



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. Tisdell,
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, September 22, 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 6 - Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell, Michael
Webber and Thomas W. Wiggins

Absent 1 - Kevin S. Brown

Others Present:

*Tracey Balint, Public Utilities Engineer
Bryan Barnett, Mayor
Tina Barton, City Clerk
Sean Canto, Chief of Fire and Emergency Services
Scott Cope, Director of Building and Ordinance Compliance
Kurt Dawson, Director of Assessing/Treasury
Todd Gary, Captain/Fire Marshall
Mike Hartner, Director of Parks and Forestry
Captain Michael Johnson, Oakland County Sheriff's Office
Jason Murray, Fire Lieutenant/Suppression
Tara Presta, Chief Assistant
Shreya Reddy, Rochester Hills Government Youth Council Representative
Bill Sauer, GIS Manager
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Pamela Valentik, Manager of Economic Development
Gerald Yurgo, Fire Captain/Suppression*

Mr. Brown provided prior notice that he would be unable to attend.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Mayor Barnett reported that a tornado touched down in Rochester Hills at 5:57 a.m. on Sunday morning. He stated that this was the first time in recent memory that a tornado has hit an area of the city, and he displayed photographs of the area affected in North Fairview Farms Subdivision. He explained that the tornado was on the ground for two minutes, lifting at 5:59 a.m.; and significantly damaged more than 30 homes on mainly three streets. He noted that six remain unsafe for occupancy, and some may be total losses.

He stated that City response teams were joined by the Salvation Army, who mobilized an evacuation center at Van Hoosen Middle School, and provided a food and water station, blankets and refreshments to residents and responders. He noted that at the height of activity nearly 100 people were on the ground providing aid. The impressive response was led by Oakland County Homeland Security, with Fire Chief Sean Canto as incident commander.

Mayor Barnett noted that the Category EF-1 tornado, with 90 mile per hour winds, did not register with the National Weather Service, and Oakland County was not contacted in advance to warn of its approach. He commented that the residents were outstanding, and news crews from Channels 2, 4 and 7 were helpful. He stated that while there was significant damage to structures and property, there were no injuries. He commented that there was a tremendous team spirit, with everyone looking out for each other.

He invited **Chief Canto**, **Scott Cope**, Director of Building and Ordinance Compliance, and **Allan Schneck**, Director of DPS/Engineering, to comment and detail activities.

Sean Canto, Chief of Fire and Emergency Services, explained that the Department received the first call at 6:35 a.m., which came in as a tree had blown over in someone's yard. Subsequently, information was transmitted that the front of a home was gone. He noted that once arriving on scene, responders saw that there was significant damage on Grandview, Fairfield and adjacent streets. He stated that 46 homes were impacted in some way, with 37 affected and seven receiving major damage. He reported that three homes remain unoccupied, tagged by the Building Department. Electric meters and gas services were ripped from homes, and priority was given to addressing trees which were hanging as the forecast was for additional winds later in the day. He introduced **Fire Lieutenant Jason Murray** and **Fire Captain Gerald Yurgo**.

Lieutenant Murray stated that he was the Chief Operations Officer yesterday, and explained that only one call was received reporting that a roof was blown off. He noted that Engine 4 arrived on-scene at 6:44 a.m. and Chief Canto arrived

at 6:46 a.m., where it was determined that either straight line winds or a possible tornado occurred, causing significant damage. Mutual aid was initiated, with City of Rochester, Oakland Township, Auburn Hills and additional Rochester Hills units activated. An initial survey done in the first 90 minutes yielded no reported injuries. Bob White, Supervisor of Ordinance Services, was on-scene. A county-wide communication system was initiated, Oakland County Homeland Security notified, a temporary evacuation site set up at Van Hoosen Middle School, and constant communication was kept with the neighborhood association. He pointed out that DTE Energy and Consumers Energy had critical roles. He mentioned that concerns over possible bad weather later in the day led to activation of the Oakland County Incident Management Team, and a command pod was brought out to coordinate activities of all agencies. DPS and Building Department staff members arrived on site. He commented that damage was not limited to that specific area; in fact, damage was reported as far away as Peach Tree off of Orion Road.

Fire Captain Yurgo noted that he was Battalion Chief for operations, and he arrived on-scene at 8:30 a.m. He explained that he took over as Incident Commander at 1 p.m. while Chief Canto was off-site. He stated that teams were established to survey and focus more on specific homes which appeared to be damaged the worst, to determine which homes were structurally sound enough to be reoccupied. He noted that the goal by the end of these operations was to have every home secured and reoccupied, if deemed safe. Initially, 1,000 people were out of power; by the end of operations last night, the only houses still without power were the unoccupied ones. He mentioned that Building, Forestry and DPS staff were involved; and he noted that Channel 7 provided their helicopter to Homeland Security and the Mayor to survey the area. He added that the Royal Park Hotel provided their shuttle, the Salvation Army mobilized, and the Rochester Schools staff opened two different school buildings for the residents.

Lieutenant Murray added that the Oakland County Sheriff's Department established a perimeter for security; and he commented that scrappers tried to enter. Companies providing board-up services attempted to gain entry to the area, and a secure way in and out of the perimeter was established to ensure that only those companies authorized by insurance companies were allowed to enter the area.

Mayor Barnett displayed photographs of neighborhood damage along with the mobile unit brought on site. He noted that a single point of communication was established between all parties and the media. He commented that the events and actions speak to the level of preparedness of the emergency responders, noting that around 50 City employees arrived on a Sunday morning to assist. He mentioned that the neighboring communities of Troy, Auburn Hills and Rochester will be coming in with chipper units to help clear debris, Republic Services will be assisting by providing dumpsters, and the City's Building Department will waive building permit fees for those affected. He commented that it was a Sunday morning miracle that no one was hurt, and he expressed his extreme thanks and appreciation to everyone.

Mr. Cope expressed his thanks to his eight staff members that came in to help, noting that it is a combined effort from all City departments.

Mr. Schneck concurred, noting that his staff members questioned how they could help. He stated that communications were seamless, residents were phenomenal, and agencies cooperated with each other.

President Hooper commented that this speaks to the excellent staff the City has, and he complimented Chief Canto's leadership.

Mr. Kochenderfer stated that he was on scene as well, and noted that he observed residents helping their neighbors. He commented that this speaks to Rochester Hills as a community. He expressed his thanks to all responders.

Mr. Webber commented that he knows many who live in the area and was able to visit the scene at 10:00 a.m. He noted that he heard questions as to why no tornado sirens were activated.

Chief Canto responded that he spoke with Oakland County Homeland Security, who reported that they had been in conference with the National Weather Service regarding the lack of notification. This event can be categorized as an isolated incident as there were no active thunderstorm warnings. He explained that approximately 50 percent or less of EF-1 tornados are actually caught by radar, as they happen quickly and are often masked by the weather itself. He noted that Homeland Security only activates sirens if the National Weather Services calls for them; and he pointed out that weather warnings were lifted at 4:30 a.m.

Mr. Wiggins expressed his appreciation to the Fire Department and Rochester Hills employees, noting that while this type of event has never happened before in the City, the process was implemented without a hitch.

PUBLIC COMMENT

Ann Edwards, 296 Meadowbridge, announced that the League of Women Voters will host a Candidates' Forum for State Representative 45th District on Tuesday, September 30th, 7:00 p.m., in the City Hall Auditorium. She mentioned that the League is preparing a voters' guide for the election, which will be available at City Hall, other local municipal offices, the Older Persons Commission and the Rochester Hills Public Library by October 9th.

Clifford Johnson, 3542 Charlwood Drive, commented that he has been encouraged by movements at the City lately and he stressed that Council continue considering the wisdom of opposing oil and gas extraction in residential areas. He mentioned that one public speaker at previous meetings accused those resisting the idea of oil and gas exploration as being guilty of "Not in My Backyard-ism" ("NIMBY"); and he stated that he can provide many examples where a world without "NIMBY" can lead to poor development.

Izzy Khapoya, 729 McGill Drive, stated that the City signed an oil lease without a vote. She mentioned an article appearing in the local newspaper about activities in the City of Rochester leading to Jordan Oil withdrawing its offer of a lease

there, and in Auburn Hills where special meetings were held to solicit public comment. She stated that the City of Rochester is contemplating an ordinance requiring 1,000 foot setbacks and industrial zoning. She commented that Rochester Hills approved the lease with only cursory due diligence.

Mike Powers, 3632 Aynsley, commented that the City should respond to Jordan Oil just as it did for the emergency weather event, by developing an emergency response system for things that are extraordinary such as the oil deal. He stated that the City should be able to come together to work with Jordan Oil to develop something that makes sense. He mentioned that Thornridge Subdivision held a meeting where 93 percent of the residents voted no when Jordan Oil approached their association.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper announced that the General Election will be held on Tuesday, November 4th. He noted that the ballot will contain a Fire Millage Proposal to fund additional Firefighter/Paramedics and improve response times. He encouraged voters to research and become informed on the proposal, and commented that the Public Safety and Infrastructure Technical Review Committee is working on the development of informational brochures to be mailed to all residents. He noted that he was speaking for himself and encouraged voters' support for the safety of all residents.

Mr. Webber reported that Oakland County Commissioner Jeff Matis announced that the Commission will host a series of public meetings regarding the attempt by three counties, the Bankruptcy Court, and the City of Detroit to create a Great Lakes Water Authority. Meetings are scheduled for Wednesday, September 24th at 7:00 p.m. at the Older Person's Commission, and Thursday, September 25th at 7:00 p.m. at the Troy Community Center. He added that jurisdictions must make a decision on the Authority by mid-October.

Shreya Reddy, Rochester Hills Government Youth Council Representative (RHGYC), reported that the RHGYC held its first meeting of the year two weeks ago and elected Chris Russell as Chairperson, and Taylor Thorpe as Vice-Chairperson. She noted that subcommittees have begun work, and announced that the RHGYC will be helping at next week's Brooksie Way race, and participate in Carson's Community Days fund raiser, the Making Strides Against Breast Cancer 5K on Saturday October 25th, and host the Warming Tent at the Rochester Hometown Christmas Parade.

Mayor Barnett expressed his thanks to his team in Rochester Hills, noting that many good things are happening. He mentioned the following:

- Avon Road is now open. Thanks go to the Road Commission for Oakland County for their partnership, and to the residents of Christian Hills and other subdivisions for their patience during the times where there was additional cut-through traffic.

- Those interested in obtaining information on the proposed Great Lakes Water Authority should attend the upcoming informational meetings.
- The Brooksie Way race will be held in and around Rochester Hills this coming Sunday. Residents with questions are encouraged to visit the race website, thebrooksieway.com, or call the Mayor's office with questions or concerns. Approximately 6,000 to 7,000 residents and visitors are expected to participate.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

RECOGNITIONS

2014-0409 Proclamation in Recognition of the 90th Anniversary of the Rochester Tuesday Musicale

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

Mayor Barnett stated that it is a pleasure to recognize organizations that give to the community. He noted that this is the 90th anniversary of the Rochester Tuesday Musicale, and he read a proclamation honoring the organization.

Norma Krein, Mary Howarth and Ray Greenman were in attendance.

Ms. Krein stated that the members hope to be able to continue the work that the Musicale has set up for the past 90 years. She expressed her appreciation for the recognition and encouraged anyone interested in receiving information to send an email to tenormary@gmail.com.

Mayor Barnett commented that when one looks at what makes a great community, they will find that it is not buildings and roads, but organizations and people.

Council congratulated the members of the Rochester Tuesday Musicale.

Presented.

Whereas, in 1924 a group of women gathered at Rochester High School to organize a music club with the purpose of promoting music in the community. Now known as the Rochester Tuesday Musicale, members consist of men and women who are both musicians and non-musicians alike; and

Whereas, the Rochester Tuesday Musicale has always been an outstanding service organization in the community who spreads joy with their musical gifts through their annual Community Christmas Concert, sing-a-longs at several retirement and nursing homes, and sponsors the Musicale Vocal Ensemble for senior citizens; and

Whereas, the Rochester Tuesday Musicale has worked diligently to provide scholarships to area high school music students and has raised over \$67,000 since 1989 to benefit these students in their pursuit of higher education; and

Whereas, the City of Rochester Hills proudly recognizes and celebrates the 90th anniversary of this wonderful organization who has contributed so much to this community.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby offer our sincere congratulations and best wishes to the Rochester Tuesday Musicale on the occasion of your 90th Anniversary.

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.

2014-0351 Approval of Minutes - City Council Regular Meeting - July 28, 2014

Attachments: [CC Min 072814.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0209-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 28, 2014 be approved as presented/amended.

2014-0405 Approval of Minutes - City Council Regular Meeting - August 11, 2014

Attachments: [CC Min 081114.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0210-2014

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 11, 2014 be approved as presented/amended.

2014-0383 Request for Adoption of a Street Resolution to place newly constructed Traceky Drive, Placid Court, Pinnate Court, Serene Court and Glacial Court (Clear Creek #5) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0211-2014

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now, Therefore Be It Resolved:

1. That the said streets are described as:

Traceky Drive, Placid Court, Pinnate Court, Serene Court and Glacial Court as depicted in the subdivision plat of "Clear Creek No. 5", as recorded in Liber 296, Pages 31 through 40 of Oakland County Records, being part of the northwest 1/4 of Section 2, T. 3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan,

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said streets are certified as public streets and are for public street purposes, and
4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic on June 19, 2014 and have been constructed according to City standards.

2014-0374 Request for Approval of Traffic Control Order YS-107-14, Streets within Clear Creek No. 5 - Section #2; YS-107.1 Pinnate Court YIELD for Traceky

Attachments: [Agenda Summary.pdf](#)
[Traffic Control Order YS-107.1.pdf](#)
[ATSB Minutes.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0212-2014

Whereas, Traffic Control Order No. YS-107-14 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 Orders cover:

Streets within Clear Creek #5 Subdivision - Section #2

YS-107.1 Pinnate Court YIELD for Traceky

Whereas, said Traffic Control Orders 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 Orders and recommends that the Orders be approved;

Resolved, that the Rochester Hills City Council approves the issuance of the Traffic Control Order YS-107-14 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 Orders, with the City Clerk of Rochester Hills, Oakland County, Michigan.

The following three (3) Legislative Files are related to the Leader Dogs for the Blind Renovation.

2014-0338 Request for Acceptance of an amended Watermain Easement granted by Leader Dogs for the Blind, a Michigan nonprofit corporation, for the Leader Dogs for the Blind Renovation

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0213-2014

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an amended watermain easement granted by Leader Dogs for the Blind, a Michigan nonprofit corporation, whose address is 1039 South Rochester Road, Rochester Hills, Michigan 48307, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-23-101-028.

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

2014-0376 Request for Acceptance of a Pedestrian Pathway Easement granted by Leader Dogs for the Blind, a Michigan non-profit corporation, for the Leader Dogs for the Blind Renovation

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0214-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Pedestrian Pathway Easement granted by Leader Dogs for the Blind, a Michigan non-profit corporation, whose address is 1039 S. Rochester Rd., Rochester Hills, MI 48307, for Parcel No. 15-23-101-028.

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

2014-0377 Request for Acceptance of a Highway Easement granted by Leader Dogs for the Blind, a Michigan non-profit corporation, for the Leader Dogs for the Blind Renovation

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0215-2014

Resolved, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a highway easement granted by Leader Dogs for the Blind, a Michigan non-profit corporation, whose address is 1039 S. Rochester Rd., Rochester Hills, MI 48307, over, on, under, through and across land more particularly described as Parcel No. 15-23-101-028.

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

The following ten (10) Legislative Files are related to the John R Pathway Project.

2014-0392 Request for Acceptance of a Pedestrian-Pathway Easement granted by Robert J. Schrader and Mary M. Schrader, 3100 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$1,200.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0216-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-024 granted by Robert J. Schrader and Mary M. Schrader, husband and wife, 3100 John R. Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$1,200.00.

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

2014-0393 Request for Acceptance of a Pedestrian-Pathway Easement granted by Kim Marie Haynes, 3150 John R Road, Rochester Hills, Michigan and authorization of payment to landowner in the amount of \$7,191.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0217-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-027 granted by Kim Marie Haynes, 3150 John R. Road, Rochester Hills, Michigan and authorizes payment to the landowner in the amount of \$7,191.00.

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

2014-0394 Request for Acceptance of a Pedestrian-Pathway Easement granted by Mark P. Cohrs, Thomas K. Porter, and Jeanette M. Porter, 3170 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the

amount of \$1,846.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0218-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-028 granted by Mark P. Cohrs, Thomas K. Porter and Jeanette M. Porter, 3170 John R Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$1,846.00.

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

2014-0396 Request for Acceptance of a Pedestrian-Pathway Easement granted by Bardhyl Mullalli and Dhurata Mullalli, 3190 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$1,100.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0219-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-029 granted by Bardhyl Mullali and Dhurata Mullalli, 3190 John R. Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$1,100.00.

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

2014-0397 Request for Acceptance of a Pedestrian-Pathway Easement granted by Yvonne Misuraca, L.L.C., a Michigan Limited Liability Company, 6789 Little Creek Court, Troy, Michigan and authorization of payment to landowner in the amount of \$900.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0220-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-030 granted by Yvonne Misuraca, L.L.C a Michigan Limited Liability Company of 6789 Little Creek Court, Troy, Michigan and authorizes payment to the landowner in the amount of \$900.00.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland

County Register of Deeds.

- 2014-0398** Request for Acceptance of a Pedestrian-Pathway Easement granted by Drew S. Behm and Linda S. Behm, 3274 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$6,328.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0221-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-031 granted by Drew S. Behm and Linda S. Behm, 3274 John R Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$6,328.00.

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

- 2014-0399** Request for Acceptance of a Pedestrian-Pathway Easement granted by David R. Seifrit, Jr., 3263 Bohlman Road, Dryden, Michigan and authorization of payment to landowner in the amount of \$1,225.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0222-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-032 granted by David R. Seifrit, Jr., a Single Man, survivor of himself and his deceased wife, Debra J. Seifrit, 3263 Bohlman Road, Dryden, Michigan and authorizes payment to the landowner in the amount of \$1,225.00.

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

- 2014-0401** Request for Acceptance of a Pedestrian-Pathway Easement granted by Thomas E. Woodside and Margaret A. Woodside, 3410 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$1,600.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0223-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-040 granted by Thomas E. Woodside and Margaret A.

Woodside, 3410 John R Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$1,600.00.

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

- 2014-0402** Request for Acceptance of a Pedestrian-Pathway Easement granted by Clarence R. Presnell and Honorah A. Presnell, 3432 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$2,875.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0224-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-226-043 granted by Clarence R. Presnell and Honorah A. Presnell, 3432 John R Road, Rochester Hills, Michigan and authorizes payment to the landowner in the amount of \$2,875.00.

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

- 2014-0403** Request for Acceptance of a Pedestrian-Pathway Easement granted by Maria D. Atwood and Jesuina G. Atwood, 3450 John R Road, Rochester Hills, Michigan and authorization of payment to landowners in the amount of \$2,210.00

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0225-2014

Resolved, that the Rochester Hills City Council hereby accepts the Pedestrian-Pathway Easement for Parcel No. 15-35-426-006 granted by Maria D. Atwood and Jesuina G. Atwood, 3450 John R Road, Rochester Hills, Michigan and authorizes payment to the landowners in the amount of \$2,210.00.

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

- 2014-0372** Request for Approval to Add Delinquent Charges to the 2014 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0226-2014

Resolved, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2014 Winter Tax Roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2014 Winter Tax Roll.

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$980,434.45	Ch. 102-92.(b)
Delinquent Weed Control General Fund	\$ 8,086.30	Ch. 106-125.(e)
Delinquent SAD Local Street Fund	\$ 8,576.60	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$ 4,281.46	Ch. 90-30.(d)
Delinquent False Alarms Special Police Fund	\$ 23,073.75	Ch. 42-65.(f)(2)
Delinquent Solid Waste Collection Allied Waste Services	\$201,491.11	Ch. 86-103.(4) and .(5)
Delinquent Costs Incurred Pathway Maintenance Fund	\$ 258.50	Ch. 90-30.(d)

2014-0380 Request for Purchase Authorization - MIS: Blanket Purchase Order for Annual Support and Maintenance for the City's Asset Management Software in the amount not-to-exceed \$39,770.00; Lucity, Inc., Overland Park, KS

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0227-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for Annual Support and Maintenance for the City's Asset Management Software to Lucity, Inc., Overland Park, Kansas in the amount not-to-exceed \$39,770.00 through September 30, 2015.

Passed the Consent Agenda

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

ORDINANCE FOR INTRODUCTION

2014-0371 Acceptance for First Reading - An Ordinance to add new Division 4, E-Cigarettes, to Article VI of Chapter 70, Offenses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit the selling, giving or furnishing of e-cigarettes to minors and prohibit the purchase, possession, or use of e-cigarettes by minors; repeal conflicting or inconsistent Ordinances; and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance \(Revised\).pdf](#)
[Staran Letter 091614.pdf](#)
[Ordinance.pdf](#)
[090814 Agenda Summary.pdf](#)
[Attorney General Letter.pdf](#)
[E-Cigarettes and Michigan's Smoke Free Air Law Fact Sheet.pdf](#)
[FDA E-Cigarette Health Risks.pdf](#)
[US Food and Drug Administration.pdf](#)
[Resolution.pdf](#)

John Staran, City Attorney, noted that the original draft of the proposed Ordinance set penalties for ordinance violations for selling or distributing e-cigarettes to minors or minors purchasing or using e-cigarettes as a standard \$500 fine and a misdemeanor. He noted that the revised version included modifies those penalties in section 70-402 to a \$50 per violation municipal civil infraction for either selling or furnishing e-cigarettes to minors or for purchase or use by minors. He explained that current State Law with respect to tobacco products set an offense as a \$50 misdemeanor. He noted that the Ordinance closely tracks the language in the tobacco law. He commented that he also reviewed proposed legislation awaiting Governor Snyder's action which would prohibit the sale and distribution of e-cigarettes to minors. If that bill is enacted into law, that too would be a \$50 misdemeanor. He stated that making it a municipal civil infraction in the City's Ordinance decriminalizes it.

Mayor Barnett noted that Attorney Staran's e-mail response was included and was distributed to other Council members in answer to questions asked at the last meeting.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Absent 1 - Brown

Resolved, that an Ordinance to add new Division 4, E-Cigarettes, to Article VI of Chapter 70, Offenses, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit the selling, giving or furnishing of e-cigarettes to minors and prohibit the purchase, possession, or use of e-cigarettes by minors; repeal conflicting or inconsistent Ordinances; and prescribe a penalty for violations is hereby accepted for First Reading.

2014-0408 Acceptance for First Reading - An Ordinance to repeal Article VII Retiree Health Care Implicit Rate Subsidy Trust of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[Resolution to Terminate Trust.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, noted that the proposed Ordinance repeals Article 7, which deals with the Retiree Health Care Implicit Rate Subsidy in Chapter 82 of the City's Personnel Ordinance. He noted that the City created an Implicit Rate Subsidy for retirees who are allowed to buy City health care at City rates with their own funds. Under Accounting Standard Rules, the City had to report that liability and create a Trust to account for that subsidy. In January of 2014, when the City combined a move to one health care provider under HAP, the insurer was able to separate the active employees away from the retired employees, resulting in the retirees now paying their own rate and thus ending the subsidy.

He explained that the August 19th meeting of the Board of Trustees of the Retiree Health Care Trust voted to terminate the Implicit Rate Subsidy Trust, and he noted that all liabilities related to that Trust will be returned to the City. The proposed Ordinance follows through with this request.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Resolved, that an Ordinance to repeal Article VII Retiree Health Care Implicit Rate Subsidy Trust of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan is hereby accepted for First Reading.

NEW BUSINESS

2014-0395 Request to Schedule a Public Hearing regarding a request to establish an Industrial Development District at 1857 Enterprise Drive, Rochester Hills, Michigan 48309

Attachments: [Agenda Summary.pdf](#)
[AdduXi Letter of Intent.pdf](#)
[Resolution.pdf](#)

Pam Valentik, Manager of Economic Development, explained that AdduXi is a privately held company with their main operations in France. Most recently, the company has seen tremendous growth in their North American market, and this has led to the need to establish a manufacturing facility in North America to support their sales. She noted that she has been working with AdduXi ownership since the first of the year to identify a facility in Rochester Hills over other options and she stated that she is pleased to report today that they have decided to lease a building on Enterprise Drive. With that building, they will need to bring in just over \$3.5 million in new machinery, equipment and computers. An application was received for Council's consideration for an Industrial Facilities Exemption, or tax abatement, on that new personal property.

She noted that the first step is for City Council to schedule a public hearing in

order to establish the Industrial Development District and to consider the approval of a tax abatement. She requested Council schedule the public hearings for October 6 and mentioned that she has arranged for Xavier Ovize, Chief Executive Officer of AdduXi North America to attend that meeting to present an overview of their investment plans.

Mayor Barnett noted that an article appeared in today's Oakland Press noting that AdduXi is a great win for the City. He stated that the Administration is pleased and looks forward to their presentation in October.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0228-2014

Whereas, AdduXi has filed a request for the establishment of an Industrial Development District for property it owns at 1857 Enterprise Dr., also known as Parcel No. 15-28-302-011; and

Whereas, Public Act 198 of 1974, as amended, requires that City Council hold a Public Hearing before considering the request.

Resolved, that the Rochester Hills City Council hereby schedules a Public Hearing for its regular meeting of October 6, 2014; and

Be It Further Resolved, to send a Certified Copy of this Resolution to AdduXi, Attention: Xavier Ovize, 1857 Enterprise Dr., Rochester Hills, MI 48309.

2014-0400 Request to Schedule a Public Hearing regarding the request for an Industrial Facilities Exemption Certificate for AdduXi, 1857 Enterprise Dr., Rochester Hills, Michigan 48309

Attachments: [Agenda Summary.pdf](#)
[Application.pdf](#)
[Company Info.pdf](#)
[Resolution.pdf](#)

See Legislative File 2014-0395.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0229-2014

Whereas, AdduXi has filed a request for the establishment of an Industrial Development District for property it owns at 1857 Enterprise Dr., Rochester Hills, MI 48309, also known as Parcel No. 15-28-302-011; and

Whereas, AdduXi filed an application for an Industrial Facilities Exemption Certificate on September 12, 2014; and

Whereas, Public Act 198 of 1974, as amended, requires that City Council hold a Public Hearing before considering the request and must render a decision within 60 days of receipt of the application.

Resolved, that the Rochester Hills City Council hereby schedules a Public Hearing for the Regular Meeting of October 6, 2014; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the Public Hearing in the Oakland Press on Tuesday, September 23; and

Be It Further Resolved, to send a Certified Copy of the notice to AdduXi, Attention: Xavier Ovize, 1857 Enterprise Dr., Rochester Hills, MI 48309; and

Be It Finally Resolved, to send a Certified Copy of the notice to all taxing jurisdictions and the City Assessor no later than Tuesday, September 23, 2014.

2014-0386 Request for Purchase Authorization - BLDG/FACILITIES: Contract/Blanket Purchase Order for janitorial services in the amount not-to-exceed \$100,325.00 through October 31, 2015; Kristel Group, Inc., Clawson, MI

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

Bob White, Supervisor of Ordinance Services, explained that the City outsources the cleaning of City Hall, the DPS Facility, Fire Station 1 and the Rochester Hills Museum at Van Hoosen Farm. He added that the Administration is currently considering taking on more cleaning responsibilities at the Oakland County Sheriff's Substation. He stated that a request for proposal was posted on the Michigan Intergovernmental Trade Network, with eight qualified bidders responding. A committee made up of customers at City Hall, DPS, the Fire Station and the Museum reviewed all proposals, chose to interview the top four as two were tied for third low bid, checked references, and recommends the Kristel Group for the contract award.

President Hooper commented that he was glad to see the low bidder recommended. He noted that the two companies that previously held the contract in the past were not successful.

Mr. Webber noted that it appears that the City will save approximately \$35,000 from what was budgeted. He questioned what the terms are for the option to renew.

Mr. White responded that the contract is for one year, with an option to renew. At the end of the year, the company will be asked if it will hold its price for an extension.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdel, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0230-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for janitorial services to Kristel Group, Inc., Clawson, Michigan in the amount not-to-exceed \$100,325.00 through October 31, 2015.

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.

- 2014-0389** Request for Purchase Authorization - PARKS: Contract/Blanket Purchase Order for Natural Features Stewardship Program Consulting Services for Green Space in the amount not-to-exceed \$100,000.00 through December 31, 2017; Niswander Environmental, LLC, Brighton, MI

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

Mike Hartner, Director of Parks and Forestry, noted that this is the next step in the stewardship management plan, and the consultant selected will help the Green Space Advisory Board (GSAB) develop management plans and priority rankings for all the green spaces and open spaces in Rochester Hills, consistent with the millage and the recent repurposing to fund stewardship activities, implement critical projects and set budgets, and evaluate the effectiveness of the programs. He explained that five good proposals were received, and two firms were shortlisted. Interviews were conducted by a committee of five, including GSAB Chairperson Gerald Carvey, and staff members from Planning, Building and Parks. Niswander Environmental is recommended for selection, as the firm has been involved with Green Space projects going back to the natural features inventory of the city and can hit the ground running with the first project of determining the budgetary requirements for the Trust. It is hoped that their report can be brought to Council before the end of the year.

Public Comment:

Melinda Hill, 1481 Mill Race, commented that while she has no problem with Niswander Environmental, she noted that little detail is being presented to Council on what they are proposing to do. She questioned why \$100,000 is requested when the initial services were suggested to be \$30,000 in 2014. She requested Council postpone a decision until more information is provided.

President Hooper requested Mr. Hartner address Ms. Hill's comments.

Mr. Hartner responded that the need for development of the details of the actual projects is precisely why professional assistance is needed to establish the scope and management plans for each of the sites. He explained that the dollar amount requested includes some implementation. He noted that as the projects progress, Council will receive a very detailed yearly breakdown site-by-site with estimates from a Professional Engineer who is also the implementer of many of the solutions. He commented that Niswander was chosen as it could provide most of the services for the projects identified.

President Hooper questioned whether the consultant will developed detailed cost estimates and priority rankings.

Mr. Hartner responded that management plans will be developed for each of the sites, and they will be prioritized. He commented that any one of the projects will include a multi-phase approach.

Council Discussion:

Mr. Wiggins commented that the first part of the project is to define the scope of what needs to be done, and the second phase is implementation. He questioned how the Administration knows that after the first \$30,000 is expended, \$70,000 will be needed in the next two years.

Mr. Hartner responded that the GSAB needs to provide Council with information on the entire size of what is going to be accomplished. He noted the problems communities are having with invasive species such as Phragmites. He mentioned that Niswander provided information on mitigation at River Bend Park which is estimated at \$250,000 for the wetland areas and \$200,000 of the upland areas. He pointed out that the intent of the Green Space program is to identify, prioritize and show a multi-year approach to tackle the projects. He stated the City will need to secure grants to undertake some of the larger projects.

Mr. Wiggins commented that as it seems possible that the City will need more than \$100,000, perhaps the study should be completed first.

Mr. Hartner responded that this amount is consistent with the project in the Capital Improvement Plan, and is a placeholder to begin. He explained that this item will return to Council and the City will need partners to complete the projects.

Mr. Wiggins suggested Council consider approving \$30,000 for the study and then have the item return for another vote.

President Hooper stated that staff is recommending \$100,000 be authorized now, with a budget amendment later for any difference. He noted that this does not mean that the entire \$100,000 will be spent.

Mr. Kochenderfer stated that as Council's representative to the GSAB, he was very surprised at the complexity of some of the issues that the GSAB is facing. He commented that if the GSAB is going to do this right, activities must be properly prioritized and will need the details of the management plans to be developed. He pointed out that the prioritization process could take at least a year in terms of what needs to be done with invasive species, access, or water features. He noted that these details will help the GSAB move forward with something that will be the most beneficial for the residents.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0231-2014

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Natural Features Stewardship Program Consulting Services for Green Space in the amount not-to-exceed \$100,000.00 through December 31, 2017 and further authorizes the Mayor to execute a contract on behalf of the City.

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

2014-0109 Request for Acceptance of the North Oakland County Water Authority (NOCWA) Interlocal Agreement

Attachments: [Agenda.Summary.pdf](#)
[Interlocal Agreement.pdf](#)
[031714 Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, requested Council allow the City to enter into the agreement known as the North Oakland County Water Authority (NOCWA). He noted that a presentation was made to Council in March to provide a briefing on the progress toward such an initiative. He explained that the analytics and modeling have been completed and has proven that the communities are better collectively than apart. He commented that knowing that there is feasibility to create such an authority, the communities moved into governance and crafting a legal agreement. Multiple agency attorneys were involved, and the resulting proposed agreement is presented for Council's consideration.

President Hooper questioned what other member communities have acted on the proposal.

Mr. Schneck responded that Orion Township's Board has approved the agreement, and the City of Pontiac, represented by the Oakland County Water Resources Commission, has signed the agreement. He mentioned that Auburn Hills' City Council is considering the agreement at their meeting this evening.

Mr. Webber questioned how the agreement will be affected by the efforts to establish the Great Lakes Water Authority.

Mr. Schneck responded that the Oakland County Commissioners held a meeting to discuss the Great Lakes Water Authority. It was noted that the four agencies involved need to act upon a memorandum of understanding by October 10. If all agencies and stakeholders enter into such memorandum of understanding, a 200-day due diligence period will begin where those agencies will work together on the development of a lease agreement. He commented that as it is currently understood, all contracts currently in existence will be honored as bargained. If the four stakeholders that comprise NOCWA agree, then negotiations would

commence with the Detroit Water and Sewerage Board (DWSD) to enter into an agreement prior to the 200-day due diligence period.

Public Comment:

Melinda Hill, 1481 Mill Race, noted that although she is not a water user and has her own well, she is curious why there has been no additional information since a brief overview was provided on March 17th. She commented that it is unfortunate that a public process was not undertaken as this will affect all water users. She questioned what type of infrastructure cost the City will incur to be part of the process and expressed concern that other communities would provide services such as leasing out storage without receiving monetary benefit. She requested that a breakdown of cost to the communities be provided prior to a decision.

President Hooper noted that the cost breakdown is provided in Exhibit 1 of the proposed agreement. He commented that the Authority will combine together to purchase the water and the cost will be distributed back according to the set percentage in the contract. He stated that it is expected that the City will have a cost savings over what it pays right now.

Mr. Schneck concurred, stating that the savings will be in commodity cost.

Council Discussion:

Ms. Morita noted the following:

- Regarding the mediation and arbitration provision in the agreement, she questioned why disputes would not be handled in Circuit Court and a private arbitrator be paid instead.
- She expressed concern over the provision that communities must provide 18-month notice to leave the agreement, and cannot leave the agreement for the first three years.
- She questioned what would happen if one party does not pay its share. She expressed concern that the City would have to wait three years to determine that the agreement is not working.

She commented that she has had some interaction on some of the boards she sits on in other communities, and noted that one of the communities indicated that they did not have \$150 extra in their budget to pay for an item. She stated that this gives her concern when considering entering into this type of agreement with other communities knowing the type of expenditures that could be required.

John Staran, City Attorney, responded although he was the author of the first draft of the agreement, since that first draft many other attorneys have been involved in subsequent versions. The result is a group effort reflecting the modern trend to alternative dispute resolution rather than court litigation. He added that this was the sense of the attorneys in including the arbitration and mediation clauses, as well as recognizing how this association came about, as a cooperative unincorporated type of association, with minimal authority, and virtually no power to contract or expend money without the unanimous consent of all the members.

He explained that should another party not pay its share, that very provision to resolve disputes would be triggered. He pointed out that it is the clear intent from this agreement that none of the members are going to be subsidizing or paying on behalf of each other and each member is going to be shouldering its own burden and paying its own costs according to an allocation. The City of Rochester Hills will serve as a treasurer to help with the administration of those costs; however, no member will be assuming liabilities on behalf of any others. He requested Mr. Schneck address the lead time to withdraw and the three-year commitment.

Mr. Schneck responded that the communities wanted enough time as a group to be able to plan and respond to someone's withdrawal from the Authority, and it was determined that 18 months is appropriate. The three-year period is tailored after the DWSD contracts, which are typically two years, followed by a reopener to a three-year contractual period, followed by another reopener and then five-year periods after that. He stated that the communities wanted a commitment from all stakeholders of three years.

Mr. Staran noted that when this concept was being developed, there were at least some preliminary discussion with the DWSD as to whether this is something that they would approve. Ultimately they were receptive to it; however, the DWSD wanted to ensure that it would be dealing with a real organization and not just a very loose band of otherwise individual customers that come and go. That also played into the decision to have a relatively long notice period to opt-out and the original three-year commitment.

President Hooper questioned whether there is any scenario where the City would be paying more it is paying right now for water.

Mr. Schneck responded no. He explained that the way it was modeled, each member brings different attributes to the table. Pontiac has 12 million gallons of storage, Auburn Hills has one million gallons of storage and Orion Township has 2.5 million gallons of storage. Rochester Hills brings sheer volume to the table as it is the biggest user and peaks at the appropriate time during the non-exclusionary period between 12:00 and 5:00 a.m. The DWSD expressed that while this is a great concept, they wanted to see that it could be put into practice. NOCWA was run as an authority this summer, filling schedules for reservoirs were amended and pressure schedules were altered with success. The mutual benefit between NOCWA and the DWSD is more cost avoidance on the DWSD's side. Knowing that the authority can control its draw and control its consumption provides cost avoidance for capital improvements on the DWSD's side, as they do not have to build bigger pumps. Also, the ability to negotiate with one agency provides a benefit to the DWSD.

He added that the City's customers will see no difference. The agreement states that each member community will maintain and operate its own systems. Unutilized assets in the region will be best used collectively.

President Hooper questioned whether all four members will see what they are paying for water decrease.

Mr. Schneck responded that the commodity rate will go down.

Mr. Wiggins cited Section 3 in the proposed agreement, and questioned what would happen if one community has a liability issue and cannot pay for something as part of a shared cost.

Mr. Schneck responded that under the agreement, if there is a capital expense that is deemed a benefit to all, it will be analyzed on a case-by-case basis. He stated that utilities are self-sustaining and he noted that while he was in Pontiac, the City never defaulted on a water payment. He noted that the utility is a separate enterprise fund versus the general fund and it is sustained by its rate payers. He commented that while the provision is in the agreement, he is not aware that any of the four agencies ever defaulted on a payment to the DWSD.

Mr. Kochenderfer commented that he believes this is a great idea; and he stated that it gives him comfort that as it is written in the agreement, the Authority is virtually powerless if there is not unanimity among the members. He pointed out that there are annual true-ups of the revenue allocation, and capital equipment expenditures are reviewed on a case-by-case basis. He stated that the City is not giving away any of its authority in the City. He commented that he sees only benefit.

Mayor Barnett stated that the City's largest bill is to the DWSD, and he noted that over the last several years the City has seen dramatic increases in the cost of water. He explained that the City has taken several approaches to try to curb those costs. He noted that the City evaluated the water reservoir discussion and enacted Ordinances to change water use to non-peak hours. He commented that there are not many other options available to lower water rates. He credited Mr. Schneck and Tracey Balint, Public Utilities Engineer, for their efforts to seek savings for the residents and collaborate with neighbors to seek efficiencies. He stated that it is his belief that the agreement is strong and the Authority is a benefit that goes directly to saving each resident money on their water bills.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0232-2014

Resolved, that the Rochester Hills City Council hereby accepts the North Oakland County Water Authority (NOCWA) Interlocal Agreement, as presented.

Further Resolved, that the Mayor is authorized to execute the agreement on behalf of the City.

2014-0404 Request for Approval of the 2014-2015 Police School Liaison Program between the Rochester Community School District, the City of Rochester, Oakland Township, and the City of Rochester Hills

Attachments: [Agenda Summary.pdf](#)
[CC 2014-15 Pol Liaison Calc.pdf](#)
[Resolution.pdf](#)

Captain Michael Johnson, Oakland County Sheriff's Office, explained that the Police School Liaison Program has been in existence for thirty-plus years and is an incredible program that is an investment in the children. He stated that Deputies and patrol officers work in the classrooms along with performing other law enforcement functions in the schools. He noted that three Oakland County Sheriff Deputies and two City of Rochester Police Officers are under contract for ten months every year in the schools.

President Hooper noted that there are no changes in the percentage allocation between the communities.

Keith Sawdon, Director of Finance, responded that there were only slight changes in population between the communities.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0233-2014

Whereas, the City of Rochester Hills City Council hereby approves the Police Liaison 2014/2015 (school year) budget in the amount of \$586,728, of which as a participating party, the City of Rochester Hills' contribution is \$280,522 as presented,

Now Be It Resolved, that the Mayor is authorized to execute the documentation on behalf of the City.

2014-0320 Adoption of the Fiscal Year 2015 Budget

Attachments: [Agenda Summary.pdf](#)
[Straw Poll Results.pdf](#)
[090814 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[081814 Agenda Summary.pdf](#)
[081814 Budget Presentation Schedule.pdf](#)
[Suppl General Budget Overview.pdf](#)
[081114 Agenda Summary.pdf](#)
[081114 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, explained that the 2015 budget process consisted of the Capital Improvement Plan in February, the presentation of the Financial Forecast, and presentation of the proposed Budget in August along with budget discussions. He explained that modifications were made based on the results of Council's Straw Poll, and millages were set on September 8th to provide some of the revenue needed to support the Budget.

President Hooper noted that from the last detail budget summary, three fund changes were made. Major Road Fund decreased \$100,000, Special Police increased \$121,000, and the Green Space Trust went down \$3 million.

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

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0234-2014

Whereas, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, the Special Appropriations Act pursuant to PA 493 of 2000, and Section III of the Charter for the City of Rochester Hills, the Mayor as the Chief Executive Officer prepared the proposed budget for the ensuing year and submitted it to the Council at its first meeting in August; and

Whereas, at its August 11, 2014 meeting City Council acknowledged receipt from the Mayor of the Proposed Fiscal Year 2015 Budget Plan and set a Public Hearing to be held September 8, 2014 at 7:00 p.m. to solicit comments on the proposed budget plan from the public; and

Whereas, at its September 8, 2014 meeting City Council held said Public Hearing on the proposed budget plan and the related millage rates to defray the Fiscal Year 2015 proposed budget expenditures; and

Whereas, subsequent to the City Council's review and comments, the Mayor adjusted the original proposed budget; and

Resolved, the following list of funds sets forth the general appropriations for the City and adopts the following City Budgets for Fiscal Year 2015.

Be It Further Resolved, the Mayor is hereby authorized to administratively adjust the operating budget line items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment. Adjustments from capital accounts and fund balances shall be made only by further action of the City Council.

Adoption of the FY 2015 Annual Appropriation Budget(s) for the City of Rochester Hills, Michigan

Fund 101 - General Fund	\$24,626,600
Fund 202 - Major Road Fund	10,041,040
Fund 203 - Local Street Fund	10,265,970
Fund 206 - Fire Fund	7,618,230
Fund 207 - Special Police Fund	9,498,320
Fund 213 - RARA Millage Fund	590,780
Fund 214 - Pathway Millage Fund	564,100

Fund 232 - Tree Fund	60,580
Fund 244 - Water Resources Fund	508,700
Fund 265 - OPC Millage Fund	997,970
Fund 299 - Green Space Millage Fund	1,079,910
Fund 313 - Street Improvement Bond - 2001 Series Fund	273,160
Fund 314 - SAD Street Improvement Bond - 2001 Series Fund	274,980
Fund 331 - Drain Debt Fund	202,290
Fund 369 - Older Persons Building Bond Refunding Fund	773,840
Fund 393 - Municipal Building Refunding Bond - 2010 Series Fund	790,870
Fund 394 - Local Street Refunding - 2011 Series Fund	494,820
Fund 402 - Fire Capital Fund	2,755,770
Fund 403 - Pathway Construction Fund	407,800
Fund 420 - Capital Improvement Fund	2,426,620
Fund 510 - Sewer Operations	15,455,560
Fund 530 - Water Operations	18,282,050
Fund 593 - Water & Sewer Capital Fund	11,939,320
Fund 595 - Water & Sewer Debt Fund	1,541,040
Fund 631 - Facilities Fund	12,440,670
Fund 636 - MIS Fund	2,203,760
Fund 661 - Fleet Fund	3,235,030
Fund 677 - Insurance Fund	417,180
Fund 736 - Retiree Health Care Trust	137,390
Fund 752 - Cemetery Perpetual Care Fund	-
Fund 670 - Green Space Perpetual Care Fund	-
Fund 843 - Brownfield Redevelopment Fund	-
Fund 848 - LDFA Fund	323,450
Fund 851 - SmartZone Fund	85,000
Fund 870 - Museum Foundation Trust Fund	3,000
Fund 893 - EDC Fund	720
Total	140,316,520

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, October 6, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:45 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 November 10, 2014 Regular City Council Meeting.