



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

*J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen,
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, April 12, 2010

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen and Michael Webber

Absent 1 - Ravi Yalamanchi

Mr. Yalamanchi provided prior notice that he would not be in attendance.

Others Present:

Ed Anzek, Director of Planning and Development

Bryan Barnett, Mayor

Tara Beatty, Chief Assistant to the Mayor

Dan Casey, Manager of Economic Development

Scott Cope, Director of Building/Ordinance Compliance

Paul Davis, City Engineer

Derek Delacourt, Deputy Director of Planning

Jane Leslie, City Clerk

Harvey Li, Rochester Hills Government Youth Council Representative

Roger Moore, Professional Surveyor

Roger Rousse, Director of DPS/Engineering

Keith Sawdon, Director of Finance

Bob White, Supervisor of Ordinance Services

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

PUBLIC COMMENT

Scot Beaton, 655 Bolinger Street, stated that he heard a news report citing Rochester Hills as ninth in the nation in reporting for the Census. He mentioned an article appearing in the Oakland Press relating to the zoning along Rochester Road and noted that Rochester Hills is a bedroom community. He commented that many individuals live along these main arteries and the residential property should remain.

Martha Black, 2408 Jackson, announced that the group LISTEN: Legislative Initiatives Strengthening the Environment will host a debate between Senatorial candidates on May 24, 2010 at 5:30 p.m. at the Rochester Hills Public Library.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Pixley announced that April 9, 2010 was National Former POW Day.

Mr. Brennan reported that the Steelhead Festival was held along the Clinton River at Yates Park this past weekend. He thanked Dan Kiefer, Yates Cider Mill, and City Staff for organizing this event. He noted that Mayor Barnett is the recipient of this year's Taubman Fellowship, along with Kym Worthy, Wayne County Prosecutor and stated that the Mayor will attend Harvard University in June to participate in their Executive Excellence Program. He commented that the very selective program is indicative of outstanding leadership.

Mr. Klomp extended his congratulations to Mayor Barnett.

Mr. Webber congratulated the Mayor. He announced that the Earth Festival will be held in Downtown Rochester April 23, 24 and 25, 2010 and noted that the Rochester Jaycees will host a Green Jobs Fair at the event on Friday, April 23, 2010 from 9 a.m. to 4 p.m. He also announced that the Older Persons Commission (OPC) will host a Big Ball Bounce Walk to benefit the OPC's Meals on Wheels Program on Saturday, April 24, 2010.

Harvey Li, Rochester Government Youth Council (RHGYC) Representative, announced that the RHGYC will host their second annual 5K Run/Walk in Memory of Dillon Cope, with proceeds to benefit the University of Michigan C.S. Mott Children's Hospital - "7 Mott". He noted that the RHGYC has been working in the local high schools on voter registration drives.

Mayor Barnett made the following announcements:

- Rochester Hills was recognized as a Tree City for the 20th year in a row.
- The City is the recipient of a grant from DTE Energy for tree planting. Only five communities in Oakland County received the grant this year. The City will

- use this grant to plant trees along the Adams Road Boulevard.*
- He attended today's groundbreaking for the new Human Health Building at Oakland University. He noted that the building utilizes a cutting-edge design and will strive for LEED Certification.*
 - An information session on Coyotes in Rochester Hills is set for Wednesday, April 28, 2010 in the City Hall Auditorium. Speakers from the State will participate along with wildlife rehabilitators and others who specialize in coyotes.*
 - A press release will be issued tomorrow on the City's RecycleBank program, highlighting that recycling has increased by 400 percent since its inception. The Mayor reported that he was interviewed by CNN about the program.*
 - As waste hauling rates are tied to gas prices, solid waste prices will go down this year approximately \$10 per resident.*
 - As of this afternoon, the City is tied for second in the Nation in cities of 50,000 or more in Census reporting. The City trails only Livonia and is first in Oakland County. He expressed thanks to the residents for their participation. He commented that more participation is needed from the area encompassing the Hampton Complex; and stated that to promote participation in this area, RHGYC members will visit the Hampton Complex next week to distribute flyers.*

ATTORNEY MATTERS

None.

PRESENTATIONS

- 2010-0165** Presentation on the proposed Oakland County Medical Main Street Program; Dr. Gary Russi, Oakland University President, and Mr. John McCulloch, Oakland County Water Resource Commissioner, presenters

Attachments: [Agenda Summary.pdf](#)

Dr. Gary Russi, President, Oakland University (OU), stated that OU broke ground today for a 164,000 square foot facility to house its School of Nursing and School of Health Sciences. He reported that this is a \$64 million project that will showcase the strength of OU in the areas of health care, life sciences and associated research. He noted that the Oakland University William Beaumont School of Medicine will create thousands of jobs and millions of dollars in investment within the community; and stated that OU's expertise, combined with the vision put forth by County Executive L. Brooks Patterson, will set a foundation for health care education, research and development.

Dr. Russi explained that some months ago, OU and Oakland County commissioned a survey to identify areas of the County that could grow into a powerful economic engine for development. The survey found that 4,300 health care agencies exist in Oakland County. He stated that OU and the County have put together an initiative to create jobs and brand the County in terms of medical care, leading to the Medical Main Street concept. He stated that Medical Main Street promises to open the door to investment in the County, attracting new business, incubation start-ups, commercialization and technology transfer, and investment of capital. He commented that he is pleased to suggest that Council move forward with the development of the land at M-59 and Adams Road, once Suburban Softball, to provide a home for Medical Main Street.

Doug Smith, Deputy County Executive, Oakland County, stated that in 1999, County Executive Patterson created Automation Alley to change the perception of, and attract companies to, this area. He noted that within three years, international publications were referring to Automation Alley; and within six years, \$1.5 billion in investment was attracted to the County. He stated that in 2003, efforts were undertaken to identify the top ten emerging sectors for the next 20 to 30 years; and within those ten sectors, the health care field was identified as having the best ability to help southeast Michigan grow. The Anderson Group, located in Lansing and used to provide assistance in the development of Automation Alley, provided consulting services to determine whether this area of Oakland County could be developed into a medical center. He noted that 1,400 hospitals, clinics and other medical facilities exist in the County, providing employment to 93,000 individuals. He stated that these organizations participated in 1,400 clinical trials, twice as many as those conducted at Cleveland and Mayo Clinics combined. He pointed out that nothing could be a greater lynchpin than the efforts undertaken to create a new medical school, to brand this area and attract hospitals, patients and employees. He further commented that efforts will be undertaken to attract medical equipment manufacturers as well.

John McCullough, Oakland County Water Resource Commissioner, stated that his office has been involved in this project since its inception, providing financial and legal support through the Drain Code, and incorporating protection of the watershed adjacent to the property. He noted that his office will provide any expertise it can and will participate in efforts to secure any available Federal or State funding for the project. He commented that he, Mr. Smith and County Executive Patterson recently met with bond rating companies Standard & Poors and Moody's; and noted that the discussion highlighted Medical Main Street's potential for providing diversification and development in the County.

Council Discussion:

Mr. Pixley thanked Dr. Russi, Mr. Smith and Mr. McCullough for their presentation and questioned the project's timing.

Dr. Russi responded that the initial phase of the project is to make the land ready for development and noted that a search is ongoing for funding. He commented that the project's timing will depend on this preparation stage. He reported that Mr. Smith will be traveling to China to recruit businesses to this area; and a delegation from Oakland University will travel to Israel to attract their technology transfer and commercialization business. He stated that efforts are underway to attract companies in start-up mode, along with exploration of the 4,300 health care agencies currently in the County to identify which companies might be ready for expansion. He pointed out that a home site for Medical Main Street is needed to attract these businesses.

Mr. Webber expressed his appreciation to the presenters.

Mr. Brennan commented that Medical Main Street will be a great development for OU and for the City. He requested Mr. McCullough further explain the Drain Commission's role in the project.

Mr. McCullough responded that several years ago, the City petitioned the County to create a drainage district to be used as the financial and legal mechanism to assist with the cleanup and protection of the watershed. He noted that Federal and State funding was pursued to subsidize these efforts and stated that his office will continue to do so if funding sources do present themselves.

President Hooper noted that this is a win-win for the City, both in terms of a clean-up of a long-standing eyesore in the community and proper remediation of the site, as well as providing a tax revenue and business expansion in the community.

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.

2010-0125 Approval of Minutes - City Council Regular Meeting - January 11, 2010

Attachments: [CC Min 011110.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0078-2010

Resolved, that the Minutes of a Rochester Hills City Council Meeting held on January 11, 2010 be approved as presented.

2010-0069 Approval of Minutes - City Council Regular Meeting - January 25, 2010

Attachments: [CC Min 012510.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0079-2010

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on January 25, 2010 be approved as presented.

2010-0149 Request for Maintenance Agreement - DPS/ENG: Approval of the Traffic Sign and Mast Arm Participation Agreement at the Clinton River Trail Crossing along Hamlin Road 1,000 feet east of Crooks Road; Road Commission for Oakland County, Waterford, MI

Attachments: [Agenda Summary.pdf](#)
[RCOC letter.pdf](#)
[Maintenance Agreement.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0080-2010

Whereas, there is a proposed overhead pedestrian crossing traffic sign and mast arm located within the City of Rochester Hills at the Clinton River Trailway Crossing along Hamlin Road 1,100 feet east of Crooks Road within the City of Rochester Hills; and

Whereas, the Road Commission for Oakland County has determined that inspection of the existing overhead pedestrian crossing traffic sign and mast arm is mandated per federal requirements; and

Whereas, the total estimated inspection cost is \$400.00 to \$600.00 every four years at 100% City of Rochester Hills' from City Pathway Funds.

Resolved, that the Rochester Hills City Council is supportive of the Overhead Pedestrian Crossing Traffic Sign and Mast Arm Maintenance Participation Agreement for the location at the Clinton River Trailway Crossing along Hamlin Road 1,100 feet east of Crooks Road within the City of Rochester Hills.

Further Resolved, that the Rochester Hills City Council authorizes the Mayor to sign the Overhead Pedestrian Crossing Traffic Sign and Mast Arm Maintenance Participation Agreement for the location at the Clinton River Trailway Crossing along Hamlin Road 1,100 feet east of Crooks Road within the City of Rochester Hills.

Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

2010-0151 Request for Adoption of a Street Resolution to place newly constructed Austin Avenue (Road Extension) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0081-2010

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

Now, Therefore, Be It Resolved:

1. That the said centerline street described as follows:

Austin Avenue (Road Extension) described as running northwesterly from the centerline of Austin Drive (Commerce Park of Rochester Hills) 810.87 feet to the centerline of

Devondale Road (Supervisor's Plat #9), more particularly described as:

Part of the SW 1/4 of Section 29, T3N,R11E, City of Rochester Hills, Oakland County, Michigan, Beginning at a point on the North line of Commerce Park of Rochester Hills distant 46.53 from the NW corner of said subdivision, thence N 44°07'00" W 60.17; thence easterly 213.20 along an arc to the left (Radius: 258.00 central angle 47°20'50", long chord bears N 67°47'25" W 207.19; thence S 88°32'10" W 537.50 feet to the point of ending.

2. That said street is located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said street is certified as a public street and are for public street purposes.
4. That said street is accepted into the City Local Street System.
5. That said street was is open for traffic on December 13, 2009 and have been constructed according to City standards.

2010-0152 Request for Adoption of a Street Resolution to place newly constructed Waterview Drive and Leach Road (Road extension) within the City Major Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0082-2010

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

Now, Therefore, Be It Resolved:

That the said centerline streets described as follows:

Waterview Drive described as running easterly from the centerline of Waterview Drive (Rochester Hills Corporate Center) **333.61** feet to the centerline of Leach Road, more particularly described as:

Part of the SE 1/4 of Section 30,T3N, R11E, City of Rochester Hills, Oakland County. Michigan, E 487.15 feet and N 06°37'07" W 947.70 feet and N 06°59'29" W 777.47 from the S section corner; thence 30.98 feet along an arc of a curve to the right (radius 350.00 feet, central angle 05°04'16", long chord bears S 86°34'09" W 30.97 feet); thence N 89°06'17" E 302.63 feet to the point of ending.

Leach Road described as running southeasterly from the centerline of Adams road **196.89** feet to

Leach Road and the north line of Auburn Heights, more particularly described as: Part of the SE 1/4 of Section 30,T3N, R11E, City of Rochester Hills, Oakland County. Michigan, Beginning at a point on the centerline of Adams Road distant S 84°57'38" W 613.74 feet and S 62°18'50" W 1090.04 feet from the NE section corner, thence S 27°40'32" E 173.47 feet; thence 23.42 feet along and arc of a curve to the right (radius 350.00 feet, central angle 03°50'02", long chord bears S 25°45'31" E 23.41 feet) to the point of ending.

2. That said streets are located within the City right-of-way and are under the control of the City of Rochester Hills.
3. That said streets are certified as public streets and are open for public street purposes.
4. That said street is accepted into the City Major Street System.
5. That said street was open for traffic on January 12, 2009 and have been constructed according to City standards.

2010-0153 Request to Authorize the permit application from the Road Commission for Oakland County (RCOC) for the Memorial Day Parade to be held on Monday, May 31, 2010

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0083-2010

Whereas, the Cities of Rochester Hills and Rochester jointly host the 2010 Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veteran organizations; and

Whereas, the parade route begins at 10:00 a.m.; Mt. Avon Cemetery within the City of Rochester and run along First Street, then southerly along Castell Street, then westerly along Harding Road to Livernois Road, and finally Livernois Road southerly to Veterans Pointe Park in the City of Rochester Hills; and

Whereas, staging this event requires closing certain County routes and using others for posted detour routes; and

Whereas, the two Cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Livernois Road and Avon Road.

Be It Resolved, that the Rochester Hills City Council authorizes the Mayor or his/her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures; and

Be It Further Resolved, that the parade route be scheduled for Monday, May 31, 2010, starting at 10:00 a.m. on Harding and Livernois Roads; and

Be It Further Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

2010-0130 Request to Transfer the 2009 Class C licensed business, located at 1880 S. Rochester Road, Rochester Hills, MI from Outback/Detroit-I, Limited

to Outback Steakhouse of Florida, LLC

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0084-2010

Resolved, that the request to transfer ownership of 2009 Class C licensed business, located at 1880 S. Rochester, Rochester Hills, MI 48307, Oakland County, from Outback/Detroit-I, Limited Partnership (A Florida Limited Partnership) to Outback Steakhouse of Florida, LLC (A Florida Limited Liability Company) (Step 2) be considered for approval.

Passed the Consent Agenda

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

PUBLIC HEARINGS

2010-0102 Request to vacate a section of the rights of way for Bendelow Road east along Graham Drive in Section 35, south of Auburn Road and west of John R Road

Attachments: [Agenda Summary.pdf](#)
[Memo to Clerk.pdf](#)
[Engineering Report.pdf](#)
[Location map.pdf](#)
[Aerial Map.pdf](#)
[Legal description and sketch.pdf](#)
[Application.pdf](#)
[031510 Resolution.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Roger Rouse, Director of DPS/Engineering, stated that the proposal to vacate this right-of-way originated from a resident. He explained that Bendelow was relocated as a part of the Country Club Village Development. He noted that the City will retain one parcel and will continue to maintain the easements.

President Hooper Opened the Public Hearing at 7:43 p.m.

Seeing no public input, President Hooper Closed the Public Hearing at 7:44 p.m.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0085-2010

Whereas, Mr. and Mrs. Norman Romstad of 3065 Bendelow Road have requested that the City approve the vacation of Bendelow Road, east along Graham Drive, south of Auburn Road and east of John R Road between parcel 15-35-226-001; 820 E. Auburn Road, and parcel 15-35-226-007; 3065 Bendelow Road,

Whereas, the City Council of the City of Rochester Hills did by resolution deem it advisable and declare its intention to vacate, discontinue or abolish the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

Description - The portion of Bendelow Road right of way bounded on the west by Graham Drive, a street located within the Country Club Village Condominiums and a Country Club Village Condominiums open space area.

Whereas, in accordance with the Code of Ordinances of the City of Rochester Hills, Chapter 4-10, the City Council has held a public hearing and has heard and considered any comments or objections pertaining to such vacation, discontinuance or abolition; and

Whereas, the City Council determines it is necessary for the health, welfare, comfort and safety of the People of Rochester Hills to vacate, discontinue or abolish the above-described street, alley, public ground or part thereof;

Now, Therefore, Be It Resolved:

1. That the above-described street, alley, public ground or part thereof shall be vacated, discontinued or abolished.
2. That there is hereby reserved an easement in the street, alley, public ground or part thereof for public utility purposes and other public purposes within the right-of-way of the street, alley, public ground or part thereof vacated.
3. That the City Clerk is hereby directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.
4. That, upon being (but not until) so recorded, this resolution shall have the force and effect of vacating, discontinuing or abolishing the described street, alley, public ground or part thereof.

ORDINANCE FOR INTRODUCTION

- 2010-0166** Acceptance for First Reading - an Ordinance to amend Chapter 10, Article IV, Mechanical and Electronic Amusement Devices, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify application requirements and regulations applicable to establishments required to obtain a mechanical and electronic amusement device license, repeal conflicting Ordinances and prescribe a penalty for violations

Attachments:

[041210 Agenda Summary.pdf](#)
[Staran Letter 031910.pdf](#)
[Ordinance.pdf](#)
[041210 Resolution.pdf](#)

Scott Cope, Director of Building/Ordinance Compliance, referred to City Attorney Staran's letter outlining the changes made to the Ordinance.

Mr. Pixley commented that he had spoken with individuals at the schools, the Oakland County Sheriff's Office, and the Police School Liaison regarding the impact that the proposed Ordinance changes would have and commented that no concerns were reported. He suggested additional changes include reference that a license will not be granted to an establishment adjacent to a school with an open campus, where students are allowed to leave during the day, and a reference that no overnight activities will be permitted.

Mr. Brennan commented that he is opposed to this Ordinance Amendment.

Mr. Webber stated that he agreed with the proposed changes, along with the additional changes suggested by Mr. Pixley.

Mr. Rosen commented that he would not support the Ordinance amendment.

President Hooper stated that while he supports the concept, he is concerned with its enforcement. He commented that adjacent communities allow these types of establishments and noted that Ordinance enforcement will be key.

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

Aye 4 - Hooper, Klomp, Pixley and Webber

Nay 2 - Brennan and Rosen

Absent 1 - Yalamanchi

Resolved, that an Ordinance to amend Chapter 10, Article IV, Mechanical and Electronic Amusement Devices, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update and modify application requirements and regulations applicable to establishments required to obtain a mechanical and electronic amusement device license, repeal conflicting Ordinances and prescribe a penalty for violations, is hereby accepted for First Reading and to include modifications to Section 10-186 to include language regarding schools with a closed campus and to Section 10-229 to include language prohibiting no overnight hours of operation.

2009-0393 Acceptance for First Reading - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone two parcels of land totaling approximately 4.256 acres, known as parcels 15-22-351-001 and -002, located on the northeast corner of Hamlin and Livernois Roads, from R-3 One Family Residential to O-1 Office Business, and

to prescribe penalties for the violation thereof

Attachments: [041210 Agenda Summary.pdf](#)
[Ordinance.pdf](#)

[Map.pdf](#)
[Staff Report 020210.pdf](#)
[Letter Chappell 012910.pdf](#)
[Conditional Rezoning Application.pdf](#)
[Minutes PC 030210 \(Draft\).pdf](#)
[Minutes PC 020210.pdf](#)
[Minutes PC 121509.pdf](#)
[Minutes PC 102009.pdf](#)
[PC Memo 121109.pdf](#)
[Letter Mulenga 110609.pdf](#)
[041210 Resolution.pdf](#)

Derek Delacourt, Deputy Director of Planning, explained that this request is for the conditional rezoning of the subject site, directly adjacent to the new roundabout at Hamlin and Livernois Roads. He highlighted the Planning Commission conditions recommended in the conditional rezoning, including a 32-foot height regulation, the preservation of 30 percent of the existing regulated trees, and Planning Commission approval for any elevation and materials used.

Cathy Wilson, and ***Ed Wilkiemeyer***, Signature Associates, were in attendance representing the property owners.

Mr. Wilkiemeyer stated that new right-of-way requirements were observed, and the applicant understands and agrees to the recommended conditions, including tree preservation and building height.

Public Comment:

Scot Beaton, 655 Bolinger, stated that the rezoning will have a negative impact on the existing business community as there is a significant amount of vacant office space already. He presented a petition signed by 90 individuals against the rezoning.

Melinda Hill, 1481 Mill Race, stated that she was a part of the technical team that worked on the most recent Master Plan update; and stated that while economic conditions have changed, the City should not be short-sighted in approving this request. She commented that the rezoning will be a detriment to the residents and the property should remain residential. She recalled that the Talon Group came before the Planning Commission in 2005 requesting rezoning and noted that at that time, the request was denied.

Council Discussion:

President Hooper stated that he serves as Council representative to the Planning Commission; and commented that the property is surrounded to the north and

east by churches, with industrial development across the street. He stated that if the property were appropriate for residential zoning, it would have had a home on it by now. He noted that he does not consider it to be spot zoning. He commented that with the recent change to put in a round-about in this area, office is an appropriate use for the property.

Mr. Klomp requested Mr. Delacourt elaborate on concerns raised by the Planning Commission during the application process. He questioned how, or if, the current office vacancy rate will affect the development.

Mr. Delacourt responded that the applicant appeared before the Planning Commission on at least three separate occasions and stated that the Planning Commission's concern included debate about the validity of the property for future single family development, and discussion regarding building height. The Planning Commission decided to keep the development within the size and scale that is consistent with other development permitted in a single-family district. He commented that residential developers are required to maintain 37 percent of the trees on the site, and the applicant proposes retaining 30 percent along with replacement of any regulated tree removal.

Ms. Wilson stated that the original intention of the building is for medical/office and she believes this is still a viable opportunity. She explained that it is more cost-effective to build new than retrofit an older building.

A motion was made by Brennan, seconded by Klomp, that this matter be Accepted for First Reading by Resolution. The motion CARRIED by the following vote:

Aye 5 - Brennan, Hooper, Klomp, Pixley and Webber

Nay 1 - Rosen

Absent 1 - Yalamanchi

Resolved, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone two parcels of land totaling approximately 4.256 acres, known as parcels 15-22-351-001 and -002, located on the northeast corner of Hamlin and Livernois Roads, from R-3 One Family Residential, to O-1 Office Business, and to prescribe penalties for the violation thereof, is hereby accepted for First Reading with the following conditions:

1. That the proposed building will comply with all building elevation and design restrictions of the Planning Commission upon submission for site plan approval,
2. That any building proposed for the site will be limited to a maximum of two story and 32 feet,
3. That any proposed building will have a maximum first story floor plate of 28,000 square feet in size, and a maximum building square footage of 48,000 square feet,
4. That 30% of the existing regulated trees defined in the City's Tree Conservation Ordinance will be maintained on site,

5. That any regulated trees removed from the site will be replaced in conformance with the City's Tree Conservation Ordinance,
6. That the developer will comply with right-of-way requirements as determined by the City of Rochester Hills,
7. That the raising and keeping of animals will not be proposed or permitted on the site,
8. That roadside stands and markets and Christmas tree sales will not be permitted on or proposed on the site,
9. That wireless telecommunication facilities relating to monopole facilities will not be proposed or permitted on the site, and
10. That transit passenger stations will not be proposed or permitted on the site.

NOMINATIONS/APPOINTMENTS

2010-0097 Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals for a three-year term to expire March 31, 2013

Attachments: [Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Kenneth Koluch CQ.pdf](#)
[Monaghan Letter of Resignation.pdf](#)
[Bryan Monaghan CQ.pdf](#)
[031510 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Ryan Deel CQ.pdf](#)
[Phillip Hurst CQ.pdf](#)
[Matt Koziarz CQ.pdf](#)
[Jens Kusk CQ.pdf](#)
[Michael McGuire CQ.pdf](#)
[Alexios Pathenos CQ.pdf](#)
[Joe Pullukat CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution.pdf](#)

President Hooper recapped that Kenneth Koluch and Bryan Monaghan were nominated at the March 15, 2010 meeting. He explained that since that meeting, Mr. Monaghan submitted a letter of resignation, as he recently moved.

Mr. Pixley questioned whether nominations could be reopened.

President Hooper responded that they could not.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0086-2010

Resolved, that the Rochester Hills City Council appoints Kenneth Koluch to serve as a

Zoning/Sign Board of Appeals Representative for a three-year term to expire March 31, 2013.

- 2010-0136** Request to Confirm the Mayor's appointment of Thomas Polozo to the Advisory Traffic & Safety Board to fill the unexpired term of Paul Franklin which will expire June 30, 2010

Attachments: [Agenda Summary.pdf](#)
[Pozolo CQ.pdf](#)
[Franklin resignation.pdf](#)
[Resolution.pdf](#)

Mr. Webber expressed his appreciation for Mr. Franklin's service and commitment to the Advisory Traffic and Safety Board.

Mayor Barnett noted that Mr. Pozolo has been an engineer with the Michigan Department of Transportation for seven years, and could undertake a dual role in lobbying for funding for the City.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0087-2010

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Thomas Polozo to the Advisory Traffic & Safety Board to fill the unexpired term of Paul Franklin which will expire June 30, 2010.

NEW BUSINESS

- 2010-0157** Request for Approval of additional time for the Historic Districts Study Commission to research and complete the final report regarding the delisting of 1585 S. Rochester Road

Attachments: [Agenda Summary.pdf](#)
[Minutes HDSC 031110.pdf](#)
[Minutes HDSC 121009.pdf](#)
[Resolution.pdf](#)

Derek Delacourt, Deputy Director of Planning, relayed the apologies of the HDSC members as they could not be in attendance tonight. He recapped the timeline of events, noting that several months ago, the applicant came before City Council to request that the property be delisted. Council forwarded the request to the HDSC, with a charge to report back within 180 days. Subsequently, the HDSC reviewed a preliminary report with the assistance of the City's consultant and forwarded the report to the State Historic Preservation Office (SHPO). Comments recently received from SHPO were reviewed by the HDSC. The Committee withheld taking any action, expressing concerns with the preliminary report and recommendation; and requests Council allow it until September to complete additional research and bring a final report forward.

Public Comments:

Scot Beaton, 655 Bolinger, commented that he was in agreement with allowing additional time for the HDSC to complete a final report.

Julie Dobies, 708 Tewksbury Court, concurred with granting the HDSC additional time. She stated that this house was considered historic in 1978; and 30 years later, it should be considered more historic.

Greg Domka, 891 River Bend, stated that the home is beautiful and gives character to the City; and commented that he concurred with allowing the HDSC more time.

Stanley Dobies, 708 Tewksbury Court, stated that in the 1950s, he was in the Army and stationed six kilometers outside of Mannheim in Germany. He commented that he would take walks through the rubble left after World War II and noted that those buildings were rebuilt and restored to preserve history.

Melinda Hill, 1481 Mill Race, stated that the house was designated in 1978 and Mr. Gilbert purchased the home in 1986, knowing that it was a Designated Historic District. She commented that now, after years of neglect to the property, Mr. Gilbert is asking that the property be delisted. She requested additional time be granted to the HDSC.

Lorraine McGoldrick, 709 Essex, commented that additional time should be granted.

Martha Black, 2408 Jackson, stated she was in support of extending the HDSC additional time.

John Gaber, 1024 Adele Court, Attorney representing the property owner, stated that the HDSC has accomplished very little in the past six months. He stated that a bias exists against the property owner and he feels there is a problem with the current process.

Council Discussion:

President Hooper stated that the HDSC's request is for five more months and questioned whether the only step remaining in the process is to transmit the final report to City Council.

Mr. Delacourt responded that all the technical steps of the Ordinance have been completed except for the final report and stated that HDSC wishes more time for additional research.

Mr. Pixley questioned whether Council could act without receiving the final report and inquired if there was a delay in beginning the process.

Mr. Delacourt stated that the process began immediately, as the request was relayed to the City's consultant and a preliminary report was compiled in less than five weeks; and the delisting was placed on the second subsequent meeting agenda of the HDSC. He commented that the City Attorney should be

consulted if Council wished to act without receiving a final report.

Mr. Pixley commented that based on the information provided, he is in favor of approving a 30-day extension to allow the HDSC to complete the report.

Mr. Brennan stated that he is disappointed that no member of HDSC is in attendance and noted that there is an appearance that the HDSC has abdicated their duties. He concurred with the thirty-day extension.

Mr. Delacourt requested Council consider granting sixty days, as the HDSC's next meeting is May 13, 2010, 31 days from today.

Mr. Rosen commented that Council's goal should be to have the HDSC do a thorough job and noted that the HDSC initially requested a longer time frame.

Mr. Klomp stated that in reviewing the HDSC's minutes, he noted a significant amount of conversation irrelevant to the delisting process.

President Hooper stated that 180 days was appropriate. He pointed out that while the consultant prepared a thorough report, comments noted in the HDSC's minutes appear to discredit the consultant's work. He stated that if there is more information, it should be brought forward. He pointed out that the HDSC does not have to agree with the report, but it should be finalized and sent on to Council. He stated that a sixty-day extension is more than reasonable.

A motion was made by Brennan, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 5 - Brennan, Hooper, Klomp, Pixley and Webber

Nay 1 - Rosen

Absent 1 - Yalamanchi

Enactment No: RES0095-2010

Resolved, that the Rochester Hills City Council hereby approves an additional sixty days for the Historic Districts Study Committee to prepare a final report and report to City Council regarding the delisting of 1585 S. Rochester Road.

2010-0158 Request for Approval of additional time for the Historic Districts Study Commission to research and complete the final report regarding the delisting of 2371 S. Livernois Road

Attachments: [Agenda Summary.pdf](#)
[Minutes HDSC 031110.pdf](#)
[Minutes HDSC 111209.pdf](#)
[Resolution.pdf](#)

Derek Delacourt, Deputy Director of Planning, noted that the Historic Districts Study Committee (HDSC) has not yet forwarded the Consultant's preliminary report to the State Historic Preservation Office (SHPO) or held a Public Hearing. He commented that the Study Committee is in the process of reviewing the preliminary report and has not made a determination as to what their recommendation will be. He explained that a Public Hearing could not be scheduled until sixty days after

the report has been transmitted to the SHPO, and the HDSC is requesting an extension until September to complete the final report.

President Hooper noted that the preliminary report was prepared and presented to the HDSC in December.

Public Comment:

Paul Miller, 1021 Harding, stated that one year is allowed by State Ordinance for completion of the report. He commented that just because a consultant's report is prepared, that does not make this report irrefutable. He stated that the HDSC should be extended more time to complete additional research.

Melinda Hill, 1481 Mill Race, stated that the State's requirement of one year does not begin until after the hearing. She commented that the consultant rushed through the report, and the HDSC felt rushed and intimidated by the consultant.

Julie Dobies, 708 Tewksbury, stated that a one-year timeframe is given in order for a thorough job to be done. She commented that the HDSC should be given more time.

Mukesh Mangla, 1052 Oaktree, Bloomfield Hills, stated that he is the applicant for the delisting of 2371 Livernois and pointed out that he is experiencing great hardship waiting for this delisting process. He commented that all his money was put into purchasing this home and noted that his current home is in foreclosure. He questioned whether the City actually put this house on the Register of Deeds and requested Council require the process to move forward.

Mr. Delacourt stated that the consultant conducted a thorough and complete research; and while he supports the process and understands the HDSC's concerns, he is not aware of any areas where additional research can be done. He stated that the house was constructed in 1945, with an extensive addition in 1971, and was moved sometime in between those years.

Council Discussion:

President Hooper pointed out that City Council cannot act until the final report is presented and stated that the HDSC has failed to forward the report to the State. He pointed out that the HDSC looked at the report twice and has never suggested any changes or presented any additional information, and has failed to transmit the report to the State for their review to start the clock. He commented that this is not how Rochester Hills should do business and stated that the applicant is entitled to due process. He stated that the report should be reviewed, changes made, if any, and submitted to the SHPO.

Mr. Pixley questioned, from a process standpoint, what is the time frame needed and could they require the HDSC to immediately transmit the report to the SHPO.

Mr. Delacourt responded that if the report is transmitted to the SHPO after the HDSC's next meeting, it could be 90 days before the next phase begins. He stated that the SHPO Board meets quarterly and responds slowly, and that the HDSC will need until September, at the least.

President Hooper questioned whether a special meeting of the HDSC could be called prior to their next regular meeting on May 13, 2010, and stated that the report should be submitted to the SHPO immediately after their next meeting.

Mr. Delacourt stated that he had not yet canvassed HDSC members to determine whether a special meeting could be held.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0096-2010

Resolved, that the Rochester Hills City Council hereby directs the Historic Districts Study Committee (HDSC) to submit the preliminary report regarding the delisting of 2371 S. Livernois Road to the State Historic Preservation Office immediately after the HDSC's May meeting and prepare and submit a final report to City Council immediately after their September meeting.

2007-0221 Request for Approval of the Extension of the Tentative Preliminary Plat, for Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 & -057, until April 20, 2011, William Mosher, Apex Engineering, applicant

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Site Plans TPP.pdf](#)
[Minutes PC 030210 \(draft\).pdf](#)
[Memo Anzek 022510.pdf](#)
[Letter Mosher 021510.pdf](#)
[Minutes PC 042109.pdf](#)
[Letter Mancini 041509.pdf](#)
[053008 Agenda Summary.pdf](#)
[PC Minutes 050608.pdf](#)
[Letter Mancini 032808.pdf](#)
[Agenda Summary 042507.pdf](#)
[Resolution 042507.pdf](#)
[PC Minutes 040307.pdf](#)
[Letter Mancini 031207.pdf](#)
[060908 Resolution.pdf](#)
[PC Minutes 071806.pdf](#)
[PC Minutes 031505.pdf](#)
[PC Minutes 021505.pdf](#)
[PC Minutes 020105.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Development, noted that the Grace Parc project was put on hold until City Council developed its Extension Policy. He

stated that property has been taken over, all taxes in arrears are paid, the developer is aware of the new Engineering Standards, and the Planning Commission recommends approval.

***Mr. Rosen** questioned whether there was a period of time where the development did not have an approved site plan and stated that the extension language should include the date the project first expired. He questioned whether there have been any increases in development activities and when the developer would begin.*

***Mr. Anzek** responded that there was a time that the project could have been considered lapsed; however, the applicant filed a letter prior to the due date requesting the extension. He stated that there has been more activity recently, with homes under construction in the Clear Creek, Hickory Ridge and Country Club Village developments. He explained that banks are strict in their requirements, but are qualifying people for mortgages.*

***William Mosher**, Apex Engineering, representing the owner, responded that development would begin as soon as changes that were made resulting from the City's recent adoption of its Engineering Standards were approved.*

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0088-2010

Resolved, that the Rochester Hills City Council hereby approves the Extension of the Tentative Preliminary Plat for Grace Parc, City File #04-011, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 & -057 from April 20, 2009 until April 20, 2011.

2010-0154

Request to Schedule a Public Hearing to consider the request to establish an Industrial Development District at 3000 Research Drive, Rochester Hills, Michigan

Attachments:

[041210 Agenda Summary.pdf](#)

[041210 Resolution.pdf](#)

***Dan Casey**, Manager of Economic Development, noted that last October, Lear Corporation closed down operations at their Research Drive facility. In the past few months, Lear undertook an analysis of that facility along with a facility in Fenton. With the extension of a new contract from General Motors, and a vote by workers at the Fenton Plant to relocate to Rochester Hills, 157 jobs will transfer from Fenton to the Rochester Hills plant. He reported that Lear has received two new contracts, which will bring an additional 104 jobs to Rochester Hills. He commented that personal property investment is \$2.2 million. Investment will be made in real property as well, although not included in Lear's application. He noted that a third contract is currently in negotiation, which could bring even more*

jobs. He reported that in addition, \$11 million in tooling will be located at the Rochester Hills facility. He explained that while these are five-year contracts, the company is requesting a 12-year abatement on personal property. He stated that they are also requesting that they be held to the Rochester Hills location for five years, with an additional three years of leniency, as they hope to be able to extend all contracts beyond five years.

President Hooper questioned whether an extension could be made later.

Mr. Casey responded that extending the abatement at a later date is not possible, as the State does not have an extension process and provides the applicant with a certificate indicating the timeframe for the abatement. He noted that while extensions at later dates have been done in the past by some communities, the legality of these extensions are in question.

See Also Legislative File 2010-0155.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0089-2010

Whereas, Lear Corporation has requested that an Industrial Development District be established at 3000 Research Dr., also known as Tax Parcel No. 15-29-352-006, and further described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND PART OF THE SOUTHEAST 1/4 OF SECTION 30, T.3N, R.11E, LOT NO. 30 & 31 OF ROCHESTER HILLS EXECUTIVE PARK, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN LIBER 199, PAGE 27 & 28, CONTAINING 9.32 ACRES; and

Whereas, Lear Corporation filed an application for an Industrial Facilities Exemption Certificate on March 17, 2010 for personal property to be acquired and installed at the facility; and

Whereas, Public Act 198, of 1984, as amended requires that City Council must render a decision within 60 days of receipt of the application and must afford the applicant, City Assessor and taxing jurisdictions the opportunity to hold a Public Hearing.

Resolved, that the Rochester Hills City Council hereby schedules the Public Hearing for City Council's Regular Meeting of April 26, 2010; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the Public Hearing in a paper of general circulation no later than Thursday, April 15, 2010; and

Be It Further Resolved, to send a certified copy of the notice to Lear Corporation, attention Kirk L. Fisher, Tax Manager, located at 21557 Telegraph Rd., Southfield, MI 48033, no later than Monday, April 19, 2010; and

Be It Finally Resolved, to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Monday, April 19, 2010.

- 2010-0155** Request to Schedule a Public Hearing to consider the request to approve an Industrial Facilities Exemption Certificate for Lear Corporation

Attachments: [041210 Agenda Summary.pdf](#)
[Development Agreement.pdf](#)
[Exhibit A Smart Investment Chart.pdf](#)
[Lear TB Analysis.pdf](#)
[Application.pdf](#)
[041210 Resolution.pdf](#)

See Legislative File 2010-0154.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0090-2010

Whereas, Lear Corporation has requested that an Industrial Development District be established at 3000 Research Dr., also known as Tax Parcel No. 15-29-352-006, and further described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND PART OF THE SOUTHEAST 1/4 OF SECTION 30, T.3N, R.11E, LOT NO. 30 & 31 OF ROCHESTER HILLS EXECUTIVE PARK, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN LIBER 199, PAGE 27 & 28, CONTAINING 9.32 ACRES; and

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

Resolved, that the Rochester Hills City Council hereby schedules the Public Hearing for City Council's Regular Meeting of April 26, 2010; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the public hearing in a paper of general circulation no later than Thursday, April 15, 2010; and

Be It Further Resolved, to send a certified copy of the notice to Lear Corporation, attention Kirk L. Fisher, Tax Manager, located at 21557 Telegraph Rd., Southfield, MI 48033, no later than Monday, April 19, 2010; and

Be It Finally Resolved, to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Monday, April 19, 2010.

- 2010-0132** Request for Purchase Authorization - DPS/GAR: Purchase of one (1) new John Deere 544K Wheel Loader in the amount of \$136,267.00; John Deere Company, Cary, NC

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

Roger Rousse, Director of DPS/Engineering, stated that normally this equipment is on a ten-year replacement cycle; and the current wheel loader was extended to 15 years. He commented that the current wheel loader will soon need significant expensive repairs; therefore, the Administration would like to replace it while it still has some resale value.

Public Comment:

Scot Beaton, 655 Bolinger, expressed support for the purchase and stated that the extension of the lifecycle of the current wheel loader shows the dedication of the DPS personnel in caring for this equipment.

A motion was made by Brennan, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0091-2010

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) new John Deere 544K Wheel Loader from John Deere Company, Cary, North Carolina in the amount of \$136,267.00.

2010-0133 Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for calcium chloride in the amount not-to-exceed \$110,000.00 through December 31, 2010; Liquid Calcium Chloride Sales, Kawkawlin, MI

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

Roger Rousse, Director of DPS/Engineering, stated that the Chloride application amount is 1,500 gallons per mile of through streets and 1,000 gallons per mile of dead-end streets. He explained that the program begins the first week of May.

Council questions included the following:

- Why Suburban Oil's quote was not considered further.
- Whether the calcium chloride compound applied is similar to what is used to wet the streets prior to snow storms.
- Does the City treat County roads.
- Are any materials left over from last year.

Mr. Rousse responded with the following:

- Suburban Oil bid brine, with an application rate that was double. Last year, there were complaints of significant tracking, puddling and damage to vehicles.
- The calcium chloride used to treat gravel roads in summer is not similar to the compound used in winter.

- The County has a cost-sharing program for application to County roads and charges per 1,000 linear foot. All costs come out of the Local Road Fund.
- The purchase is done now as this is the time of year that the City will get the best price. The City is obligated to purchase a certain volume in order to get the best price, and any leftover material is stockpiled and used the following year. The City generally uses the amount purchased each year.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0092-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Liquid Calcium Chloride Sales, Kawkawlin, Michigan in the amount not-to-exceed \$110,000.00 through December 31, 2010.

- 2010-0147** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for rock salt for the winter season 2010-2011 in the amount not-to-exceed \$260,040.00 through June 30, 2011; Detroit Salt Company LLC, Detroit, MI

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

Roger Rouse, Director of DPS/Engineering, noted that salt is purchased now for optimum pricing and is covered and stockpiled in the DPS yard. He stated that the City must guarantee the purchase of a minimum volume.

A motion was made by Brennan, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0093-2010

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Detroit Salt Company LLC, Detroit, Michigan for the purchase of rock salt for the winter season 2010-2011 in the amount not-to-exceed \$260,040.00 through June 30, 2011.

- 2010-0156** Request for Authorization to refund all or part of the outstanding Building Authority General Obligation Limited Tax Bonds, Series 2002

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

Keith Sawdon, Director of Finance, stated that the Administration reviewed all of the City's bonds to determine where money can be saved. To date, one bond has been refunded and another defeased. Recently, the Building Authority Bonds became good candidates for refunding. He explained that in March, it was estimated that refunding would save over \$300,000 net present value and 4.5 percent of the refunded amount. Since then, the market has moved somewhat less favorably and the estimated savings have evaporated. Approval, however,

will allow the paperwork to move forward; and if the market improves, the City will be in a position to act.

Mr. Sawdon noted that these are Building Authority Bonds, not City bonds; and the City pledges full faith and credit toward those bonds by leasing the building. Currently the City leases this building and will do so until the bonds are satisfied. He stated that the Building Authority will meet Wednesday, April 14th, at 5:00 p.m. to consider the actual bond refunding resolution. He commented that the hope is to achieve approximately \$300,000 in savings for the City and bring the debt load down. He explained that when the City refunded the OPC Building Bonds, there was a savings that appeared in the millage rate to be spread to the residents. He stated that this is a limited tax bond, and any savings achieved will pass through the Facilities Fund to the funds that rent space in the building. The taxpayers will benefit as the City's operations costs will go down.

Mr. Rosen questioned what would occur if the conditions do not turn favorable.

Mr. Sawdon responded that in that case, the bonds would not be refunded. He noted that on March 17, 2010, it was estimated that a savings of \$363,000 current value and a \$312,000 net present value could be realized. He explained that the while market has shifted approximately 50 basis points in 30 days; the Administration believes that refunding can still be accomplished in the next 90 days.

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

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0094-2010

Whereas, pursuant to the provisions of Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"), the City of Rochester Hills (the "City") and the Rochester Hills Building Authority (the "Authority") have entered into a contract of lease dated as of February 1, 2002 (the "Contract of Lease") relative to the acquisition, construction, furnishing and equipping by the Authority of an addition and improvements and renovations to the City Hall of the City for lease to the City; and

Whereas, pursuant to the Contract of Lease and the provisions of Act 31, the Authority has issued its Building Authority Bonds, Series 2002 (the "Prior Bonds"); and

Whereas, the Prior Bonds remain outstanding in the aggregate principal amount of \$7,000,000, mature in various principal amounts in the years 2011 through 2021 and bear interest at rates per annum which vary from 4.125% to 4.75%; and

Whereas, the City and the Authority have been advised that the Prior Bonds could be refunded, in whole or in part, to secure savings for the City and thereby benefit the taxpayers of the City; and

Whereas, Section 11(1) of Act 31 and Part VI of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorize the issuance of building authority refunding bonds for the purpose of refunding all or a portion of the Prior Bonds; and

Whereas, the City Council of the City has determined that it is in the best interest of the City to secure savings for the City through the issuance by the Authority of such building authority refunding bonds.

Now, Therefore, Be It Resolved that:

1. The Authority is requested and authorized to issue its building authority refunding bonds in the aggregate principal amount of not to exceed \$7,500,000 (the "Refunding Bonds") pursuant to the provisions of Act 31 and Act 34 for the purpose of refunding all or part of the Prior Bonds and paying the costs of issuing the Refunding Bonds, provided that the present value of the savings (net of issuance costs) to be realized by the issuance of the Refunding Bonds shall be equal to or greater than 2.0% of the principal amount of the Prior Bonds to be refunded and in any event no less than \$100,000.
2. The proceeds of the Refunding Bonds shall be sufficient, together with other funds available to the City, if any, to pay the costs of issuing the Refunding Bonds and to establish an escrow fund in an amount that will be sufficient to pay the principal of, interest on and redemption premiums, if any, on the Prior Bonds to be refunded without further payment by the Authority.
3. The City covenants and agrees to continue to make payments to the Authority, in accordance with the requirements of the Contract of Lease, said payments to be in amounts sufficient to pay the principal of and interest on any of the Prior Bonds that are not refunded and on all Refunding Bonds as the same shall become due and all paying agency fees and other expenses and charges that are payable on account of the Prior Bonds that are not refunded and the Refunding Bonds. The City acknowledges and agrees that its obligations as set forth in the Contract of Lease shall continue for the Refunding Bonds and the Authority shall have all rights and remedies set forth in the Contract of Lease to enforce the obligations of the City with respect to the Refunding Bonds in the same manner and to the same extent that such rights and remedies are available with respect to the Prior Bonds.
4. The City specifically (but not by way of limitation) reaffirms its pledge of its full faith and credit for the payment of its obligations with respect to the Refunding Bonds and its obligation to levy taxes within existing constitutional, statutory and charter limitations for the making of the cash rental payments to the Authority in amounts sufficient to enable the Authority to pay the principal of and interest on any of the Prior Bonds which are not refunded and the Refunding Bonds in accordance with the provisions of the Contract of Lease.
5. The Mayor, the City Clerk, the Finance Director, the Treasurer, and other officials of the City are hereby authorized to take such steps on behalf of the City as are necessary to effectuate the refunding of all or part of the Prior Bonds as set forth herein.
6. The Mayor and the City Clerk are hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Refunding Bonds pursuant to paragraph (b)(5) of SEC Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, and amendments to such certificate from time to time in accordance with the terms of such 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 the Continuing Disclosure Certificate.
7. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber reported that the OPC Board met on April 1, 2010, and adopted changes to its policy regarding the endorsement of political candidates. He noted that the changes are not structurally different, but were recommended by City Attorney John Staran to bring the policy in compliance with State Election Law. He stated that the OPC Board will meet on April 29, 2010, to solidify the August ballot language for renewal of the expiring OPC millage; and stated that a discussion regarding the renewal would be brought to a City Council meeting in May.

Police and Road Funding Technical Review Committee (PRTRC):

Mr. Webber reported that the PRTRC will meet again on April 21, 2010.

Water and Sewer Technical Review Committee (WSTRC):

President Hooper reported that the WSTRC met on March 31, 2010 to discuss water and sewer rates and explained that double-digit increases are expected again for 2011. At that meeting, the WSTRC passed a resolution regarding water reservoirs, which was distributed to Council this evening for their review.

ANY OTHER BUSINESS

2010-0066 Water and Sewer Technical Review Committee recommendation for City Council to continue to consider the Water Reservoir Program

Attachments: [Agenda Summary.pdf](#)
[W&S Tech Rev Cmte Recommendation.pdf](#)
[Resolution.pdf](#)
[Suppl WSTRC Resolution 033110.pdf](#)
[Suppl Staran Letter 040810.pdf](#)

Mr. Pixley stated that Council should place the Water Reservoir discussion on an upcoming agenda. He questioned whether the Administration could identify alternate sites for the eastern location, along with investigating funding options for the reservoirs. He noted after review of a letter prepared by City Attorney Staran discussing Nowicki Park as a western location, the Park seems to be a well-isolated, potentially-appropriate location for a reservoir.

President Hooper questioned how long the Administration needs to prepare this information.

Mayor Barnett responded that the Administration should be able to have

something ready to present to Council by the first or second meeting in May.

Mr. Rosen commented that Council might be rushing consideration of water reservoirs; and stated that while he did not have a problem with additional discussion, he would like to see more public education undertaken first. He commented an education program could potentially achieve similar success as Census efforts have yielded, resulting in a reduction to either the size of the reservoirs needed, or the finding that reservoirs are not needed.

Mr. Webber suggested that alternative sites for both locations be reviewed.

Mayor Barnett reported that the City is contacting the top 100 water users, reminding them of the Ordinance and providing information regarding their usage.

President Hooper allowed additional Public Comment:

Scot Beaton, 655 Bolinger, commented that in his discussions with residents along John R, he did not encounter any negative opinion on locating a water reservoir within Bloomer Park. He stated that the water tower located in Birmingham is part of a consortium and suggested that the City might consider involving adjoining communities.

A motion was made by Pixley, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 6 - Brennan, Hooper, Klomp, Pixley, Rosen and Webber

Absent 1 - Yalamanchi

Enactment No: RES0097-2010

Resolved, that the Rochester Hills City Council schedule a continued discussion on the water reservoirs for an early-May 2010 meeting and direct the Administration to prepare alternative sites and costs for both site locations for future discussion.

NEXT MEETING DATE

Regular Meeting - Monday, April 19, 2010 - CANCELLED.

Regular Meeting - Monday, April 26, 2010 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:56 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

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

Approved as presented at the (insert date, or dates) Regular City Council Meeting.