



# Rochester Hills

## Minutes

### City Council Regular Meeting

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

*Kevin S. Brown, 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."*

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Monday, October 20, 2014

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - Kevin S. Brown, Greg Hooper, Stephanie Morita, Mark A. Tisdell, Michael  
Webber and Thomas W. Wiggins

**Absent** 1 - Adam Kochenderfer

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Jasneet Aulakh, Rochester Hills Government Youth Council Representative  
Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Sean Canto, Chief of Fire and Emergency Services  
Paul Davis, City Engineer/Deputy Director of DPS  
Lance DeVoe, Park Ranger II  
Bob Grace, Director of MIS  
Mike Hartner, Director of Parks and Forestry  
Pat McKay, Supervisor of Interpretive Services  
Allan Schneck, Director of DPS/Engineering  
John Staran, City Attorney  
Sue Thomasson, Museum Staff Assistant*

## PLEDGE OF ALLEGIANCE

*Mr. Brown introduced the members of Boy Scout Troop 125. He commented that  
the Troop has much history in the Rochester area since its founding in 1957, and is  
quite active in community service and youth adventures. He stated that families  
consist of the greater Rochester area and attend a mixture of public and private  
schools. He noted that there are 56 active Scouts currently in Troop 125. He  
mentioned that Scoutmaster Bill Berklich is supported by a group of Assistant  
Scoutmasters with a broad range of experience, along with a busy Troop*

*Committee consisting of many active parents. He explained that they have provided 750 hours of community service in the Rochester/Rochester Hills area and recently awarded their 131st Eagle Scout. He noted that the platform behind City Hall was an Eagle Scout project. He mentioned that four projects were completed in the Rochester/Rochester Hills area and three are still active this year.*

*The Troop's Senior Patrol Leader led Boy Scout Troop 125 in presenting the Colors and leading the Pledge of Allegiance.*

## APPROVAL OF AGENDA

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

**Aye** 6 - Brown, Hooper, Morita, Tisdell, Webber and Wiggins

**Absent** 1 - Kochenderfer

**(Mr. Kochenderfer entered at 7:09 p.m.)**

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

## PUBLIC COMMENT

**Jeannie Morris**, 1398 Burhaven, stated that ordinances are necessary as the moratorium on oil and gas drilling in Rochester Hills is not a permanent solution. She commented that the draft ordinance being considered by the Planning Commission should include a setback distance of 1,500 feet. She mentioned that Auburn Hills has completed ordinances and negotiated with the oil company to specify no drilling in residential areas. She commented that she believes that Jim Olson of the organization FLOW has consulted with Shelby Township and the City of Rochester in the drafting of their ordinances and has extended an offer to assist Rochester Hills.

**Fred Warholak**, 884 Adams Road, stated that his residence is located on Adams Road immediately adjacent to the property in question which was part of a Green Space Advisory Board acquisition for parkland. He stated that Rochester Hills is a bedroom community and this property should not be used in a manner to serve a commercial/industrial business. He noted that the lease signed by the City will allow it to profit from drilling. He expressed concern over horizontal drilling and fracturing activities, noting that water, sand and other chemicals are injected under high pressure to improve flow, and surface casings are comprised of cement containing mercury.

**Mike Powers**, 3632 Aynsley Drive, questioned why the Planning Commission was not given the opportunity to first review the topic of oil and gas, with subsequent town hall meetings scheduled. He noted that Michigan Governor Rick Snyder expressed his opinion; and while he did not say oil and gas exploration was unsafe, he did not say that it had room in high density communities. The Governor also expressed his opinion that communities should have some collaboration to work

out a compromise locally. He commented that with the oil market fluctuating, the business case for exploration may not be there.

**Pablo Fraccarolli**, 1263 Cobridge Drive, distributed a citizen-drafted proposed amendment to the oil and gas ordinance under consideration containing a number of elements that they believe should be included. He mentioned that the citizens' draft specifies that drilling occur only in industrial-zoned areas and not in residential areas, that the setback for oil and gas drilling should be at least 1,500 from any residence or school, and that there be no injection wells for oil and gas.

**Erin Howlett**, 3597 Aynsley, noted that at the Planning Commission Meeting President Hooper questioned whether the Michigan Attorney General should be consulted to render an opinion whether municipalities may draft ordinances outside of State Statutes. She commented that seeking an opinion would be a waste of time, and could backfire miserably as it has for some nearby communities. She pointed out that Auburn Hills has agreed to a public/private contract which specifies that the oil companies will not do any residential siting.

**Clark Barrett**, 1376 Kingspath, stated that the City's draft ordinances presented at the Planning Commission last week do little beyond the current regulations and existing ordinances. He expressed his hope that the drafts will be modified greatly by the Planning Commission to include several of the items the residents have been asking for such as water testing. He commented that setbacks specified need to be increased to 1,000 to 1,500 feet, as current regulations are subject to exemption by the Michigan Department of Environmental Quality.

**Gail Hammill**, 1434 Burhaven, commented that people stop her to thank her for her work with the Don't Drill the Hills group. She questioned why resident input is not encouraged and stated that the ordinances should have the 1,500-foot setbacks that the residents have asked for. She commented that the development of good ordinances should not take months and months.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to Public Comment, **President Hooper** noted that the moratorium adopted by City Council regarding oil and gas exploration will run through mid-March, allowing for time for proposed Ordinances to work their way through the development and adoption process. He mentioned that the Planning Commission will spend several meetings on their development prior to forwarding them to Council with their recommendation.

He stated that the General Election is November 4th and noted that the ballot contains a Fire/EMS Millage question. He encouraged voters to research and understand the issue.

**Mr. Webber** wished everyone a safe and happy Halloween.

**Ms. Morita** reported that she has attended two different homeowners' association meetings to speak on the Fire/EMS Millage issue. She noted that if any association wishes to have someone attend a meeting to speak on the millage proposal, they should contact her or another member of Council.

She stated that she understands the residents' frustration regarding the topic of oil and gas drilling and the length of time it has taken to develop ordinances. She commented that she believes the issue is in front of the right body that will take everyone's comments into account to develop an ordinance that everyone is willing to live with. She stated that while an ordinance will not be perfect, it will be better than what was initially presented and will address additional concerns. She expressed her hope that the Planning Commission will not unduly delay the ordinances, and commented that she would prefer to have something on the books sooner than later. She stated that while she understands the thought of having an opinion by the Attorney General, it could be a long time before an opinion is rendered, especially during this election season. She noted that oftentimes municipalities do not necessarily agree with Attorney General opinions. She commented that efforts should be undertaken to expedite the process.

**Mr. Wiggins** encouraged voters to go to the polls on November 4th, noting that there is an important City proposal on the ballot.

**Jasneet Aulakh**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that Chamber of Commerce Executive Director Sheri Heiney attended their most recent meeting to discuss how the RHGYC will be able to partner with the Chamber in helping with several community events. She announced that on October 26th, the RHGYC will participate in the Halloween Haunt at the Village of Rochester Hills to support Gleaners Community Food Bank, and will man the warming tent at this year's Rochester Hometown Christmas Parade. She mentioned that the RHGYC is also undertaking several projects on its own, including a Green Team cleanup project on the Clinton River Trail. She stated that plans have begun for the annual 5K Walk/Run and announced that the charity selected to receive the proceeds this year is once again Blessings in a Backpack. She mentioned that the RHGYC will be fund raising for the 5K during Carson's Community Days, selling coupon books for \$5.00.

**Mayor Barnett** commented that he is pleased that the RHGYC has selected an organization such as Blessings in a Backpack to support. He mentioned that his executive team recently volunteered packing meals for the organization. He mentioned the following upcoming events:

- The Flu Clinic which was scheduled for last week and cancelled by the participating organization has been rescheduled for Thursday, November 6th. He noted that individuals wishing to reschedule their flu shot should call the Human Resources Department.
- The Fall Homeowners' Association Forum is set for this Thursday, October 23rd, at 6:30 p.m.
- Fire Station #1 will host a Citizens' Preparedness Program to help families prepare for what to do during times of disaster on Saturday, October 25th, from 9:00 a.m. to 11:00 a.m. The program is open to all Rochester Hills residents and is limited to the first 40 registrants.

- Trick or Treating hours in Rochester Hills will be on Friday, October 31st from 6:00 p.m. to 8:00 p.m.
- This is deer season, and once again the City has landed near the top of the list in the number of car-deer accidents. Informational signs have been placed on roads with higher numbers of accidents and will be moved around to various locations.
- The Oakland County Sheriff's Office will run their Coats for the Cold Program during the month of November. Donations of new or lightly used coats are encouraged and a donation bin will be available at City Hall.
- The Department of Public Services encourages submissions for this year's Paint the Plow program. This year's theme is "Why do you love living in Rochester Hills?" Designs for the ten foot by three foot plow blade must be submitted by Friday, November 7th.
- The Department of Public Services been notified that the City is the recipient of a \$2 million SAW Grant to test the condition of the City's wastewater and stormwater systems. The grant will require a proportional contribution by the City and will aid tremendously in addressing its largest infrastructure needs.

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## PRESENTATIONS

**2014-0439** Presentation of the Deer Management Advisory Committee - 2014 Report

Attachments: [102014 Agenda Summary.pdf](#)  
[2014 Deer Mgmt Report.pdf](#)  
[070914 DMAC Minutes \(Draft\).pdf](#)

**Jim Kubicina**, Chairperson, and **Tom McDonald**, Member, Deer Management Advisory Committee (DMAC), were in attendance.

**Mr. Kubicina** introduced other members of the DMAC Committee in attendance, Monique Balaban and Bruce Austin. He noted that **Mike Hartner**, Director of Parks and Forestry, and **Lance DeVoe**, Park Ranger II, also participate on the DMAC Committee. He reviewed the findings of the deer survey for this past year, noting the ten areas that are surveyed every year and explaining that at least four inches of snow cover is required for the aerial flyover survey. He pointed out that the increase in population number to 303 deer viewed is an anomaly because of the harsh winter as the accident numbers have actually decreased. He explained that deer tend to herd up during harsh conditions and it is not thought that the herd has jumped to almost double.

**Mr. DeVoe** explained that deer tend to travel the same pathways and congregate along river courses and in places that protect them from the wind. He commented that the flyover at the City Hall site usually yields a count between 20 and 30, and this year there were 75. He noted that if there had been that much of an increase, there would be a greater jump in car/deer accidents.

**Mr. Kubicina** noted that car/deer accidents are tracked by the Southeast Michigan Council of Governments (SEMCOG), and pointed out that the highest number of car/deer accidents occurred in 2007. He explained that this year's reported number of accidents is 135, down from 155 last year. He stated that as long as the car/deer accident numbers remain below 200 at the same time that the population does not increase by 20 percent, no action to control population is recommended. He reviewed the number of complaints for deer on county and local roads and noted that these numbers are all down. He commented that nuisance complaints have increased, but are still under ten for the past year. He reviewed a map which showed where the collisions occur.

**Mr. DeVoe** noted that crashes happen throughout the City and are not concentrated in one spot. He commented that message boards were moved to target areas in the southern portion of the City, such as along Auburn Road and South Boulevard near M-59. He pointed out that with the construction on Tienken Road, the signs that were placed there last year were moved to other areas for this year.

**Mr. Kubicina** reviewed the DMAC's recommendations for 2015 including continuing with the feeding ban, the educational component, and a push toward improved signage. He noted that the DMAC adopted resolutions recommending a continuation of the aerial deer count surveys, use of four changeable message boards in high crash areas in October and November, and a review of other low-cost options to increase awareness. He displayed a photograph which showed a product he observed being used in Gratiot County in northern Michigan that is highly reflective when used on sign posts, and he suggested that the City consider installing this tape on the posts for the deer signs to give the illusion that the signs are lit when headlights hit them at night. He commented that Gratiot County received a State grant to implement installation of the tape.

He expressed his appreciation to DMAC member Monique Balaban, noting that she has reached out to residents who have complained about deer activity in their yards. He mentioned that she visits those having problems with deer and offers solutions to discourage deer damage. He noted that a bar of Irish Spring Soap can be placed in a lint netting bag obtained from the dollar store and hung from trees to deter deer.

**Mr. McDonald** commented that the DMAC recommends a continuation of the status quo which was developed when the parameters were initially set in 2010. He stated that should the car/deer accidents increase over the threshold along with an increase in the population of 20 percent, the Committee would come back with a recommendation to address the increase. He noted that the Committee members believe at this point that what is being done in terms of education and awareness is working and there is no need to recommend lethal action.

**Public Comment:**

**Monique Balaban**, 1487 N. Livernois, DMAC member, encouraged the installation of the high-reflective tape on signs. She commented that budgetary constraints are

*not an issue, as a donor will cover the cost of the tape. She stated that the City should endorse the idea and convince the Road Commission for Oakland County (RCOC) to allow installation of the tape.*

**President Hooper** commented that while he is not against the installation of the reflective tape on signs, he would like the Department of Public Services to weigh in on the tape and ensure that there are no unintended consequences to its use.

**Mr. Kubicina** responded that the RCOC indicated that they are currently using this tape on posts in school crossing zones.

**Mr. McDonald** reiterated that there will be no cost involved to the City and there is no reason not to do it.

### **Council Discussion:**

**Mr. Kochenderfer** expressed his thanks to the committee members for the report, and he noted that the bulk of the DMAC's work occurred before his time on the DMAC Committee and on Council. He stated that while it is not in the headlines as it was previously, the City should still continue to monitor the problem.

**Mr. Webber** mentioned that he has been a member of the DMAC Committee almost since its inception; and he stated that through the work of the Committee, the Administration, and the Council, the City has been able to make progress against the problem that it started with, which is the car/deer accidents. He commented that while they will never be eliminated entirely, the numbers have been reduced. He expressed his appreciation to Ms. Balaban in addressing garden issues.

**Mr. Wiggins** expressed his thanks to the DMAC members, noting that it is great that they continue to look for other ideas.

**Mayor Barnett** expressed his thanks to the DMAC members, stating that the team and the leadership of the citizen-driven committee have done a great job. He commented that although the Administration supports the efforts of the DMAC Chairperson, it must work with the RCOC as well.

**President Hooper** commented that it will be interesting to see the 2015 statistics. He noted that he is one of the statistics for 2014, as a deer jumped in front of his truck, causing damage.

Presented.

## **RECOGNITIONS**

**2014-0454** Proclamation in Recognition of October 2014 as Domestic Violence Awareness Month

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** read the Proclamation in Recognition of October 2014 as

*Domestic Violence Awareness Month. He noted that Council has allocated funding in the past to organizations such as Haven, and he expressed his hope that it remains supportive.*

**Presented.**

**Whereas**, violence against women and children continues to become more prevalent as a social problem due to the imbalance of power due to gender and age; and

**Whereas**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectionate preference, and societal barriers; and supported by societal indifference; and

**Whereas**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

**Whereas**, the impact of domestic violence is wide ranging, directly affecting women and children and society as a whole; and

**Whereas**, it is battered women themselves that have been in the forefront of efforts to bring peace and equality to the home;

**Now, Therefore, Be It Resolved**, in recognition of the important work done by domestic violence programs and victims' service providers, that we, the Mayor and City Council of the City of Rochester Hills do hereby designate the month of October 2014 as Domestic Violence Awareness Month and urge all citizens to work towards the elimination of personal and institutional violence against women and girls.

**2014-0455** Proclamation in Recognition of October 2014 as Anti-Bullying Prevention Month

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** read the Proclamation in Recognition of October 2014 as Anti-Bullying Prevention Month. He mentioned the Friendship Factory is a new store which opened in downtown Rochester that is designed to deal with many social issues such as bullying, and promotes friendship through crafting.

**Presented.**

**Whereas**, we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and

**Whereas**, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

**Whereas**, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and

**Whereas**, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

**Whereas**, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

**Now, Therefore Be It Resolved**, that we, the Mayor and City Council of the City of Rochester Hills do hereby designate the month of October 2014 as Anti-Bullying Awareness Month in Rochester Hills as a symbol of our commitment to the year-round struggle against bullying.

## 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.

- 2014-0419** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Southeast Michigan Management Corp., a Michigan Corporation for Parcel No. 15-29-427-030

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0257-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Southeast Michigan Management Corp., a Michigan Corporation, of 901 Wheatfield Drive, Lake Orion, Michigan 48326, for Parcel No. 15-29-427-030.

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

- 2014-0441** Request for Acceptance of a Temporary Construction Easement granted by GS Gas, Inc., a Michigan Corporation, 2020 S. Rochester Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$4,500.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Temporary Const Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0258-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Temporary Construction Easement granted by GS Gas, Inc., a Michigan Corporation, whose address is 2020 S. Rochester Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-27-226-012 and authorizes payment to the landowner in the amount of \$4,500.00.

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

- 2014-0442** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by DNL Property Holding, L.L.C., a Michigan Limited Liability Corporation, 25680 Shoreline Drive, Novi, MI 48374 and authorization of payment to the landowner in the amount of \$2,050.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Pathway Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0259-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by DNL Property Holding, L.L.C., whose address is 25680 Shoreline Drive, Novi, Michigan, over, on, under, through and across land more particularly described as Parcel No. 15-24-302-007 and authorizes payment to the landowner in the amount of \$2,050.00.

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

- 2014-0443** Request for Acceptance of a Temporary Construction Easement granted by Agree Limited Partnership, a Delaware Limited Partnership, 2050 S. Rochester Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$3,120.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0260-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Temporary Construction Easement granted by Agree Limited Partnership, a Delaware Limited Partnership, whose address is 2050 S. Rochester Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-27-226-025 and authorizes payment to the landowner in the amount of \$3,120.00.

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

- 2014-0444** Request for Acceptance of a Temporary Construction Easement granted by Donald J. DeLater, 1480 E. Hamlin Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$1.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[HRC Letter of Mutual Benefit.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0261-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Temporary Construction Easement granted by Donald J. DeLater, whose address is 1480 E. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-25-100-009 and authorizes payment to the landowner in the amount of \$1.00.

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

- 2014-0445** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by Patrick T. Pihajlic and Patricia Ann Pihajlic, 6330 Little Creek Road, Rochester Hills, MI 48306 and authorization of payment to the landowner in the amount of \$1,450.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Pedestrian Pathway Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0262-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Pedestrian-Bicycle Pathway Easement and Temporary Construction Easement granted by Patrick T. Pihajlic and Patricia Ann Pihajlic, whose address is 6330 Little Creek Road, Rochester Hills, Michigan, over, on, under, through and across land more particularly described as Parcel No. 15-22-401-025 and authorizes payment to the landowner in the amount of \$1,450.00.

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

- 2014-0446** Request for Acceptance of a Highway Easement granted by Michael E. Carter, 120 W. Hamlin Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$6,655.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0263-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills

hereby accepts a Highway Easement granted by Michael E. Carter, a single man, whose address is 120 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-012 and authorizes payment to the landowner in the amount of \$6,655.00.

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

- 2014-0447** Request for Acceptance of a Highway Easement and a Temporary Construction Easement granted by Joseph A. Gendich and Ruth A. Gendich, 140 W. Hamlin Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$6,000.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0264-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Highway Easement and Temporary Construction Easement granted by Joseph A. Gendich and Ruth A. Gendich, husband and wife, whose address is 140 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-451-011 and authorizes payment to the landowner in the amount of \$6,000.00.

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

- 2014-0448** Request for Acceptance of a Highway Easement and a Temporary Construction Easement granted by Paul R. Gorang, 550 W. Hamlin Road, Rochester Hills, MI 48307 and authorization of payment to the landowner in the amount of \$32,810.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0265-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Highway Easement and Temporary Construction Easement granted by Paul R. Gorang, whose address is 550 W. Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-376-004 and 15-22-376-005 and authorizes payment to the landowner in the amount of \$32,810.00.

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

- 2014-0449** Request for Acceptance of a Highway Easement and a Temporary Construction Easement granted by James L. Pytleski and Vivian D. Pytleski, 736 W. Hamlin Road, Rochester Hills, MI 48307 and authorization of payment to the landowners in the amount of \$9,333.00

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Temporary Construction Easement.pdf](#)  
[Easement Valuation Worksheet.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0266-2014

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Highway Easement and Temporary Construction Easement granted by James L. Pytleski and Vivian D. Pytleski, husband and wife, whose address is 736 W. Hamlin Road, Rochester hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. 15-22-376-037 and authorizes payment to the landowners in the amount of \$9,333.00.

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

- 2014-0438** Request for Purchase Authorization - DPS: Blanket Purchase Order for water service repair parts in the amount not-to-exceed \$44,000.00 through December 31, 2015; S.L.C. Meter Service, Inc., Pontiac, MI

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0267-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for water service repair parts to S.L.C. Meter Service, Inc., Pontiac, Michigan in the amount not-to-exceed \$44,000.00 through December 31, 2015.

- 2014-0380** Request for Purchase Authorization - MIS: Increase to Blanket Purchase Order for Support and Maintenance for City's Asset Management System in the amount of \$2,880.00 for a new not-to-exceed amount of \$42,650.00 through September 30, 2015; Lucity, Inc., Overland Park, KS

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Lucity Quote Additional Support.pdf](#)  
[092214 Agenda Summary.pdf](#)  
[Lucity Quote.pdf](#)  
[092214 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0268-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes the increase to the

Blanket Purchase Order to Lucity, Inc., Overland Park, Kansas, for annual support and maintenance of the City's Asset Management Software, in the amount of \$2,880.00 for a new not-to-exceed amount of \$42,650.00 through September 30, 2015.

## Passed the Consent Agenda

**A motion was made by Brown, seconded by Kochenderfer, 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

## ORDINANCE FOR INTRODUCTION

**2014-0462** Acceptance For First Reading - An Ordinance to amend Sections 54-56, 54-123, 54-466, 54-467, and 54-470 and to add Division 2A to Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and specify fees relating to Miscellaneous services, Mechanical amusement devices, Parks, Museum and Fire Department, and to Repeal Conflicting or Inconsistent Ordinances

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Tina Barton**, City Clerk, stated that the proposed Ordinance Amendment includes multiple fee schedule changes submitted by several departments.

**President Hooper** requested the following information regarding Fire Department fees:

- Whether the main purpose of the amendments to the Fire Department fees is to group the fees into one section of the Ordinance.
- How the Department anticipates assessing cost recovery fees.
- How fees will be assessed for fire safety inspections.

**Sean Canto**, Chief of Fire and Emergency Services, responded with the following:

- Fees were grouped together. Previously, if someone was looking for a specific fee, it was difficult as they had to look in multiple places within the Ordinance.
- Cost Recovery Fees pertaining to hazardous materials will be assessed in the event that a fire is in reference to code violations in an industrial setting. In addition, a fee is assessed if the dispatch is due to a DUI. This information was not previously in the Ordinance, and is being added to be clear.
- It is still the intent that the initial fire safety inspection and first reinspection is at no charge. Charges will be assessed for multiple reinspections of the same uncorrected violation.

**President Hooper** questioned the fees for wedding receptions at the Rochester Hills Museum at Van Hoosen Farm. He noted that they are proposed to be raised to \$2,000 for residents and \$2,250 for non-residents, and questioned how the Museum arrived at these amounts.

**Pat McKay**, Supervisor of Interpretive Services, responded that Museum Staff reviewed 31 other facility rental rates, and focused on facilities that offer a barn venue. He noted that there are only two other similar barn venues in the areas, including Springfield Oaks County Park and Ann Arbor's Cobblestone Farm; and he stated that the proposed fees land between those charged by two barn venues. He commented that while the Museum would like to raise rates even higher, it is his belief that the market will not bear prices above what is proposed. He pointed out that the Museum does not have tables and chairs available, and provides 12 hours of access for a reception, which is the lowest number of hours of the venues surveyed. He commented that the Museum is trying to stay competitive. He noted that the Fiscal team has provided Museum Staff with cost recovery numbers, and the proposed fees recover approximately 1.8 times cost. He mentioned that in a year's time, if interest remains high and the phones are active, fees can be reviewed again.

**President Hooper** questioned the proportion of wedding receptions booked by residents versus non-residents.

**Mr. McKay** responded that 35 percent of weddings are booked by residents and most are non-residents.

**President Hooper** questioned whether fees could be \$2,000 for residents and \$3,000 for non-residents. He commented that he would prefer to give the better pricing to residents and raise rates for non-residents.

**Mr. McKay** responded that because those booking must still secure a caterer and rent tables, it is thought that fees above those recommended would price the Museum out of the market considering similar size facilities.

**Ms. Morita** questioned the difference between wedding reception fees and those for other events. She commented that other events are priced at \$200 per hour. She stated that it appears that weddings are given preferential pricing as 12 hours booked at \$200 per hour for another type of event such as a Bar Mitzvah results in a fee of \$2,400.

**Mr. McKay** responded that the thought is that by charging by the hour, it limits the amount of time staff needs to be present to secure the property. He noted that oftentimes decorating is done during hours when Museum staff is already on site. He commented that 12 hours is the least amount of time that any wedding facility reviewed provided.

**Ms. Morita** questioned whether wedding receptions take less effort than other types of events.

**Mr. McKay** responded that receptions take more effort than a wedding ceremony. He commented that ceremonies take the least amount of effort.

**Ms. Morita** stated that often the only difference between a wedding reception and a Bar Mitzvah, for instance, would be the type of celebration. She commented that

*it is frequently the same type of caterer, need for tables and chairs, DJ and alcohol. She stated that as written, the Bar Mitzvah would be charged more for 12 hours of time than the wedding reception.*

**Sue Thomasson**, Museum Staff Assistant, noted that the other events category typically covers events such as a bridal shower, baby shower, or a birthday, and are typically a three-hour rental not requiring extensive set-up.

**Ms. Morita** suggested the wording be changed to reception fees to include weddings and other types of celebrations.

**Ms. Thomasson** stated that the Museum is attempting to find a way to distinguish between a barn party and a reception. She noted that wedding receptions typically take more work and require more extensive setup. She commented that it was not viewed that anyone booking for \$200 per hour would actually be on site for 12 hours. She suggested that perhaps a time limitation could be set for those types of events.

**Ms. Morita** reiterated that booking for a reception should not distinguish between the type of event so as not to preclude against other potential uses.

**Ms. Thomasson** mentioned that those booking a wedding reception at \$2,000 or \$2,250 are also typically paying to have their ceremony on site which is an additional \$700 to \$800.

**President Hooper** questioned how many wedding receptions include the ceremony as well.

**Ms. Thomasson** responded about 95 percent of wedding receptions also include the ceremony.

**President Hooper** noted that the Museum is booked through 2015 already and it will be a year and two months before the Museum will see the increase in value through the higher fees.

**Ms. Thomasson** mentioned that bookings for 2016 are being held until the new fees are in place.

**Mr. Wiggins** suggested that the Ordinance could be reworked to specify other events as those of a general nature less than 12 hours, or less than 10 hours.

**President Hooper** noted that it appears that those scheduling events are mostly seeking Friday and Saturday nights. He commented that the Museum would not book an event for a Friday or Saturday night for only two hours to preclude it to be used for a wedding.

**President Hooper** suggested that a minimum and maximum timeframe be included for events booked at an hourly rate. He questioned whether there was thought to change the wording referring to weddings to a more generic term such as celebration event.

**Ms. Thomasson** responded that this could be done, but it would require changes throughout the Ordinance everywhere where it did not refer to the actual wedding ceremony. She noted that security deposits would then apply to any event.

**President Hooper** commented that he felt that an event such as a Bar Mitzvah would not likely entail a 12-hour rental.

**Ms. Morita** stated that she disagreed, noting that those scheduling a Bar Mitzvah would most likely want the facility for a full 12 hours. She noted that no deposit is listed to be charged for the other event fees, and commented that she would like to see more of a Friday/Saturday/Sunday rental fee. She suggested that weekdays have a limit of a three or four hour rental timeframe. She stated that it should not matter what type of activity is booked as long as whoever is renting the facility is paying for the time.

**President Hooper** suggested that under "other event fees", a limitation for Monday through Thursday events be specified. Weekend events would fall under wedding reception fees. He questioned whether weekend events are typically booked for only Friday and Saturday nights.

**Ms. Thomasson** responded that was correct. She noted that yesterday the Museum had a rare Sunday ceremony and wedding reception; however, it was over by 7:00 p.m.

**Mr. Wiggins** questioned whether people are being turned away and if the Museum is getting requests for a three-hour ceremony. He commented that he did not wish to paint the Museum into a box by limiting rentals.

**Ms. Thomasson** responded that the Museum cannot currently handle two twelve-hour events in a weekend with current staffing. She explained that right now, a weekend booking would consist of a ceremony and reception on one night and only a ceremony on the other night. She commented that people are being turned away and she currently has 12 individuals on a list to contact for 2016.

**Mayor Barnett** stated that Ms. Thomasson and Mr. McKay did a deep dive into the fees and conducted site visits to other facilities. He commented that it is his belief that the recommended Ordinance maximizes a community asset in a fair way and proposes a 150 to 175 percent increase in fees. He mentioned that the goal is to set fees where people will pay. He noted that he is uncomfortable making changes to what is proposed without having Museum staff review how these changes would affect operations.

**President Hooper** noted that he heard a request to add reference in parenthesis to Friday/Saturday/Sunday to the fees for wedding receptions, and to specify under other events held on Monday through Thursday a three-hour minimum.

**Ms. Thomasson** noted that there are occasional weekend nights where only a ceremony is booked. She stated that a ceremony alone is a three-hour event.

*She reiterated that the Museum cannot do two 12-hour events in a weekend and typically books one smaller event and one full reception. She stated that she would not want to specify a minimum number of hours on a Friday night as it would preclude a ceremony only. She added that a Sunday afternoon shower would be a three-hour event.*

**President Hooper** commented that it appears Council does not support his suggestion to raise rates for non-residents higher than what is proposed. He questioned whether Council wished to move to Adopt the Ordinance for First Reading with the suggested changes.

**Ms. Morita** commented that she would prefer to see another draft of the Ordinance, and stated that she shares some of the same concerns expressed by the Mayor about revising wording on the fly tonight. She questioned whether it would be possible to have Staff take another look at the Ordinance and submit another draft for Council's review of the changes.

**President Hooper** questioned whether Council wished to postpone acceptance for First Reading to the November 10th meeting. He noted that the next meeting after November 10th is in December and fees would not be adopted until then.

**Ms. Thomasson** noted that she would delay booking for 2016 until the fees are adopted.

**Mayor Barnett** noted that Staff could review the language component of the Ordinance. He stated that the Museum has wedding ceremonies and other events which have typically fit into the hourly rate component. He commented that the Museum has not experienced the scenario shared by Ms. Morita; however, it should be prepared. He suggested that revisions could be made for Council's review within the week and the Ordinance could still move forward.

**John Staran**, City Attorney, questioned whether there is any urgency to adopting any of the other fee changes. He suggested that if the other fee changes are acceptable there is no reason to delay a First Reading. He commented that perhaps Council could accept the Ordinance for First Reading minus the section on Museum Fees and those fees could be brought back as a separate ordinance.

**Mayor Barnett** noted that some fees are going down and there are individuals who have expressed that they are strong advocates for their reduction. He requested Council accept Mr. Staran's suggestion and move forward.

**Mr. Staran** noted that the principal change to Mechanical Amusement Device Fees is the elimination of the per-device fee of \$100. He commented that for some establishments, this reduction will be a considerable savings.

**Mayor Barnett** noted that several individuals are awaiting those fee reductions.

**Mr. Brown** suggested that Council could approve the Ordinance for First Reading and the wording change could be made in a second Ordinance Amendment in December. He stated that this would allow the Museum to accommodate the requests for bookings for 2016 at the higher rate.

**Ms. Morita** suggested that if the word "wedding" were removed from Sections 4 and 5 making the reference a reception fee, and wording changed to reflect a security deposit for a reception and a ceremony, that would allow for other types of receptions up to 12 hours.

**President Hooper** noted that the paragraph regarding cancellation would need to be adjusted.

**Ms. Morita** suggested Subsection E of Subsection 3 be changed to Wedding Ceremony or any reception cancellation. She stated that this could be made a new subsection of its own for ceremony and reception cancellation fees. Wedding reception fees would become Subsection 5, Wedding Security Deposit Fees would become Subsection 6.

**President Hooper** commented that if these significant changes were made, he would want to see the entire Ordinance come back for another review.

**Ms. Thomasson** commented that except for the wedding ceremony fee, any other place the word wedding appears could be removed and it would apply to any kind of reception or event that would be held in the barn or in the Dairy Barn. She commented that the Museum charges the same fees as far as cancellation and deposits whether it is a wedding or any other event.

**Mr. Wiggins** stated that the Museum knows what it wants to accomplish, and bookings have been working thus far. He noted that the Ordinance can be reviewed a year from now to revisit any issues that have come up during that time and address them. He stated that he would like to see the Ordinance Accepted for First Reading as presented with no changes.

**Mr. Brown** commented that Council is getting hung up on the wording and he noted that Museum Staff are doing a great job. He stated that if someone wanted to book a 12-hour Bar Mitzvah, it is reasonable to allow Museum Staff the freedom to work within the guidelines of the policy and negotiate a fee for such an event at a wedding rate.

**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 - Brown, Hooper, Kochenderfer, Tisdell, Webber and Wiggins

**Nay** 1 - Morita

**Resolved**, that an Ordinance to amend Sections 54-56, 54-123, 54-466, 54-467, and 54-470 and to add Division 2A to Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and specify fees relating to Miscellaneous services, Mechanical amusement devices, Parks, Museum and Fire Department, and to Repeal Conflicting or Inconsistent Ordinances, is hereby accepted for First Reading.

## NEW BUSINESS

**2013-0302** Request for Approval of the Final Site Condominium Plan for Regal Estates - a proposed 9-unit, single-family development on 3.5 acres, located east of John R, north of Auburn, zoned R-4, One-Family Residential, Roy E. Rathka, Applicant

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Map aerial.pdf](#)  
[Final Plans.pdf](#)  
[Staff Report 091614.pdf](#)  
[Review Comments 091614.pdf](#)  
[Legal Review 091214.pdf](#)  
[PC Minutes 091614.pdf](#)  
[PC Minutes 082013.pdf](#)  
[091613 Agenda Summary.pdf](#)  
[Review Comments.pdf](#)  
[PSCPlans.pdf](#)  
[OP PHN.pdf](#)  
[Staff Report.pdf](#)  
[TRP Notice.pdf](#)  
[091613 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ed Anzek**, Director of Planning and Economic Development, introduced **Roy Rathka**, the Applicant, and **Jeff Rizzo**, Fenn and Associates, Project Engineer. He explained that the site plan is for a nine-unit site condominium project located on a short street to the east of St. Mary's Church on John R Road and directly south of Holy Family Regional School. He pointed out that the site plan has been before Council in its preliminary stage one year ago and was unanimously recommended for approval by the Planning Commission last month. He added that all reviewing agencies and departments have approved the site plan.

**Mr. Rizzo** commented that they are looking forward to breaking ground soon. He stated that he is unsure whether they will begin construction in the winter or wait until spring.

**President Hooper** commented that there has been no change from the preliminary plan.

**Mr. Anzek** noted that any changes made were minimal.

**A motion was made by Kochenderfer, seconded by Tisdell, 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: RES0269-2014

**Resolved**, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Regal Estates, a nine-unit site condo development on 3.5 acres, located east of John R, north of Auburn, zoned R-4, One-Family Residential, Parcel No.

15-25-352-022, with the following findings and conditions:

Findings:

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit (LIP).
2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.
3. Submittal of detailed landscape plans addressing staff comments in item 3 of review considerations, above.
4. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans, prior to issuance of an LIP.
5. Payment of \$1,800 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
6. Submit of a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees, and irrigation prior to issuance of a Land Improvement Permit.
7. Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a Land Improvement Permit.
8. Approval of all required permits and approvals from outside agencies.
9. Compliance with the Engineering Department memos dated June 11, 2013 (Taunt); July 3, 2013 (Boughton).
10. Temporary Natural Features Setback impacts from construction activities associated with Lot No. 5 or the proposed drainage Level Spreader structure must be restored to original grade with original soils and seeded with a City approved seed mix, prior to issuance of a Land Improvement Permit.
11. The By-Laws and recorded easement for the natural feature setback area should stipulate a prohibition of buildings, decks, patios or other physical structures.

12. Relocate the replacement trees along the east side of the detention pond and along the west side of lots one, two and three, prior to Final approval by Staff.

**2013-0365** Request for Approval of a Sidewalk Waiver for Regal Estates Site Condominiums - a nine-unit site condominium development on 3.5 acres, located on DeMar, east of John R and north of Auburn Rd., Roy Rathka, Applicant

**Attachments:** [102014 Agenda Summary.pdf](#)  
[Map aerial.pdf](#)  
[Final Plans.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Jeff Rizzo**, Fenn and Associates, project engineer, explained that a sidewalk waiver is sought because a sidewalk would not serve the need of the residents or anyone else. He pointed out that sidewalks are proposed for within the development itself.

**President Hooper** commented that the waiver is sought for the side street.

**A motion was made by Webber, seconded by Tisdell, 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: RES0270-2014

**Resolved**, that the Rochester Hills City Council hereby approves the request for a Sidewalk Waiver for Regal Estates Site Condominiums, a nine-unit residential development on 3.5 acres on DeMar, located east of John R and north of Auburn with the following finding:

Finding:

1. The proposed sidewalk would not currently connect with any established non-motorized vehicle-pedestrian pathway of sidewalk nor would it be likely to connect to any non-motorized vehicle-pedestrian pathway in the future.

**2013-0083** Request for Purchase Authorization - DPS/ENG: Request for Increase to the contract for engineering design services for Hamlin Road Improvement Project between Hamlin Ct. and Dequindre in the amount of \$36,300.00 for a new not-to-exceed amount of \$486,205.45

**Attachments:** [102014 Agenda Summary.pdf](#)  
[OHM Proposal - additional services.pdf](#)  
[030413 Agenda Summary.pdf](#)  
[Exhibit A - Scope of Services.pdf](#)  
[Derivation of Cost Proposal.pdf](#)  
[030413 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Paul Davis**, City Engineer/Deputy Director of DPS, explained that an increase

*is requested to the amount for the purchase order for design services by Orchard Hiltz and McCliment (OHM) for the Hamlin Road Project that is scheduled for construction next year. He noted that the project is still approximately two-and-one-half months away from completion of design plans for submission to the Michigan Department of Transportation. He stated that work is ongoing to finish the design and complete right-of-way acquisitions. He explained that the design engineers have reviewed their budget; and have indicated that due to the addition of items to the scope of the project, they will not be able to absorb these changes within the current budget.*

*He pointed out that a letter prepared by OHM is included that details some of the changes made. He noted that the most significant item affecting the budget concerns the right-of-way acquisition. He noted that a number of property owners have objected to the proposed new or relocated pathways, and he explained that the City is most likely looking at going to condemnation proceedings to secure the right-of-ways to complete pathway segments. He commented that the hope is that the City will continue to work with the property owners and will not have to go to these proceedings; however, in order to keep the project on track and certify that the right-of-way is secured by the end of the year, the process may have to be initiated on some parcels.*

*Mr. Davis mentioned that other items affecting the budget were not known when the proposal was first put together from OHM in January of 2013, and include traffic signal modifications and changes to the stormwater drainage course. He explained that some of the watermain to be replaced on Hamlin Road between Livernois and Rochester Road exists within a tight corridor with not enough room to open-cut a new watermain. He noted that some directional drilling may be needed in these areas. He commented that pipe bursting was considered; however, it was determined that this would not be a good method in this case.*

**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: RES0271-2014

**Resolved**, that the Rochester Hills City Council hereby authorizes an increase to the contract for engineering design services for Hamlin Road Improvement Project between Hamlin Ct. and Dequindre to Orchard Hiltz and McCliment, Inc., Livonia, Michigan, in the amount of \$36,300.00 for a new not-to-exceed amount of \$486,205.45 and further authorizes the Mayor to execute a contract on behalf of the City.

## **COUNCIL COMMITTEE REPORTS**

### **Rochester Area Youth Assistance (RAYA):**

**Mr. Brown** reported that he spoke at the RAYA Annual Meeting last Friday. He highlighted a couple of RAYA's upcoming events, including their Girls Stand Strong Program, developing techniques for adolescent girls to stand strong in the face of adversity. He commented that the four-week program focuses around the bullying/"mean girl"/gossiping type of activity and strategies for resisting peer pressure. He mentioned that RAYA hosted a successful Halloween Spaghetti Dinner fund raiser last Saturday; and has scheduled a boys' Hero event for November.

## **ANY OTHER BUSINESS**

*None.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, November 10, 2014 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 8:50 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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

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

*Approved as presented at the December 8, 2014 Regular City Council Meeting.*