Detroit Edison Company, Belleville, Michigan in the amount of \$39,003.05 and further authorizes the Mayor to execute the agreement 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.

- 2014-0543** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for water meters and equipment in the amount not-to-exceed \$175,000.00; ETNA Supply Company, Grand Rapids, MI

Attachments: [120814 Agenda Summary.pdf](#)
[2015 Water Meter & Equipment Pricing.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the water meters are used for new and replacement installations in the water distribution system. He explained that an eight-inch and ten-inch meter included in the request are relatively expensive, and will be installed at Crittenton Hospital.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0324-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for water meters and equipment to ETNA Supply Company, Grand Rapids, Michigan in the amount not-to-exceed \$175,000.00 through December 31, 2015.

2014-0553 Request for approval of the Water Service Contract provided by the Detroit Water and Sewerage Department (DWSD)

Attachments: [120814 Agenda Summary.pdf](#)
[NOCWA Water Contract.pdf](#)
[Comparison 110514.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that a feasibility study and negotiations with the Detroit Water and Sewerage Department (DWSD) over the past year-and-a-half determined that the creation of a North Oakland County Water Authority would collaboratively benefit the four participating communities by finding economies of scale and apportioning underutilized assets within the City of Pontiac. The DWSD determined that it would recognize such an authority, governance and by-laws were developed and approved, and the North Oakland County Water Authority negotiated a contract with the DWSD for volume, max day and peak hour. He directed Council's attention to an exhibit in the meeting packet which provides a financial summary highlighting a projected collective savings for the four communities of over \$3 million. He noted that the City's savings in commodity cost is approximately \$742,000. He pointed out that the City spent approximately \$20,000 in consultant fees, and commented that the return-on-investment is approximately 19 hours.

Mr. Kochenderfer commented that the Administration deserves much credit for its innovation. He stated that he heard much public concern about water rates as he campaigned several years ago.

Mayor Barnett stated that the reason that this item is before Council for consideration is because of the steadfast dedication of Mr. Schneck. He noted that he deserves the credit for an innovative solution.

Mr. Schneck credited Paul Davis, Deputy Director of DPS/City Engineer, Tracey Balint, Public Utilities Engineer, and Ed Leafdale, General Foreman, for their efforts. He commented that coming together as four entities provides economies and value.

President Hooper questioned when the contract reopening periods would occur.

Mr. Schneck responded that as this is a new contract, there would be a two-year reopener, then a three-year reopener, and then a reopener every five years after that.

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, Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Enactment No: RES0325-2014

Resolved, that the Rochester Hills City Council hereby approves the Water Service Contract provided by the Detroit Water and Sewerage Department (DWSD) and further authorizes the Mayor to execute the contract on behalf of the City.

NOMINATIONS/APPOINTMENTS

2014-0584 Adoption of Resolution to Waive City Council Rules of Procedure to allow for Citizen Appointments to be made within a one-week period of their Nominations

President Hooper noted that Council's Rules of Procedure state that a vote on citizen appointments by Council must be deferred for two weeks. He commented that should Council wish to make appointments for the Liquor License Technical Review Committee and for the Trailways Commission at the December 15th meeting, it should waive its Rules of Procedure to allow for a vote.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0326-2014

Resolved, that the Rochester Hills City Council waives the City Council Rules of Procedure, Article VII. Boards, Commissions and Committees, Section .01 (ii) to allow for Citizen Appointments to be made within a one week period of their Nominations.

Election of City Council President and Vice-President

2014-0512 Election of City Council President for a one-year term to expire December 6, 2015

Attachments: [120814 Agenda Summary.pdf](#)
[Nomination Form - Pres.pdf](#)
[Election Process - CC Rules of Procedure.pdf](#)
[City Charter.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Lisa Winarski, 194 Bedlington, stated that it is time to transition to another Council Member as President Hooper is term-limited and there are concerns as to how he handled his role as Council President.

President Hooper Opened the Floor for Nominations for Council President.

Mr. Brown nominated Greg Hooper.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Greg Hooper was Appointed Council President to serve a one-year term to expire December 6, 2015.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0327-2014

Resolved, that the Rochester Hills City Council appoints Greg Hooper as City Council President for a term to expire December 6, 2015.

2014-0513 Election of City Council Vice-President for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - VicePres.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper Opened the Floor for Nominations for Council Vice-President.

Mr. Wiggins nominated Mark Tisdel.

Seeing no further nominations, **President Hooper Closed the Floor for Nominations.**

Mark Tisdel was Appointed Council Vice-President to serve a one-year term to expire December 6, 2015.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0328-2014

Resolved, that the Rochester Hills City Council appoints Mark Tisdel as City Council Vice-President for a term to expire December 6, 2015.

Council Appointments to Independent Boards and Commissions

2014-0514 Appointment of one (1) City Council Member to the Advisory Traffic & Safety Board for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - ATSB.pdf](#)

Mr. Tisdel was appointed to the Advisory Traffic and Safety Board for a one-year term to expire December 6, 2015.

Appointed.

2014-0515 Appointment of one (1) City Council Member to the Avondale Youth Assistance for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - AYA.pdf](#)

Ms. Morita was appointed to the Avondale Youth Assistance for a one-year term to expire December 6, 2015.

Appointed.

2014-0516 Appointment of one (1) City Council Member to the Brownfield Redevelopment Authority for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Brownfield.pdf](#)

Ms. Morita was appointed to the Brownfield Redevelopment Authority for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0517** Appointment of one (1) City Council Member to the Board of Trustees to the VanHoosen Jones Stoney Creek Cemetery Trust for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Cemetery Trust.pdf](#)

Mr. Tisdell was appointed to the Board of Trustees to the Van Hoosen Jones Stoney Creek Cemetery for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0518** Appointment of one (1) City Council Member to the Green Space Advisory Board for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - GSAB.pdf](#)

Mr. Kochenderfer was appointed to the Green Space Advisory Board for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0519** Appointment of one (1) City Council Member to the Board of Trustees to the Green Space Perpetual Care Trust for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Green Space Trust.pdf](#)

Mr. Kochenderfer was appointed to the Board of Trustees to the Green Space Perpetual Care Trust for a one-year term to expire December 6, 2015.

Appointed.

**(Mr. Kochenderfer exited at 9:28 p.m. and re-entered at 9:31 p.m.)
(Mr. Webber exited at 9:31 p.m. and re-entered at 9:33 p.m.)**

- 2014-0520** Appointment of one (1) City Council Member to the Rochester Hills Museum Foundation for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Museum Foundation.pdf](#)

Mr. Kochenderfer was appointed to the Rochester Hills Museum Foundation for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0521** Appointment of two (2) City Council Members to the Older Persons' Commission, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - OPC.doc](#)

Mr. Brown and Mr. Tisdell were appointed to the Older Persons' Commission, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0522 Appointment of one (1) City Council Member to the Personnel Board for a two-year term to expire December 4, 2016

Attachments: [Nomination Form - Personnel Board.pdf](#)

Mr. Tisdell was appointed to the Personnel Board for a two-year term to expire December 6, 2016.

Appointed.

2014-0523 Appointment of two (2) City Council Members to the Pine Trace Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Pine Trace.pdf](#)

Mr. Tisdell and the individual to fill the Vacant Council Position were appointed to the Pine Trace Committee, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0524 Appointment of one (1) City Council Member to the Planning Commission for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Planning Commission.pdf](#)

President Hooper was appointed to the Planning Commission for a one-year term to expire December 6, 2015.

Appointed.

2014-0525 Appointment of one (1) City Council Member to the Board of Trustees to the Retiree Health Care Trust for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Retiree Health Care Trust.pdf](#)

Mr. Wiggins was appointed to the Board of Trustees to the Retiree Health care Trust for a one-year term to expire December 6, 2015.

Appointed.

2014-0526 Appointment of one (1) City Council Member to the Rochester Area Youth Assistance for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - RAYA.pdf](#)

Mr. Brown was appointed to the Rochester Area Youth Assistance for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0527** Appointment of one (1) City Council Member to the Rochester/Auburn Hills Community Coalition for a one-year term to expire December 6, 2015
- Attachments:** [Nomination Form - RAHCC.pdf](#)
- Ms. Morita was appointed to the Rochester/Auburn Hills Community Coalition for a one-year term to expire December 6, 2015.*
- Appointed.**
- 2014-0528** Appointment of one (1) City Council Member to the Rochester-Avon Recreation Authority for a one-year term to expire December 6, 2015
- Attachments:** [Nomination Form - RARA.pdf](#)
- Mr. Wiggins was appointed to the Rochester-Avon Recreation Authority for a one-year term to expire December 6, 2015.*
- Appointed.**
- 2014-0529** Appointment of one (1) City Council Member to the Rochester Hills Government Youth Council (RHGYC) for a one-year term to expire December 6, 2015
- Attachments:** [Nomination Form - RHGYC.pdf](#)
- Mr. Tisdell was appointed to the Rochester Hills Government Youth Council for a one-year term to expire December 6, 2015.*
- Appointed.**
- 2014-0530** Appointment of three (3) City Council Members to the Sister City Committee/Auburn Hills, each for a one-year term to expire December 6, 2015
- Attachments:** [Nomination Form - Sister Cities Auburn Hills.pdf](#)
- President Hooper, Ms. Morita and Mr. Wiggins were appointed to the Sister Cities Committee/Auburn Hills, each for a one-year term to expire December 6, 2015.*
- Appointed.**
- 2014-0531** Appointment of three (3) City Council Members to the Sister City Committee/Rochester, each for a one-year term to expire December 6, 2015
- Attachments:** [Nomination Form - Sister Cities Rochester.pdf](#)
- Mr. Brown, Mr. Tisdell and the individual to fill the Vacant Council Position were appointed to the Sister Cities Committee/Rochester, each for a one-year term to expire December 6, 2015.*
- Appointed.**
- 2014-0532** Appointment of two (2) City Council Members to the Southeastern Oakland County Resource Recovery Authority (SOCRRA), each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - SOCRRA.pdf](#)

Ms. Morita and Mr. Wiggins were appointed to the Southeastern Oakland County Resource Recover Authority (SOCRRA), each for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0533** Appointment of City Council Members as one (1) Delegate and one (1) Alternate to the Trailways Commission, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Trailways.pdf](#)

Ms. Morita was appointed as Delegate, and the individual to fill the Vacant Council Position was appointed as Alternate to the Trailways Commission, each for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0534** Appointment of one (1) City Council Member to the Zoning/Sign Board of Appeals for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - ZBA.pdf](#)

Mr. Kochenderfer was appointed to the Zoning/Sign Board of Appeals for a one-year term to expire December 6, 2015.

Appointed.

Council Appointments to Technical Review Committees

- 2014-0535** Appointment of one (1) City Council Member to the Capital Improvement Project (CIP) for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - CIP.pdf](#)

Mr. Wiggins was appointed to the Capital Improvement Project for a one-year term to expire December 6, 2015.

Appointed

- 2014-0536** Appointment of one (1) City Council Member to the Cemetery Citizen Advisory Technical Review Committee for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Cemetery.pdf](#)

Mr. Tisdell was appointed to the Cemetery Citizens Advisory Technical Review Committee for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0537** Appointment of two (2) City Council Members to the Deer Management Advisory Committee (DMAC), each for a one-year term to expire December 6,

Attachments: [Nomination Form - DMAC.pdf](#)

Mr. Kochenderfer and the individual to fill the Vacant Council Position were appointed to the Deer Management Advisory Committee, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0538 Appointment of two (2) to three (3) City Council Members to the Human Resources Technical Review Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - HRTRC.pdf](#)

President Hooper, Mr. Brown and Ms. Morita were appointed to the Human Resources Technical Review Committee, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0539 Appointment of two (2) to three (3) City Council Members to the Liquor License Technical Review Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - LLTRC.pdf](#)

President Hooper, Mr. Brown and Mr. Tisdell were appointed to the Liquor License Technical Review Committee, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0540 Appointment of two (2) City Council Members to the Public Safety and Infrastructure Technical Review Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - PSITRC.pdf](#)

President Hooper and the individual to fill the Vacant Council position were appointed to the Public Safety and Infrastructure Technical Review Committee, each for a one-year term to expire December 6, 2015.

Appointed.

2014-0541 Appointment of three (3) City Council Members to the Strategic Planning and Policy Review Technical Review Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - Strategic.pdf](#)

Mr. Brown, Ms. Morita and the individual to fill the Vacant Council position were appointed to the Strategic Planning and Policy Review Technical Review Committee, each for a one-year term to expire December 6, 2015.

Appointed.

- 2014-0542** Appointment of two (2) to three (3) City Council Members to the Water and Sewer Technical Review Committee, each for a one-year term to expire December 6, 2015

Attachments: [Nomination Form - WSTRC.pdf](#)

President Hooper, Mr. Brown and Mr. Tisdel were appointed to the Water and Sewer Technical Review Committee, each for a one-year term to expire December 6, 2015.

Appointed.

NEW BUSINESS

- 2014-0570** Adoption of the 2015 City Council Meeting Schedule

Attachments: [120814 Agenda Summary.pdf](#)
[2015 City Council Meeting Dates.pdf](#)
[Resolution \(Draft\).pdf](#)

President Hooper questioned whether the proposed meeting schedule was acceptable to Council members. He noted that a Special Meeting will be scheduled for January 5, 2015, as advertised, to begin the interview process for an individual to be appointed to the City Council position vacated by Mr. Webber's election to the State House of Representatives.

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

Aye 7 - Brown, Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Enactment No: RES0329-2014

Resolved, that the Rochester Hills City Council establishes the Year 2015 Regular Meeting Schedule for City Council on Monday evenings as follows:

Regular Meetings

January 12, 26
February 9, 23
March 16, 30
April 20
May 4, 18
June 1, 15, 29
July 20
August 10, 31
September 14, 28
October 12, 26
November 9
December 7, 14

Further Resolved, that the Rochester Hills City Council meetings will begin at 7:00 p.m., Michigan Time, and will be held at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan.

Further Resolved, that the City Clerk shall provide proper notice of the 2015 Meeting Schedule pursuant to 15.265, Section 5 (3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976 as amended.

2014-0572 Discussion regarding the Procedure to Appoint a City Council Member

Attachments: [120814 Agenda Summary.pdf](#)
[City Council Vacancy Notice.pdf](#)
[City Council Appointment Procedure.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Lisa Winarski, 194 Bedlington, expressed concern that the procedure being considered this evening was already published in the newspaper a week-and-a-half ago. She commented that there is a city-wide rumor that the position has already been promised to Dale Hetrick, and she stated that any previous Council Member should be given consideration as this is only a one-year appointment. She noted that a previous Council member would be familiar with the City.

President Hooper responded that the position has not been promised to anyone. He stated that the purpose of this item is to discuss the selection process. He noted that Council's Rules of Procedure and the Open Meetings Act dictate the process of the placement of the advertisement, the timeframe, and how the position will be filled. He commented that Council has 30 days to make the appointment after Mr. Webber's position is vacated on December 31, 2014.

He stated that he offered for discussion how the actual appointment procedure may commence. He pointed out that he went through the process when Mayor Barnett was appointed Mayor in 2006, filling out a similar application for consideration for the vacant District 3 seat, and going through an application process to be selected. He commented that it is his opinion that Council could make improvements in the process, which was posted on the Internet and in the meeting packet this evening, with the purpose of making it manageable. He noted that 14 individuals went through an unwieldy interview process in 2006, and it is his suggestion that if there are seven or more individuals applying, the January 5th meeting be an initial opportunity for each applicant to come forward and speak. Each Council member would then follow a nomination and appointment procedure. He commented that it is conceivable that there could be six nominations for further consideration; and, if this occurs, a separate meeting would be held for an in-depth interview. He stated that if six or fewer apply for consideration, Council would go right into the interview process.

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

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

Enactment No: RES0330-2014

Whereas, the *City Council Rules of Procedure*, Article IV, Council Officers & Duties, Section .04 (c) Filling a Council Vacancy, states that the Council shall draw up an application form that contains relevant information to answer set questions posed by the Council; and

Whereas, Section .04 of the *Rules* further states that the application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council Member; and

Now, Therefore, Be It Resolved, that the Rochester Hills City Council establishes the application process to fill the current City Council Vacancy as follows:

1. Interested Candidates are to submit the following application packet which must be received by the Clerk's Office by 5:00 p.m. on Monday, December 15, 2014:

- a. New Updated City Candidate Questionnaire
- b. Resume - 2-page maximum
- c. Provide written responses (up to 300 words each) to three questions provided

2. The interview process will consist of a series of questions and answers between City Council and the candidates

Be It Further Resolved, that pursuant to Article IV, Council Officers & Duties, Section .04 (b) the City Clerk has published a notice of vacancy and procedure for applying;

Be It Further Resolved, that the interviews and selection will involve one or more dates, including January 5, 2015 and a date to be determined.

2014-0549 Discussion regarding proposed amendments to *City Council Rules of Procedure*

Attachments: [120814 Agenda Summary.pdf](#)
[Rules of Procedure with Proposed Changes 120814.pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Melinda Hill, 1481 Mill Race, stated that this item should be postponed as it is too close to the holidays. She expressed concern over changes to language regarding the broadcasting of meetings, and stated that Public Comment should not be moved to the end of the agenda. She commented that it is horrible for the public to have to sit through items it does not care to hear about. She stated that Budget Discussions should not be at the end of a meeting, and she noted that previous Rules of Procedure stated that the Council President should summarize any letters received.

Jay Arnold, 3141 Tamarron, stated that moving Public Comment to the bottom of an agenda is stifling free speech.

Mike Powers, 3632 Aynsley Drive, stated that if Rochester Hills is viewed as

an enterprise, it should strive for enterprise-wide participation. He commented that Council should have more participation from the community.

Clark Barrett, 1376 Kingspath, stated that the proposed changes destroy what little transparency this Council maintains. He expressed concern over eliminating the requirement for cable broadcast and moving Public Comment later in the meeting.

Gail Hammill, 1434 Burhaven, commented that transparency will be limited by eliminating cable broadcast. She stated that Public Comment should not be moved later as individuals with children would have to leave.

Phil Barker, 1434 Burhaven, stated that both the Michigan Freedom of Information Act and the Open Meetings Act provide the public with information into the processes and decisions as well as the information Council uses to make decisions. He stated that by closing off recording of the meeting, it lessens input and creates an air of mistrust and distances elected and appointed individuals.

Joe Doyle, 1446 Burhaven, commented that over the past year, the Mayor and City Council have behaved in a manner contrary to the principles of a constitutional republic. He stated that by moving Public Comment to the end of a meeting comment would be silenced.

Erin Howlett, 3597 Aynsley, stated that the changes are sweeping and unnecessary and are the types of changes that should be discussed over many meetings. She commented that the changes are exclusionary for public engagement.

President Hooper addressed questions raised during Public Comment, noting that the proposed change that joint meetings may be broadcast follows Council's current operation. He noted that joint meetings often with 20 or more participants have not been televised. He pointed out that regular meetings are always broadcast. He mentioned that work sessions have not been held in the eight years that he has been on Council.

Council Discussion:

Mr. Wiggins stated that Public Comment should not be moved.

Mr. Tisdell stated that adjusting the meeting order is a topic that he has been discussing with President Hooper for almost two years. He displayed information he had received during a Michigan Municipal League (MML) workshop on Parliamentary Procedure. He noted that it is MML workshop facilitator Eleanor Siewert's suggestion that Public Comment for items not on the agenda be moved to the end, referring him to the City of Troy as an example of good government in the state as their General Public Comments are just before their adjournment. He noted that Ms. Siewert also referred him to a couple of MML publications and handbooks for local officials, which suggest where public comment for items on the agenda and public comment for items not on the agenda should be placed. He pointed out that a publication in the Michigan Municipal Review from April of 2001 includes an agenda roster very similar to that which is being proposed this evening.

Mr. Brown commented that it is his view that residents should be encouraged. He mentioned that he wished to see Council Committee and Youth Committee reports be moved, along with those invited for Recognitions. He noted that Public Hearings, Ordinance Introductions and Adoptions are the types of items that

Council wants citizens to be involved in. He commented that when the agenda has been adjusted, typically it is to move items such as those forward. He stated Nominations and Unfinished Business could be moved below Public Comment. He proposed that the order include Ordinances, Public Hearings, and then Public Comment so those items of interest begin relatively close to 7:00 p.m.

Mr. Kochenderfer stated that he cannot support the changes. He commented that resident input is all over the agenda and what is proposed is to move one of those places for input.

President Hooper stated that he had discussions individually with every Council Member, and pointed out that most of the changes proposed are housekeeping items with the exception of the order of the agenda. He commented that residents who have scheduled topics on the agenda deserve first priority; and he stated that unscheduled topics are pushing scheduled topics out of the way. He pointed out that all residents have the opportunity to address Council; and the proposed change will give preference to those residents and business owners that are scheduled on the agenda. He concurred that moving Public Comment to the end would be punitive, and pointed out that it is proposed to be moved to the middle-third. He commented that if the meetings were considered as business meetings, those scheduled business items should take a higher priority. He suggested that a two-tiered level of public comments be considered.

Mr. Tisdell stated that the intent of the MML is to present an order of business that maintains the integrity of the agenda process. He noted that comments are not being squelched or eliminated; they are being prioritized. He stated that the Agenda either means something or it does not. He suggested that if a nominal number of individuals are identified for items not on the agenda in order to have Public Comment moved forward, it should be an automatic or default so it is not selectively applied. He stated that everything on the agenda is the people's business.

Mr. Brown stated that his goal would be to have Public Hearings or Ordinance agenda items begin on time. He suggested that a period of time be allocated for Public Comment, such as a half-hour, and then the regular agenda items would begin. He stated that his one recommendation is to move Public Comment above Unfinished Business and Nominations.

President Hooper commented that he would have difficulty considering a time-limited system. He noted that people might question whether they made the first cut of comments, or argue that they were there first if deferred to later. He suggested that Public Comment could remain as proposed, and should a certain number of cards be turned in, it could be moved ahead.

Ms. Morita stated that she would like to see Public Comment moved before, and Consent Agenda moved below Nominations and Appointments. She commented that she did not favor the idea that Public Comment would move to the beginning if a certain number of individuals wish to speak. She noted that she favors Council and Youth Committee Reports staying at the top of the Agenda.

President Hooper questioned whether Ms. Morita's suggestion was to have Nominations and Unfinished Business after Public Comment.

Ms. Morita added to also move Consent Agenda between Nominations and Unfinished Business.

Mr. Wiggins reiterated that Public Comment should remain where it currently is on the Agenda.

Mr. Kochenderfer concurred, stating that people favor status quo and he does not see a reason to change.

Ms. Morita stated that another revision with alternatives should be submitted for consideration.

Discussed.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Brown reported that the OPC will host a Terrific Tuesday event tomorrow from 4:30 p.m. to 7:30 p.m. He noted that the OPC Board also discussed the upcoming annual indoor triathlon scheduled for January 17th, which will feature 20 minutes each of swimming, biking and running.

Rochester Area Youth Assistance (RAYA):

Mr. Brown reported that RAYA will hold Fire it Up for Youth Spaghetti Dinner Fundraisers January 23rd through January 25th. He summarized several donations and grants received by RAYA for 2014 and 2015, including \$3,000 from the Greater Rochester 2014 Tailgate Party Grant, a \$3,000 grant specific to child care services from the Community Foundation Women's Fund, and a \$10,000 donation received from an individual.

He noted that the Rochester/Auburn Hills Community Coalition has a \$1,000 grant for Strong Families. He announced that the OPC's annual giving campaign raised just over \$13,000 this past fall.

ANY OTHER BUSINESS

Mayor Barnett reported that there are a multitude of gas tax bills and legislation currently trying to make their way through Lansing. He noted that both Senate and House Bills under review cover gas tax increases by reducing State Shared Revenue. He explained that two different methods are under consideration in the lame duck session.

NEXT MEETING DATE

Regular Meeting - Monday, December 15, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 10:35 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 January 26, 2015 Regular City Council Meeting.