



Rochester Hills

Minutes

City Council Regular Meeting

1000 Rochester Hills Dr
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Home Page:
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*Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdel,
Michael Webber and Ravi Yalamanchi*

Vision Statement: The Community of Choice for Families and Business

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

Monday, May 20, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:02 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Economic Development
Bryan Barnett, Mayor
Tina Barton, City Clerk
Jim Breuckman, Manager of Planning
Paul Davis, City Engineer/Deputy Director of DPS
Laura Douglas, Clerk B/City Clerk's Office
Tara Presta, Chief Assistant
Chris Russell, Rochester Hills Government Youth Council Representative
Keith Sawdon, Director of Finance
Allan Schneck, Director of DPS/Engineering
John Staran, City Attorney
Bob White, Supervisor of Ordinance Services*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Kochenderfer, that the Agenda be Approved as Amended to add Legislative File 2013-0181 Recognition of Mental Health Month - May 2013. The motion carried by the following vote:

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

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Webber announced the following Memorial Weekend events:

- *Heritage Days, Rochester Municipal Park, Saturday, May 25th and Sunday, May 26th.*
- *Memorial Day Parade, Monday, May 27th: The Parade begins with a ceremony at 9:15 a.m. at Mount Avon Cemetery in Rochester and ends at Veterans Memorial Pointe at the corner of Avon and Livernois Roads.*

Mr. Klomp commented on the recent tornado that hit Moore, Oklahoma, and offered his thoughts and prayers to those affected.

Mr. Kochenderfer concurred, extending his thoughts and prayers to the residents of Moore, Oklahoma. He congratulated the Rochester Hills Museum for its recent completion of the Calf Barn project. He noted that the Museum's fundraising activities are ongoing and commented that he is impressed by the level of support and dedication of the community.

Chris Russell, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC is hard at work promoting its 5K Run/Walk set for Saturday, June 15, 2013. He stated that those interested in signing up for the race could register at the City's website at www.rochesterhills.org. He mentioned that the Senior Services Action Committee has been working with the Older Persons Commission, and RHGYC members recently volunteered at the Back to the Beach Marathon at Stony Creek Park.

Mayor Barnett expressed his thanks to those contributing to the Museum's Calf Barn project, noting that the project was undertaken with entirely privately-raised funds. He mentioned the following:

- *The Memorial Day Parade, begins at 9:15 a.m. on May 27th at Mount Avon Cemetery and will end at Veterans Memorial Pointe, which was newly enhanced with plantings of flowers and trees. A Dedication Ceremony for Veterans Memorial Pointe is set for Wednesday, May 22nd at 11 a.m.*
- *Thanks go to members of the Rochester Rotary Club for their help in the installation of the Community Garden at Wabash Park. Only 11 plots remain for this season at the Garden. Contact Dinosaur Hill if interested in securing a plot.*
- *The Heritage Days event includes an old-time baseball match-up between the Rochester Grangers and the Rochester Politicos on Saturday, May 25th at 1 p.m. at Halbach Field.*
- *Paddlepalooza on the Clinton River is set for Saturday, June 1st.*
- *Recyclebank selected several schools nation-wide for its Green Schools Program, including University Hills and Long Meadow Elementaries. Residents donated their RecycleBank points which netted over \$3,000 in donations to each school for environmentally-sensitive green-focused projects.*

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2013-0198 Presentation of 2013 Earl Borden Awards

Attachments: [Agenda Summary.pdf](#)

Brian Dunphy, Chairperson, Historic Districts Commission (HDC), stated that the Earl Borden Historic Preservation Awards were first created in 1989 by the HDC, to honor Earl Borden, Rochester Hills' first Mayor. Mayor Borden obtained the Van Hoosen Farmhouse for use as a City-owned museum, and spearheaded the Historic Preservation Ordinance. He was a proponent of protecting the City's heritage.

He explained that there are two types of awards given: Historic Preservation Awards recognize significant buildings or structures, and Preservation Leadership Awards are given to individuals or organizations who promote historic preservation. He expressed his appreciation to City Council, Mayor Barnett, and others in City government for their recognition and support.

Mr. Dunphy announced that this year the HDC will present two Preservation Leadership Awards. He presented the first award to the Rochester Avon Historical Society (RAHS) for their efforts to develop a website with an interactive map including the history of properties and current and historic pictures. He noted that the site answers questions for real estate professionals, civil engineers, government officials and history buffs.

Janet Potton, representing the RAHS, accepted the award, and stated that she appreciated the recognition and support of Rochester Hills. She commented that several organizations have contributed to the information that the website contains and stated that the RAHS hopes to expand the site.

Mr. Dunphy awarded the second Preservation Leadership Award to Oakland University, noting that Meadow Brook Estate has been named the newest National Historic Landmark. He explained that the University has remained committed to preserving the farm buildings and the Hall, despite the recent fiscal challenges. He commended the University for its leadership and efforts in securing the Historic Designation.

Geoff Upward, Director, Meadow Brook Hall, expressed his thanks for the recognition. He stated that as stewards of this incredible resource, they feel fortunate to be located in Rochester Hills and appreciate the City's support.

Presented.

2013-0181 Recognition of Mental Health Month - May 2013

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

Mayor Barnett read a proclamation recognizing May as Mental Health Month.

Christine Burk, Oakland County Community Mental Health Authority, thanked Mayor Barnett and City Council, stating that any efforts put forth to end the stigma of mental illness for individuals, friends and family members is critical to their recovery.

Presented.

Whereas, mental health is critical for our individual well-being and vitality as well as that of our families, communities and businesses; and

Whereas, one in five (25%) of all Americans experience a mental health illness that requires treatment at some point in their lives; and

Whereas, May 9th has been designated the National Children's Mental Health Awareness Day; and

Whereas, mental health recovery is a journey of healing and transformation enabling a person with a mental illness to live a meaningful life in a community of his or her choice while striving to achieve his or her full potential; and

Whereas, the Oakland County Community Mental Health Authority is committed to inspiring hope, empowering people, and strengthening communities.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby recognize May 2013 as Mental Health Month in the City of Rochester Hills.

Be It Further Resolved, that the Mayor and City Council call upon our citizens, government agencies, public and private institutions, businesses and schools to recommit our state to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

2013-0197 Water Consumption Campaign Presentation by the Department of Public Services

Attachments: [Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)

Allan Schneck, Director of DPS/Engineering, gave the following presentation on Water Consumption.

WATER CONSUMPTION CAMPAIGN

Water Supply

- Customer of the Detroit Water and Sewerage Department (DWSD)
- Supplied via four feeds

A map noted that two feeds are at the city's southerly border, one feed enters on the east, and one feed enters on the west.

Water Consumption

- Contract Annual Consumption:
 - * Max day 23.80 Million Gallons per Day (MGD)
 - * Peak Hour 37.40 Million Gallons

He displayed a chart that depicted the consumption trends over the years, noting that the Max Day is coming close to the contract amount.

Year	RH Max Day Usage (Million Gallons Per Day)	RH Peak Hour Rate on Max. Day (Million Gallons Per Day)
2012	18.83	35.97
2011	18.62	32.75
2010	18.5	30.06
2009	17.14	26.95
2008	16.71	30.92
2007	22.37	44.99
2006	22.19	40.2

Water Rates

- Based on:
 - * Distance
 - * Elevation
 - * Consumption
 - Annual
 - Max Day
 - Peak Hour
- Water Conservation can actually cause rates to increase. According to the DWSD, approximately 80 percent of the costs of running a major utility are fixed. Fixed costs include debt repayment, which comprises 50 percent of DWSD's overall expenses, and facility costs. The large proportion of fixed costs means that DWSD has to raise its rates four percent for every five percent reduction in water sales.

What Can You Do

- City Council enacted an Ordinance in 2008 regarding automatic underground sprinkler systems:
 - * Sec. 102-394. Restriction:
 - To conserve water and reduce water consumption during peak hours, the outdoor watering of lawns, gardens, plants, trees, shrubs and other landscape shall be regulated as follows:
 - Automatic system hours. Except as permitted in subsection (c), below, outdoor watering by means of an automatic or programmable landscape irrigation system may be done only between the hours of midnight to 5:00 a.m. [State of] Michigan time.

- Continue to use water for outdoor watering during the exclusionary period and stagger at the quarter, half or three-quarter hour.

What Are We Doing

- News releases
- Predictive notices to our 100 top water consumers
- Sandwich boards
- Annual Water Quality Report
- Website
- Enhancing the campaign with Stagger Your Start
- This strategy will decrease the sudden pressure drops within the DWSD delivery systems to Rochester Hills and provide a more consistent pressure to our customers.

Mr. Schneck displayed a chart that depicted a typical summer use pattern, showing that the City has been successful in peaking around 4:00 to 5:00 a.m. He commented that the City does not want the peak to occur outside of that time period, near the same time when the DWSD peaks, as it adversely affects water rates.

Council Discussion:

Mr. Kochenderfer expressed his appreciation for the report, and questioned why rates appear to be creeping up.

Mr. Schneck responded that the economy is improving, more developers have returned, and more water users are coming back to the system. He stated that the City's message to its residents and businesses is that water usage is still desired; however, use should occur during the exclusionary time period. He commented that the City should be proud of its residents and businesses as usage did shift.

Mayor Barnett commented that usage is weather dependent.

Mr. Kochenderfer commented that usage should continue to be carefully monitored.

Mr. Rosen commented that eight to ten years ago peak usage occurred at 6:30 to 7:30 a.m. He questioned exactly when peak was occurring.

Mr. Schneck responded that peak is occurring between 4:00 a.m. and 5:00 a.m.

Mr. Rosen stated that a move toward sprinkling around 2:30 a.m. should be encouraged in order to smooth out the usage.

Mr. Schneck responded that the goal is to encourage the entire sprinkling time to occur during the exclusionary period.

Mr. Klomp concurred, noting that sprinkling systems run for some time and it is desirable to start the cycle earlier in the morning.

Mayor Barnett stated that the messaging is important and noted that Council will be considering a change to water rates later in the meeting.

Presented.

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.

2013-0194 Request for Acceptance of the Declaration of Restrictions for Vistas of Rochester Hills

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0101-2013

Resolved, that the Rochester Hills City Council hereby accepts the Declaration of Restrictions for Vistas of Rochester Hills, City File No. 99-011, a subdivision located south of Avon, between Rochester Road and John R Road.

2013-0183 Request for Purchase Authorization - BLDG/FAC: Increase to the Blanket Purchase Order for On-Call Electrical Contractor Services in the amount of \$15,000.00 for a new not-to-exceed total of \$40,000.00; Design & Quality Electric Inc., Rochester, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0102-2013

Resolved, that the Rochester Hills City Council hereby authorizes the increased to the Blanket Purchase Order for On-Call Electrical Contractor Services to Design and Quality Electric Inc., Rochester, Michigan in the amount of \$15,000.00 for a new not-to-exceed total of \$40,000.00 through December 31, 2013.

2013-0187 Request for Purchase Authorization - BLDG/FAC: Purchase of Energy Management Systems for City Hall and Oakland County Sheriff's Office in the amount of \$54,290.00 with a contingency of \$8,210.00 for a total not-to-exceed amount of \$62,500.00; K & S Ventures, Inc., Auburn Hills, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0103-2013

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of Energy Management Systems for City Hall and Oakland County Sheriff's Office to K & S Ventures, Inc., Auburn Hills, Michigan, in the amount of \$54,290.00 with a contingency of \$8,210.00 for a total not-to-exceed amount of \$62,500.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

Passed the Consent Agenda

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

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

The following Consent Agenda Items were Discussed and Adopted by Separate Motion.

2013-0149 Request for Approval of the Storm Sewer System Maintenance Agreement for Vistas of Rochester Hills, located south of Avon, East of Rochester Rd., Rochester Meadows Real Estate, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Storm Sewer Maintenance Agreement.pdf](#)
[Resolution.pdf](#)

Public Comment:

Lorraine McGoldrick expressed concern over drainage problems occurring in the neighboring subdivision due to construction activities and stated that there has been a long history of drainage issues. She commented that drainage piping froze this past winter and stated that this will be a high-maintenance system resulting in fees to nearby homeowners. She questioned the Planning Commission's review of the proposed site restoration.

President Hooper reviewed the Planning Commission actions regarding plat review and noted that a determination was made in discussions with the City Engineer to leave the rip rap access road in place and cover it with grass. He stated that several instances of significant rainfall occurred recently and commented that it is the developer's responsibility to rectify runoff issues. He noted that the purpose of tonight's request is to approve the storm water maintenance agreement and temporary sedimentation basin, including provisions for maintenance. He stated that if these systems are not maintained, the City will maintain them and back-charge the developer.

Paul Davis, City Engineer/Deputy Director of DPS/Engineering, stated that both this item and the following item for Council consideration are routine and

required for a number of developments in the city. He explained that these agreements are a legal means for the storm sewer system and the accompanying detention basins to be maintained in the future, give the City the authority to force corrective action, and provide a means for the City to hire someone and charge the developer or the homeowners' association if necessary. He commented that the agreements are unrelated to drainage and restoration issues. He mentioned that the most complaints are received during a development's construction, and noted that eventually the site will be restored and the fabric protecting the drains removed.

President Hooper noted that by now the right-of-way should have been seeded and mulched with a mulch blanket. He stated that the agreements will give the City a process for enforcement.

Mr. Davis noted that the developer has suggested that the fabric be removed from one or two of the drains. He stated that the permit was issued through the County Water Resources Commission (WRC), and should the WRC agree to the removal, and water is diverted to the sedimentation basin, the developer may be required to excavate it out prior to turnover to the homeowners' association. He commented that the developer has been told to stop the water from leaving the site. He mentioned that drainage issues were encountered in the Summit Condominium Development and Clear Creek Subdivision as well, and noted that it is not uncommon for this to be a time for more complaints in this development. He stated that the agreement is actually for the long-term to ensure proper maintenance over time.

Council Discussion:

Mr. Rosen questioned whether the language for the maintenance agreement is standard.

John Staran, City Attorney, responded that the language has been updated over the past 20 years; however, it is the prototype template and has not been substantively changed.

Mr. Rosen commented that he has had experience in seeing his subdivision spend \$40,000 to dredge out two sediment ponds in past years and stated that the disclosure should be made to new residents of the responsibilities. He noted that the City should be attentive at the time of the turnover from the developer to the homeowners' association.

President Hooper mentioned that the developer feels that turnover will be done within two or three years. He stated that before development progresses to the 75 to 90 percent threshold, the City should ensure that the sedimentation pond is cleaned out and is fully functional.

Mr. Schneck concurred, noting that the developers have been asked to clean out systems and pumps. He stated that the mulch blanket and seed has been installed and it appears that the streets have been swept. He commented that staff has met with the developer and have made the City's expectations crystal clear.

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

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

Enactment No: RES0104-2013

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Storm Sewer System Maintenance Agreement, an agreement relative to the use and maintenance of detention facilities in Vistas of Rochester Hills Subdivision, City File No. 99-011.

Be It Further Resolved, that the Mayor and City Clerk are authorized to execute and deliver this Agreement on behalf of the City of Rochester Hills.

2013-0151 Request for Approval of the temporary Sedimentation Basin Agreement for Vistas of Rochester Hills subdivision, Rochester Meadows Real Estate, LLC, Applicant

Attachments: [Agenda Summary.pdf](#)
[Agreement for Sedimentation Basin.pdf](#)
[Resolution.pdf](#)

See Legislative File 2013-0149.

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

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

Enactment No: RES0105-2013

Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the temporary Sedimentation Basin Agreement for Vistas of Rochester Hills, a 47-lot subdivision located south of Avon, east of Rochester Road, City File No. 99-011, Rochester Meadows Real Estate, LLC, Applicant

Be It Further Resolved, that the Mayor and City Clerk are authorized to execute and deliver this Agreement on behalf of the City of Rochester Hills.

ORDINANCE FOR INTRODUCTION

2013-0200 Acceptance for First Reading - an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[W&S TRC Resolution 050113.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, noted that the proposed Ordinance Amendment will adjust water and sewer rates for the period July 1, 2013 through June 30, 2014. He explained that the Water and Sewer Technical Review Committee (WSTRC) met and reviewed several rate scenarios, based on rate

adjustments received from the Detroit Water and Sewerage Department (DWSD) and the Oakland County Water Resources Commission (OCWRC). He mentioned that over the last several years, the City's rates moved toward a goal of having 90 days of cash reserves. He pointed out that any monies collected for capital or lateral fees are not used for operating expenses and are reserved for future capital improvements.

He stated that after a review of the various rate scenarios, the WSTRC selected a multi-year approach which keeps a stable rate environment for the users. He noted the following:

- The Water Commodity rate is held steady, with no change.
- The Sewer Commodity rate moves to \$4.99 per 100 cubic feet, a 4.4 percent increase.
- The Customer Charge moves from \$5.60 per bill to \$5.76 per bill, a 1.6 percent increase.
- The average customer using 12 units will see their bill go from \$120.63 to \$123.26, an increase of \$2.63 per bill, \$1.31 per month, or 2.2 percent.
- The Flat Rate Sewer customer's total bill will increase from \$60.20 to \$62.76 per bill, an increase of \$2.56 per bill, \$1.28 per month, or 4.4 percent.
- Pass-through charges include an industrial high surcharge rate, increasing at 12 percent and a nonresidential surcharge rate of 4.6 percent.

Mr. Sawdon pointed out that the City's max day and average day performance actually helps mitigate the rate increases.

President Hooper questioned whether the City broke even on water and sewerage charges and if these changes are based on actual or projected rates from DWSD.

Mr. Sawdon responded that the City did better this year in selling more water than it thought it would for the period, and the fund did well. He noted that the increases are based on the actual rate increases from both the water and sewer providers.

Council Discussion:

Mr. Rosen questioned what peak hour charge factors into the City's rate now and how the exclusionary period is taken into consideration.

Mr. Sawdon responded that the City's rate is based off of max day and peak hour and noted that the rate stays with the City for the contracted period. He pointed out that a five year adjustment on the 30 year contract will be made this fall.

Mr. Rosen commented that this summer's usage will impact rates heavily for the next five years. He questioned how DWSD determines the peak day and hour.

Paul Davis, Deputy Director of DPS/Engineering, stated that the DWSD reviews the single day that the most water is used throughout its system, and

then reviews what Rochester Hills uses for that day. He displayed a chart which highlighted the time of day that the overall system usage for DWSD peaks and commented that it is not usual for a peak to occur during the evening hours. He mentioned that the exclusionary period from midnight to 5:00 a.m. is taken into consideration. He added that there is a system benefit for the communities to stagger usage.

Allan Schneck, Director of DPS/Engineering, stated that the City negotiates a peak hour and a peak day usage with the DWSD.

President Hooper suggested that the City consider negotiating a lower peak hour at its five-year renewal.

Mr. Davis cautioned that he would not negotiate a lower peak hour, as it could then be exceeded leading to greater penalties.

Mr. Schneck noted that the DWSD has said that the City has done a spectacular job; however, it is still desirable to smooth out the peaks by changing watering system starts by the quarter or half hour. The City is using various avenues to get this message out to water customers.

Mr. Kochenderfer commented that many communities would love to see this small of a rate increase. He questioned what other municipalities are seeing their rates do, how the rate increases compare to what was predicted in the last five years, and what the ratio is of the variable to fixed rate.

Mr. Schneck responded that newspaper articles report increases in all communities.

Mr. Sawdon explained that last year rates were predicted to rise by 3.4 percent and pointed out that the City actually came in better. He noted that before the smoothing effect, the City's rates moved to break even, and saw large rate swings in both directions by as much as 15 percent. He mentioned that the fixed rate is more dominant, covering the DWSD's investment in its system. He added that as the investment continues to rise and the overall area continues to lose population, the percentage of fixed costs will continue to increase.

Mr. Yalamanchi questioned whether the City sees an evening peak in usage.

Mr. Davis responded that the City does see an evening peak; however, it is not that significant.

Mr. Schneck noted that as late as 2008, the City peaked at 7:00 a.m.

Mr. Yalamanchi questioned whether the City should see a decrease in rates.

Mr. Davis responded that any decrease must be based on data. He noted that the City was able to negotiate a rate reopener to decrease the peak and max day after two years. He mentioned that the City is now at the end of the three year period following that rate reopener. Rates will again be reviewed after five years.

Mayor Barnett noted that the DWSD website highlights rates for all the communities it serves.

Mr. Kochenderfer questioned how the change to the structure of the DWSD board a couple of years ago has affected its operations.

Mr. Schneck responded that the DWSD has better oversight and the communities do have a voice.

Mr. Sawdon noted that the Executive Director of the DWSD board sends monthly newsletters to the participating communities.

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

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

Resolved, that an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading

2013-0201

Acceptance for First Reading - an Ordinance to amend Sections 102-91 & 102-92 of Chapter 102 Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase late payment charges, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[W&S TRC Resolution 050113.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, stated that the Water and Sewer Technical Review Committee (WSTRC) noted that the rates charged for late payment beyond the due date and tax assignment fees have not been amended since before 1976. He stated that the WSTRC recommends moving the late payment charge to two percent and the tax assignment fee from three percent to six percent.

Mr. Yalamanchi stated that he is opposed to the increase, noting that when a family experiences financial challenges, he does not want to see additional burden added.

Mr. Sawdon responded that delinquent accounts take a significant amount of staff time, and commented that it is fair that those who use most of the system must pay a fair share toward it.

Mr. Yalamanchi questioned whether the City is reimbursed for amounts owing when assigned to the County.

Mr. Sawdon responded that is generally the case.

President Hooper questioned whether the tax assignment charge of three percent breaks even.

Mr. Sawdon noted that at three percent it does not, and the burden is passed on to all customers to break even.

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

Aye 6 - Hooper, Klomp, Kochenderfer, Rosen, Tisdel and Webber

Nay 1 - Yalamanchi

Resolved, that an Ordinance to amend Sections 102-91 & 102-92 of Chapter 102 Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase late payment charges, repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

2013-0203 Acceptance for First Reading - an Ordinance to amend Sections 78-163, 78-166 and 78-198 of Article III of Chapter 78, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require criminal background checks for itinerant merchant applications; modify the hours during which door-to-door commercial solicitation is permitted; change license duration; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

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

Tina Barton, City Clerk, stated that she has been City Clerk for twelve weeks, and explained that during her first week in the office, she asked her staff to bring suggestions on ways to improve operations. She noted that Clerk's employee Laura Douglas submitted a great suggestion to improve the Ordinance for itinerant merchants and peddlers.

Laura Douglas, Clerk B, City Clerk's Office, stated that none of the proposed changes will affect charitable, religious or political solicitations, and explained that they will only pertain to itinerant merchants or solicitors. She commented that the main purpose of the proposed change to the Ordinance is to ensure residents' safety. She mentioned that since she began working in the Clerk's Office in 2011, she has received many calls from residents asking why solicitors are allowed to knock on doors as late as 8:00 or 9:00 p.m. She pointed out that the Ordinance currently allows solicitation until 6:00 p.m. or sunset, whichever is later, except by invitation.

Clerk Barton stated that the current Ordinance is subjective, with no clear concise time. The proposed amendment will clarify the hours to solicitors, the City and the Oakland County Sheriff's Office.

Ms. Douglas stated that the proposed amendment allows solicitation during the hours of 9:00 a.m. to 7:00 p.m. while Daylight Savings Time is in effect, and

9:00 a.m. to 5:00 p.m. while Daylight Savings Time is not in effect. In addition, permits are currently valid for one year, with an expiration date of March 31st of each year. It is proposed to issue a permit for a 90-day timeframe. The proposed changes also add background checks to the Ordinance. Each background check is \$10 through the Internet Criminal History Access Tool (ICHAT), an online system available to the City.

Clerk Barton noted that the community she worked in previously experienced break-ins as individuals used time in the community to case out potential targets. Furthermore, upon the institution of background checks, individuals were found that had felonies on their records for breaking and entering. The ICHAT system was used to screen individuals prior to issuing permits.

President Hooper stated that he agrees with the proposed changes.

Mr. Webber concurred, commenting that residents expect that the City would perform a background check before issuing a permit. He questioned whether the system requires the addition of any software to City computers.

Clerk Barton responded that access is through an account established on the ICHAT website and that no software will be required.

Mr. Webber questioned how the proposed fee changes were determined.

Clerk Barton responded that a review was undertaken of fees charged by surrounding communities. She noted that fees were intentionally set to attract serious companies.

Mr. Yalamanchi questioned whether the background checks are repeated every 90 days and if companies will be notified of the change.

Clerk Barton responded that letters will be sent explaining the changes to those solicitors who apply each year.

Mr. Yalamanchi commented that the City should take steps to inform residents of the fact that solicitors must be licensed.

Clerk Barton added that a change from a permit on an 8-1/2 inch by 11 inch piece of paper to a lanyard to be worn by the solicitor is also suggested.

Ms. Douglas stated that when residents call the Clerk's Office to complain, it is recommended that they call the Sheriff's Department. It is also suggested to the resident to place a no solicitation sign on their door.

Mr. Yalamanchi questioned whether the changes would impact freedom of speech.

John Staran, City Attorney, responded that case histories have been taken into consideration. He noted that the Ordinance focuses on commercial door-to-door solicitation and commented that the courts have recognized more latitude on the Government's side. He stated that the Ordinance protects First Amendment

commercial speech. Although hours have been tightened up, the Ordinance is still Constitutional and is defensible, as amended.

President Hooper questioned whether the issuance of lanyards was included in the Ordinance.

Mr. Staran responded that it is not currently in the Ordinance language, but could be included when the Ordinance is brought back for second reading.

Mr. Kochenderfer and **Mr. Rosen** both concurred with adding lanyards.

Mr. Rosen suggested that the City take steps to communicate with older residents to let them know what is required of the solicitors coming to their door.

Clerk Barton stated that perhaps the information could be distributed through homeowners' associations.

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

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

Resolved, that an Ordinance to amend Sections 78-163, 78-166 and 78-198 of Article III of Chapter 78, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require criminal background checks for itinerant merchant applications; modify the hours during which door-to-door commercial solicitation is permitted; change license duration; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading with the addition of a requirement that lanyards be issued with the permits to Peddlers, Solicitors and Itinerant Merchants.

2013-0204 Acceptance for First Reading - an Ordinance to amend Section 54-501 of Article IX, of Chapter 54, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase the permit fee for itinerant merchants; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

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

See Legislative File 2013-0203.

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

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

Resolved, than an Ordinance to amend Section 54-501 of Article IX, of Chapter 54, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase the permit fee for itinerant merchants; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

2012-0126 Acceptance for First Reading - an Ordinance to amend Sections 118-98 and

Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update the parcel identification number for the Noncontiguous Historic District identified as 1631 West Avon Road, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Site Map.pdf](#)
[Ordinance.pdf](#)
[Adopted FINAL REPORT.pdf](#)
[Minutes HDSC 121312 \(Draft\).pdf](#)
[Memo to HDSC 120612.pdf](#)
[Minutes HDSC 111512 \(Excerpt\).pdf](#)
[FINAL REPORT 110112 \(Draft\).pdf](#)
[Staff Report 103012.pdf](#)
[SHPO comments 082712.pdf](#)
[Minutes PC 073112 \(Excerpt\).pdf](#)
[Memo Breuckman 072712.pdf](#)
[Minutes HDSC 061412.pdf](#)
[PRELIMINARY REPORT.pdf](#)
[Minutes CC 042312 \(Excerpt\).pdf](#)
[Survey Info.pdf](#)
[Historic Atlas.pdf](#)
[Subdivison Plat.pdf](#)
[042312 Agenda Summary.pdf](#)
[Minutes HDC 120904.pdf](#)
[Minutes HDC 111104.pdf](#)
[Minutes HDC 031402.pdf](#)
[Minutes HDC 071201.pdf](#)
[042312 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, noted that the proposed change in the Historic Designation would alter the Ordinance to exclude a new home built on a split portion of the original property at 1631 West Avon Road. He stated that the way the Ordinance is currently written, the new home is within the Historic District.

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

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

Enactment No: RES0068-2012

Resolved, that an Ordinance to amend Sections 118-98 and Map 118-B of Chapter 118, Historical Preservation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update the parcel identification number for the Noncontiguous Historic District identified as 1631 West Avon Road, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

NOMINATIONS/APPOINTMENTS

2013-0205 Request to Confirm the Mayor's appointments to the Rochester Hills Museum Foundation; Kathie Rogers to serve through December 31, 2013 and continue

on with a 1-year term to expire December 31, 2014; Rubel Shelly to serve through December 31, 2013 and continue on with a 2-year term to expire December 31, 2015; and Suzanne Wiggins to serve through December 31, 2013 and continue on with a 3-year term to expire December 31, 2016

Attachments: [Agenda Summary.pdf](#)
[Shelly CQ.pdf](#)
[Rogers CQ.pdf](#)
[Wiggins CQ.pdf](#)
[Resolution.pdf](#)

Mayor Barnett stated that all three individuals to be appointed are long time supporters and contributors to the Museum. He commented that they have been instrumental to where the Museum is today.

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

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

Enactment No: RES0106-2013

Resolved, that the Rochester Hills City Council confirms the Mayor's appointments of the following individuals to the Rochester Hills Museum Foundation: Kathie Rogers to serve through December 31, 2013 and continue on with a 1-year term to expire December 31, 2014; Rubel Shelly to serve through December 31, 2013 and continue on with a 2-year term to expire December 31, 2015; and Suzanne Wiggins to serve through December 31, 2013 and continue on with a 3-year term to expire December 31, 2016.

2013-0186 Appointment of one (1) City Council Member to the Rochester Hills Museum Foundation for a one-year term to expire December 1, 2013

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

President Hooper Opened the Floor for Nominations.

Mr. Webber nominated Mr. Kochenderfer.

Seeing No Further Nominations, President Hooper Closed the Floor for Nominations.

President Hooper announced that **Mr. Kochenderfer** would be appointed to serve as Council Representative to the Rochester Hills Museum Foundation.

Appointed Adam Kochenderfer.

NEW BUSINESS

**(Nathan Klomp exited at 9:00 p.m. and re-entered at 9:03 p.m.)
(James Rosen exited at 9:00 p.m. and re-entered at 9:05 p.m.)**

2013-0191 Request for Approval of a Resolution of Intent to establish a Property Assessed Clean Energy (PACE) program and to schedule a public hearing

Attachments: [Agenda Summary.pdf](#)
[PACE Program Documentation.pdf](#)
[Act 270.pdf](#)
[SUPPL Presentation.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, introduced **Andrew Levin**, President, Lean & Green Michigan, and stated that Mr. Levin is part of a team assembled to assist communities with Green programs. He noted that Council Member Tisdell has been instrumental in bringing the program forward for consideration.

Mr. Levin gave the following presentation:

The LEAN & GREEN MICHIGAN APPROACH to PROPERTY ASSESSED CLEAN ENERGY (PACE)

An Innovative Way to Help Michigan Businesses Save Money, Create Jobs, Grow the Tax Base and Green our State

- Southfield and Ingham County have joined Lean & Green Michigan
- Rochester Hills could be next
- How it works and what it would mean for economic development

Property Assessed Clean Energy (PACE)

- Long-term financing allowing commercial, industrial and multi-family property owners to undertake clean energy improvements profitably, making their business more efficient while gaining positive cash flow to plow back into operations.
- PACE is an economic development incentive requiring NO taxpayer money! The City is simply giving its businesses a property tax tool to make long-term financing work for energy projects.

Who can take advantage of PACE?

- Owners of commercial, industrial, and multi-family property (virtually all business owners).
- Private non-profits (churches, hospitals, private schools, etc.)
- What buildings cannot be involved?
 - * Single family homes
 - * Government buildings

What can be financed under Michigan's PACE Statute?

- Energy efficient improvements
- Water efficiency improvements
- Renewable energy improvements
- New manufacturing equipment that saves energy or water
- 100 percent of eligible project costs
- Refinancing all of the above

More detailed list: What can be financed?

- Insulation
- Caulking, weather-stripping, and air sealing
- Windows
- Doors
- Energy control systems
- HVAC
- Energy recovery systems
- Lighting fixtures and day lighting systems
- Electrical systems to charge PEVs and HPEVs
- Water use reduction or efficiency
- Energy-efficient or water-efficient manufacturing processes and equipment
- Biomass
- Solar
- Solar thermal
- Wind
- Geothermal
- Methane gas captured from a landfill
- Anything else approved as a "utility cost-savings measure" by a municipality participating in Lean & Green Michigan.

Pace cracks the energy finance nut

- Problem: most clean energy projects don't work with traditional financing (payback > loan term)
- "Special assessment" mechanism provides more secure, longer term financing
- As a property tax, a PACE special assessment:
 - * Is senior to any mortgage, so it is extremely secure
 - * "Runs with the land," so it moves to new owner if property is sold
- Longer term
 - * Typical commercial loan: 3-5 years
 - * PACE: 10-20 years
- Low, fixed interest rate
- Reduced risk for lender
- Contractors must guarantee the energy savings on projects over \$250,000.

PACE Loan vs. Traditional Bank Loan (Example)

Previous annual energy cost	\$300,000	
Project investment	\$750,000	
	<i>PACE Lien</i>	<i>Traditional Loan</i>
<i>Term</i>	15 years	5 years
<i>Loan To Value</i>	100%	85%
<i>Down Payment</i>	0	\$112,500
<i>Interest Rate</i>	6%	5%
<i>Annual Energy Savings (30%)</i>	\$90,000	\$90,000
<i>Monthly Debt Service</i>	\$6,329	\$12,030
<i>Annual Debt Service</i>	\$75,948	\$144,360
Cash Flow	\$14,052	(\$54,360)

The Lean & Green Model (I)Public-Private Partnership: Fast, Free Efficient

- Traditional model: Local government pays vendor \$200,000 to \$1,000,000 to create PACE district.
- Better way - Join Lean & Green Michigan for free.
 - * Levin Energy Partners (LEP) administers the district
 - * Miller Canfield (MC) does the legal work for local government
 - * LEP and MC are compensated by property owners in each privately-financed PACE deal, NOT by Rochester Hills
- This Public-Private Partnership approach is faster (no vendors, no RFP process) and avoids the risk for local government, which invests no money.

The Lean & Green Model (II)Shared Services, Statewide Impact

- Michigan statute allows jurisdictions to create SHARED PACE district
- Lean & Green Michigan creates a statewide PACE market open to all
- Companies get one set of efficient rules for projects across the state
- Banks get broad and diverse pool of projects to finance
- Cities and counties save money and avoid duplication with a "shared services" approach

The Lean & Green Model (III)Finance Projects with Private Capital

- Private financing unleashes the market to drive growth
- Lean & Green brings it!
 - * Banks: Citi, Wells Fargo, Comerica, Fifth Third, PNC, etc.
 - * PACE funds: Structured Finance, Clean Fund, Samas Capital
 - * Private Equity
 - * Labor capital: Ullico, pension funds
- Public funding is allowed but not necessary

Economic Development Implications

- Economic gardening - help ALL industries
- Property owners: save money, get green PR
- Tenants/employees: buildings are more comfortable, less expensive, and greener
- Contractors: get a new tool to gain business
- Citizens: put local residents to work on retrofits, etc.
- City: cutting edge of greening; improve biz climate
- Planet: Reduce carbon footprint

Next Steps

- Pass resolution of intent
- Hold public hearing
- Pass resolution of adoption (can be at same meeting as public meeting)
- Start working with businesses to develop and finance clean energy projects

Council Discussion:

Mr. Yalamanchi stated that it is a great idea and requested examples of projects.

Mr. Levin responded that the group is hoping to close the first project in Southfield on the one year anniversary of their adopting the program on June 25th. He noted that this would be an all-time record where a PACE district is established. He explained that 30 states have PACE districts, with Arkansas and Utah the most recent to join the initiative. He mentioned that Washington, D.C., San Francisco and Connecticut just closed their first PACE deals.

Mr. Yalamanchi questioned whether an energy audit is performed to establish a baseline, if a set savings must be achieved, and whether the program is considered a Special Assessment District (SAD).

Mr. Levin responded that it is and noted that the audit process is specified on a state-by-state basis by statute. He explained that no set savings is required. He mentioned that the savings does not have to exceed each and every payment; however, over time the savings must be more than the overall payments. He added that the program is actually not an SAD, and assessment agreements are developed property-by-property.

Mr. Yalamanchi questioned whether the project is reviewed to ensure it is viable.

Mr. Levin responded that the entity involved cannot owe any back taxes or be in arrears to the City. He commented that the market has a cleansing power; if a business is under water, no one will lend them any money. He added that the initiative raises the value of the tax base over time.

Mr. Yalamanchi questioned what would occur if the expected savings does not materialize and if the City is liable.

Mr. Levin responded that for any project over \$250,000, the contractor must guarantee the savings. He explained that the City is not liable and the lender takes any risk.

Mr. Breuckman responded that the City acts as the pass-through agent by collecting the monies through property tax and remitting funds to the lender.

Mr. Levin stated that the lender becomes the first in line. He noted that if there is a mortgage on the property, the mortgage holder must consent to the program.

Mr. Yalamanchi commented that if the company is not able to pay, payment is guaranteed from any future owner.

Mr. Kochenderfer stated that if the program helps someone get financing, he

would be in support. He questioned how the liens for unpaid property taxes versus a lien from the PACE program is treated and if the City would be in a worse position for payment of its own taxes.

Mr. Levin responded that the liens would be distributed evenly. He noted that in the event of bankruptcy, a future owner would pick up payment. He commented that it is unlikely that a firm in the program would go bankrupt.

Mr. Kochenderfer questioned how Miller Canfield receives payment, whether the taxpayers would have any exposure and would Miller Canfield still represent the City in the event of any dispute with the property owner.

Mr. Levin responded that Miller Canfield is the leading bond counsel to municipalities in the state. He stated that this is more of a project for the firm and he does not see the exposure to taxpayers. Miller Canfield would still represent the City.

Mr. Kochenderfer reviewed the proposed resolution and stated that he did not wish to include language relating to the City issuing bonds. He requested that the City Attorney comment on any of the questions he raised.

John Staran, City Attorney, noted that if he were asked whether there was any sense of certainty, his answer would most likely be no. He commented that the questions and scenarios are very theoretical and there are instances where conflict might arise. He noted that the Special Assessment document would address the proposed project and would be thoroughly reviewed by Miller Canfield or any other party.

Mr. Kochenderfer stated that he does not want to commit to anything before this question is answered and suggested a review of the Bankruptcy Code be undertaken.

Mr. Staran commented that neither the Bankruptcy Code nor the enabling statute can be negotiated away.

Mr. Kochenderfer pointed out that the program dictates Miller Canfield as an exclusive and noted that that they would be paid by another party. He commented that this could raise a potential conflict of interest.

Mr. Levin noted that this is a public-private partnership with a team to do the work. He explained that it is a market-based structure rather than a government-heavy structure and is a way to foster economic development that is a more market-based way. He pointed out that it provides a tool for business owners in the city to save money and improve their properties without the cost of legal and administrative work. He mentioned that other cities spend a great deal of money to accomplish these types of projects. He stated that there is no duration to the program and should the City not desire to move forward after the first PACE deal, it could go in a different direction.

President Hooper stated that he has no problem with the program, and would see what is encountered when the first district is approved.

Mr. Tisdell pointed out that this is a voluntary assessment, and businesses would approach the City to participate in the program. He likened it to a mortgage and noted that if something is not right at the closing table, the deal will not close. He commented that the program uses the government to unleash all of the market mechanisms that are out there and would allow business owners to take advantage of a 10, 15 or 20 year loan rather than a five-year loan. He stated that Mr. Levin put together a rolodex of lenders and vendors available at no cost to the City and a company must have a certified audit. He mentioned that with the impending elimination of Personal Property Tax, one of the City's primary incentives to attract new business is gone. He suggested that this program be considered as a replacement to the abatements given in the past and could open the door to Economic Vitality Incentive Program (EVIP) dollars.

Mr. Levin stated that he is being bombarded by people with new technologies and commented that it will be what each property owner wants.

Mr. Breuckman concurred, stating that the economic development incentives have been gutted to unusability. He commented that the program would give the City an advantage over other communities.

Mr. Tisdell noted that if there is any idea that a project would not be successful, the loan underwriters would not fund it.

Mr. Webber concurred with accepting the program, noting that the City should be able to offer it to its businesses. He questioned how the program would be marketed to businesses. He commented that safeguards should be in place to protect the City.

Mr. Levin stated that events have been organized, including a lunch-and-learn in Southfield which hosted 30 to 40 property owners, and another event to be hosted at Lawrence Technological University aimed at architects.

Mr. Rosen questioned whether the City could be left holding the bag, commenting that a tax lien as well as a loan for business improvements that run with the land could kill a property. He questioned whether the energy audits are done in BTUs, watts or monetary amounts.

Mr. Levin responded that the energy savings must be converted to monies to determine whether it will be a cash-flow positive deal. He mentioned that a conservative approach will be used even though utility companies have a fair idea of how costs will rise over time.

Mr. Rosen stated that he is absolutely against the City issuing bonds for this purpose.

Mr. Klomp commented that reasonable concerns have been brought to the discussion. He stated that this is a pro-business approach providing a tool for investment in the City, promoting renovation and improvement to existing properties, laying out the difficulty in financing and finding cash flow. He noted that in the end the program will improve the value of the city.

Mr. Kochenderfer stated that while he likes the goal, there is not enough information right now.

Mr. Yalamanchi suggested changes to the proposed resolution to strike verbiage regarding the issuance of bonds by the City and to remove a redundant paragraph referring to Miller Canfield.

President Hooper suggested the Public Hearing be held on June 24th.

Mr. Staran noted that striking the paragraph regarding bonds now does not prevent any future Councils from opting to issue them in the future.

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

Aye 5 - Hooper, Klomp, Tisdell, Webber and Yalamanchi

Nay 2 - Kochenderfer and Rosen

Enactment No: RES0107-2013

Whereas, the City Council of the City of Rochester Hills intends to authorize the establishment of a property assessed clean energy (PACE) program and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

Whereas, the City Council hereby finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City; and

Whereas, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increases the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the City Council; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

Whereas, the City intends to create a PACE district having the same boundaries as the City's jurisdictional boundaries; and

Whereas, the City Council intends to join Lean & Green Michigan and intends to utilize Levin Energy Partners, LLC as PACE administrator (the "PACE Administrator") to administer its PACE program; and

Whereas, the Report referenced in Section 9(1) of Act No. 270 (the "PACE Report") shall be available on the City's website at <http://www.rochesterhills.org/>, and shall be available for viewing at the office of the City Clerk located at: 1000 Rochester Hills Dr., Rochester Hills, MI 48309.

Resolved, that the Rochester Hills City Council, being fully apprised on the Property Assessed Clean Energy Program, finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City; and

Be It Further Resolved, that the City Council, by adoption of this Resolution, formally states its intention to establish a PACE district having the same boundaries as the City's jurisdictional boundaries and a Property Assessed Clean Energy Program as described in and for the reasons set forth in this Resolution; and

Be It Further Resolved, that the City Council formally states its intention to provide funds for energy projects from owner arranged financing from commercial lenders, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners; and

Be It Further Resolved, that the City Council, by adoption of this resolution, formally states its intention to join Lean & Green Michigan, and to utilize Levin Energy Partners, LLC as PACE Administrator; and

Be It Further Resolved, that the City Council, by adoption of this Resolution, designates Miller, Canfield, Paddock and Stone, P.L.C. ("Bond Counsel") as legal counsel to coordinate with the Authorized Official and the PACE Administrator in the review of each PACE project being considered for approval by the City to assure compliance with Act 270 and the PACE Program. The designation of Miller, Canfield, Paddock and Stone, P.L.C., as Bond Counsel is approved notwithstanding Miller, Canfield, Paddock and Stone, P.L.C.'s representation from time to time of parties to PACE transactions in matter unrelated to the City's PACE transactions; and

Be It Further Resolved, that the City Council hereby sets a public hearing for Monday, June 24, 2013, at 7:00 p.m. in the City Council Chambers at City Hall, 1000 Rochester Hills Dr., Rochester Hills, MI 48309 to receive comments on the proposed Property Assessed Clean Energy Program, including the PACE Report; and

Be It Further Resolved, that the City Clerk is authorized and directed to publish a Notice of Intent to establish a PACE district and a PACE program and notice of the public hearing set by the Resolution in a newspaper of general circulation in the City as a display advertisement prominent in size. The City Clerk shall maintain on file for public review a copy of the PACE Report. The City's Planning and Economic Development Department shall cause the PACE Report to be available on the City's website in accordance with the requirements of Act. 270; and

Be It Finally Resolved, that all resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

(Recess 10:10 p.m. to 10:19 p.m.)

2013-0145 Request for Approval of a Conditional Land Use Permit to construct a drive-thru facility at a proposed ATM for Fifth Third Bank at the Rochester Hills Plaza on Walton Blvd., west of Livernois, zoned B-3, Shopping Center Business, Parcel No. 15-09-476-033, Gerald G. Weber, Applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans.pdf](#)
[Staff Report 042513.pdf](#)
[Minutes PC 043013 \(Excerpt\).pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, stated that the request is to grant a conditional land use approval for a stand-alone Automatic Teller Machine (ATM) in the parking lot of Rochester Hills Plaza on Walton Boulevard, west of Livernois. He noted that the Planning Commission has recommended approval with conditions noted.

Gerald Webber was in attendance to represent Fifth Third Bank.

President Hooper noted that upon Planning Commission review, the ATM was relocated to the west on the site to add additional parking/stacking spots. The submission tonight includes this revision.

Gerald Webber stated that the relocation was necessitated to allow for appropriate traffic circulation within the shopping center. He commented that the bank does not expect to see four cars waiting in line to use the ATM.

Council Member Webber questioned why surplus parking was noted.

Mr. Breuckman responded that the parking must meet the requirements for the shopping center, which is based on gross floor area whether occupied or not. He noted that according to the Ordinance, there are 188 excess parking spaces.

Council Member Webber questioned whether the ATM could be a target for vandalism.

Gerald Webber responded that an armored car service restocks the ATM with cash. He mentioned that an ATM was tampered with in Cleveland where someone tried to take a blow torch to it; however, it was not harmed. He stated that the ATM is locked to the ground with very high tensile bolts sunk into the concrete.

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

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

Enactment No: RES0108-2013

Resolved, that the Rochester Hills City Council hereby Approves a Conditional Land Use Permit to construct a drive-thru facility at a proposed ATM for Fifth Third Bank at the Rochester Hills Plaza on Walton Blvd., west of Livernois, zoned B-3, Shopping Center Business, Parcel No. 15-09-476-033, with the following findings:

Findings

1. The proposed structure and landscaping meet or exceed the standards of the Zoning Ordinance.
2. The new structure will promote the intent and purpose of the Zoning Ordinance.
3. The proposed structure has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by expanding the options for banking services.
5. The proposed ATM should generate no net impact on public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

2012-0142 Request for Approval of Master Land Use Plan Amendments including adoption by reference of the Rochester Road Access Management and the M-59 Corridor Plans; a statement addressing the Complete Streets Policy; a statement regarding the Tree Conservation Ordinance and designation of two parcels on Old Orion Court from One-Family Residential to Business/Flex 1 on the Future Land Use Map

Attachments: [Agenda Summary.pdf](#)
[MLUP Update Pages.pdf](#)
[Future Land Use Map 2012.pdf](#)
[Minutes PC 043013.pdf](#)
[Memo Breuckman 042513.pdf](#)
[Letter Kaltsounis 112912.pdf](#)
[CC Minutes 111212.pdf](#)
[Letter Boswell 101812.pdf](#)
[Public Hearing Notice.pdf](#)
[PC Motion to Approve.pdf](#)
[111212 Agenda Summary.pdf](#)
[MLUP Update Pages.pdf](#)
[Minutes PC 102312.pdf](#)
[Minutes PC 073112.pdf](#)
[Minutes PC 052912.pdf](#)
[PC Memo 101712.pdf](#)
[PC Memo 091412.pdf](#)
[PC Mtg Info 091812.pdf](#)
[111212 Resolution.pdf](#)
[Resolution.pdf](#)

Jim Breuckman, Manager of Planning, explained that the Master Land Use Plan update was distributed to Council at its November 12, 2012 meeting. Since then, the Planning Commission adopted the update. He noted that under State Law, Council asserted its right to approve the adopted Amendments. He pointed out that the update also incorporates the M-59 Corridor Study and the Rochester Road Access Management Plan.

Mr. Yalamanchi requested that a presentation be made to Council highlighting the M-59 Corridor Study. He questioned whether the Complete Streets was also incorporated.

Mr. Breuckman stated that incorporating Complete Streets is an important goal, and commented that the Master Thoroughfare Plan Update is the place to do that.

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

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

Enactment No: RES0109-2013

Whereas, the Michigan Planning Enabling Act, Act 33 of the Michigan Public Acts of 2008, as amended, requires the Planning Commission to make and adopt a basic plan or parts of a plan corresponding with major geographic sections or divisions of the City as a guide for the physical development of the municipality and to review and, as necessary, update said Plan every 5 years; and

Whereas, the City's Master Land Use Plan was duly adopted by the Planning Commission on February 6, 2007, and the Planning Commission reviewed the Master Land Use Plan during 2012 to identify necessary amendments and adjustments; and

Whereas, Notices of Intent to prepare an update to the Master Land Use Plan were sent to adjacent municipalities, school districts, Oakland County and other governmental agencies within Rochester Hills, consistent with the provisions of the Michigan Planning Enabling Act, Act 33 of the Michigan Public Acts of 2008, as amended; and

Whereas, the Planning Commission has made a careful and comprehensive study of present conditions and the future needs of the City and have met consistently to research and prepare a draft of the updated Master Land Use Plan; and

Whereas, the proposed updated Master Land Use Plan includes text, maps, detailed land use and development policies, existing and future land use, demographics, natural features inventory, economic analysis and implementation proposals; and

Whereas, notices and agendas were duly published of Public Hearings and meetings on elements of the Master Land Use Plan Update, and further discussion and opportunity to be heard was had on August 7, 2012, September 18, 2012, October 23, 2012, November 12, 2012 and April 30, 2013; and

Whereas, City Council reviewed the proposed updates and approved them for distribution to neighboring communities and other entities as required by PA 33 of 2008, as amended; and

Whereas, after the expiration of the comment period, the Planning Commission held a Public Hearing in accordance with the procedures of PA 33 of 2008, as amended, on April 30, 2013 at the Municipal Offices of the City of Rochester Hills at 1000 Rochester Hills Drive, Oakland County, Michigan, and said plan was on display before the Public Hearing in accordance with PA 33 of 2008, as amended; and

Whereas, the Planning Commission adopted the Master Land Use Plan update by unanimous vote, and with the required two-thirds affirmative vote of the membership of the Planning Commission as required by PA 33 of 2008, as amended on April 30, 2013.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby adopts the Master Land Use Plan Updates for the City of Rochester Hills.

2013-0195 Request for Approval of the proposed Inter-municipal contract with the Oakland County Water Resources Commissioner (OCWRC) for the Clinton-Oakland Sewage Disposal District

Attachments: [Agenda Summary.pdf](#)
[Contract Overview.pdf](#)
[COSDS Inter-Municipal Contract.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the proposed is an inter-municipal agreement between the City of Rochester Hills, and the Oakland County Water Resources Commission (WRC). He pointed out that while the contract is set to expire in 2017, some events have occurred to make it necessary to enter into an agreement with the WRC.

Tim Prince, Chief Engineer, Oakland County Water Resources Commission (WRC), gave the following presentation:

CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM - NEW COSDS
CONTRACTS

A map was displayed showing a system overview, and noting the following sewage disposal systems:

- Clinton-Oakland Sewage Disposal System (COSDS)
- Macomb Sewage Disposal System
- Oakland-Macomb Sewage Disposal System
- Pontiac Sewage Disposal System

A map denoted the Perry Street Diversion Project, noting the following:

- Proposed SRT (Sit 7)
- Proposed Pump Station
- Proposed Gravity Sewer
- Proposed Force Main
- COSDS Interceptor
- COSDS Service Area

He noted that the County would be allowed to sell bonds for the project, and Rochester Hills would pay back their share of the bonds. He explained that approximately 30 percent of the flow that leaves the system would be diverted to the Pontiac Sewage Disposal System. Seventy percent of the flow would go to Detroit.

Perry Street Contract Benefits

- Corrects current and future capacity issues
- Long-term cost savings (\$20 million in 20 years)
- Maximizes Existing Oakland County Asset
- Fosters Regional Cooperation
- Environmental Benefits
 - * Supported by MDEQ
 - * Clinton River Watershed Council

He added that Pontiac's rate is projected to be lower than Detroit's Rate, and commented that the City of Pontiac's Wastewater Treatment Plant is underutilized.

COSDS Inter-Municipal Contract

- Updates and supersedes current outdated contracts (base Contract expires in 2017)
- Unifies communities with a single contract
- Aligns contract term with COSDS-OMID Contract
- Establishes annual true-up for OMID and COSDS project costs
- Eliminates 1996 Management Agreement Penalty
- Updates contract capacities

He stated that Rochester Hills is 26.67 percent of total system capacity; however, it actually only comprises 23.3 percent of the flow. A true-up basically provides a credit or charge every year to true up actual flow. He noted that unallocated capacity is to be retained for future use in the event that a community comes on board later.

Status of Contract Approvals

- Multiple meetings and discussions with community representatives and legal counsel
- No substantive changes identified
- 12 COSDS communities
 - * 8 have passed resolutions
 - * 2 scheduled for May 20th Council or Board meetings
 - * 2 scheduled for May 28th Council or Board meetings

Council Discussion:

President Hooper requested clarification of the contract capacity and Rochester Hills' proportion of the total purchase capacity.

Mr. Prince pointed out that 26.67 is the purchase capacity for Rochester Hills for the old 1967 base contract, and 23.37 is the purchase capacity in the new contract.

Paul Davis, City Engineer/Deputy Director of DPS/Engineering, commented that during dry weather, the City's purchase capacity is probably half of the total. He noted that during wet weather last year, the City actually had a management penalty assessed for its flow. The proposed contract highlights a combined capacity for the districts instead of a single capacity for each district. He pointed out that the sanitary sewer system does not account for storm water, which can infiltrate the system and cause a community to go over its purchase capacity. He added that there are areas that will develop in the next 30 years of the contract as well.

Mr. Prince stated that future peak flow is projected; however, the amount is considered relatively minor.

President Hooper commented that the City is picking up a relatively significant portion of the cost for the Perry Street Project while it will not directly benefit the City.

Mr. Prince noted that reviewing the costs in the long-term, there is a \$20 million savings. He pointed out that as this is a regional project, there is regional cost sharing based on average flow.

President Hooper questioned whether the City is actually subsidizing any community.

Mr. Prince responded that it is not. He stated that the costs for extensive rehabilitation of the Oakland-Macomb Interceptor Drainage District (OMIDD) will impact all communities one way or another whether or not their flow actually goes through that District. He mentioned the cost of repairs following the system collapse in Sterling Heights approximately seven years ago. He noted that the true-up of actual and projected flow volumes will be taken into account provide a credit to the City in the future.

Mr. Yalamanchi commented that the City's flow will not divert to the Perry Street project; however, it appears that the City must be a part of the contract.

Mr. Davis stated that Rochester Hills flows will not physically go to the Perry Street Diversion.

Mr. Prince commented that it is viewed as a regional system.

Mr. Yalamanchi questioned why Rochester Hills flows cannot all be diverted to Pontiac.

Mr. Schneck noted that the flows would have to be pumped upstream, and capacity issues would result. He explained that there are benefits to pursue the project, diverting flow to an underutilized facility, keeping jobs in Oakland County, providing economic benefits, allowing for more flow into the Clinton River and providing additional capacity for future development.

Mr. Yalamanchi questioned how the financing costs will be paid and if the City's costs will go up.

Mr. Schneck responded that payment is made through rates and fees. He explained that Rochester Hills is a Tier II customer for sewer, and its relationship is with the Water Resources Commission.

President Hooper pointed out that the City will be taking on more debt.

Mr. Prince stated that Pontiac's rates will be cheaper than Detroit's rates. He mentioned that the reduction in fixed fees will not materialize for three to four years.

Keith Sawdon, Director of Finance, explained that bond payments are built into the sewer rate structure. He pointed out that the OMIDD Phase II work schedule is known and the costs to the City have been built into the sewer rates.

Mr. Yalamanchi questioned whether the costs are included in the City's budget.

Mr. Sawdon responded that the costs for the project are not yet in the budget. He stated that they will not kick in until 2016 and beyond.

Mr. Prince stated that Detroit's contract allows the region to divert up to 30 percent of its flow.

President Hooper questioned why an \$80 million project was not required to be approved by member communities; however, this is expected to proceed.

Mr. Davis responded that the OMIDD contract was considered maintenance and costs would be assigned to the communities. He pointed out that this is considered a new project and requires approval.

Mr. Webber questioned the length of the contract.

Mr. Prince responded that the term runs through 2039, as that is when the OMIDD contract expires. The contract will renew every ten years within that timeframe.

Mr. Webber commented that the City is a part of this system and must participate.

Mr. Yalamanchi questioned what would occur if Council did not approve the contract tonight.

Mr. Prince responded that if the inter-municipal agreement is not accepted, the true-up provision will not occur and capacities will not be updated. The County will still most likely move forward with the Perry Street Contract, funding it through rates and reserves, and would cost more up-front. He mentioned that the District Compliance Agreement is one step away from a consent order and the Michigan Department of Environmental Quality has been informed that the WRC will move forward with the project.

Mr. Yalamanchi stated that he would like to explore diverting all the City's flow to Pontiac.

Mr. Prince stated that there is no way to divert all the City's flow and noted that the City is limited by its contract with Detroit to divert only 30 percent.

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

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

Enactment No: RES0110-2013

Whereas, Rochester Hills City Council was presented a form of contract between the County of Oakland (the "County") and, the City of Auburn Hills, the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester, the City of Rochester Hills, and the Charter Township of Waterford (the Township, the City of Auburn Hills, the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester, the City of Rochester Hills, the Charter Township of Waterford, the Charter Township of West Bloomfield, and City of Lake Angelus collectively, the "Municipalities") to replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

Be It Resolved by the Council of the City of Rochester Hills, Oakland County, Michigan, that:

The Rochester Hills City Council hereby approves in the substantial form as presented,

the "Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract" between the County and the Municipalities to, among other things, replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

2013-0196 Request for Approval of the proposed Bond Contract with the Oakland County Water Resources Commissioner (OCWRC) for the Perry Street Diversion Project

Attachments: [Agenda Summary.pdf](#)
[Contract Overview.pdf](#)
[Perry St Bond Contract.pdf](#)
[Resolution.pdf](#)

See Legislative File 2013-0196.

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

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

Enactment No: RES0111-2013

Be It Resolved by the City of Rochester Hills City Council, Oakland County, Michigan, that:

1. The City Council hereby approves the contract in the substantial form as presented, between the County and the Municipalities relating to the acquisition and construction of the Clinton-Oakland Sewage Disposal System Perry Street Diversion Project (the "Contract"); providing for the payment of a portion of the cost thereof by the City to the County in annual installments with interest and expenses; providing for the financing of all or part of the cost by the issuance of County bonds in one or more series secured by the obligations of the Municipalities and payable primarily from the annual installments to be paid by the Municipalities to the County; providing for the pledging of the full faith and credit and the limited taxing power of the City for the making of its share of such payments; and providing for other matters relating to the Project and the acquisition, construction, financing and operation thereof, all under and pursuant to Act No. 342, Public Acts of Michigan, 1939, as amended.
2. The City Council hereby approves the preliminary plans for the Project, and the estimates of the cost and period of usefulness thereof, as contained in Exhibits A and B to the Contract.
3. The Mayor and Clerk are authorized and directed to execute and deliver the Contract for and on behalf of the City in such number of counterparts as may be desirable.
4. The Clerk is authorized and directed to publish the notice hereunto attached in the Oakland Press and so as to be prominently displayed therein. It is found and declared

that said newspaper is a newspaper of general publication in the City and that said notice contains information which is sufficient to adequately inform all interested persons as to the nature and extent of the full faith and credit obligations of the City under the Contract.

5. A copy of the Contract as presented to the City Council and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Clerk and made available for examination by any interested person during normal business hours.

6. The City agrees to reimburse the County for its administrative and legal expenses incurred in connection with the County's assistance pursuant to Act 342 whether or not bonds are ultimately issued for the Project.

7. The Mayor or Clerk is authorized to file an application with the Michigan Department of Treasury for its approval of the sale and issuance of any series of County bonds, if necessary, and to take all other actions necessary in connection with such application.

8. The Mayor or Clerk is authorized to approve the circulation of a preliminary and final official statement for any series of County bonds, to cause the preparation of those portions of such preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor and Clerk are each authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of any County bonds.

9. The Mayor or Clerk is authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of the holders of any County bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of any Continuing Disclosure Certificate.

2013-0202 Update on the City's seven-year Financial Forecast - Fiscal Years 2014 to 2020

Attachments: [Agenda Summary.pdf](#)
[7-Year Financial Forecast 2014-2020.pdf](#)

Postponed to the June 10, 2013 Regular City Council Meeting.

COUNCIL COMMITTEE REPORTS

Strategic Planning and Policy Review Technical Review Committee

Mr. Rosen stated that the Strategic Planning and Policy Review Technical Review Committee met this evening. He noted that there will be slight adjustments to the 2013 Strategic Goals and Objectives to reflect progress and the passage of time. He commented that the goals would be distributed and hopefully be on Council's next agenda for discussion.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, June 10, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:24 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, Clerk
City of Rochester Hills*

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

Approved as presented at the July 15, 2013 Regular City Council Meeting.