



Rochester Hills

Minutes

City Council Regular Meeting

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

*Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdell,
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, September 16, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:05 p.m. Michigan Time.*

ROLL CALL

Present 6 - Greg Hooper, Nathan Klomp, Adam Kochenderfer, James Rosen, Mark Tisdell
and Michael Webber

Absent 1 - Ravi Yalamanchi

Others Present:

Ed Anzek, Director of Planning and Economic Development

Tina Barton, City Clerk

Jim Breuckman, Manager of Planning

Scott Cope, Director of Building/Ordinance Compliance

Kurt Dawson, Director of Assessing/Treasury

Pamela Gordon, Director of Human Resources

Bob Grace, Director of MIS

Mike Hartner, Director of Parks and Forestry

Jordan-Akil Hunter, Rochester Hills Government Youth Council Representative

Captain Michael Johnson, Oakland County Sheriff's Office

Tara Presta, Chief Assistant

Charnele Sanders, Youth Council Liaison

Keith Sawdon, Director of Finance

Allan Schneck, Director of DPS/Engineering

John Staran, City Attorney

Pam Valentik, Manager of Economic Development

*Mr. Yalamanchi provided notice that he would be unable to attend tonight's
meeting.*

Mayor Barnett provided notice that he would be unable to attend tonight's meeting.

PLEDGE OF ALLEGIANCE

Mr. Tisdell introduced Gladys McKenney, EdD, and he noted that she is one of nine 2013 inductees into the Michigan Women's Hall of Fame. He stated that Dr. McKenney taught women's history as a classroom teacher for many years; and through her "Our Fabulous Foremothers" performances brings historic events to life with the use of her own handmade dolls representative of important women in American history. He noted that Dr. McKenney has been lecturing and speaking during the past ten years after her retirement from Rochester High School and is an advocate of women's rights in the state.

Dr. McKenney led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

Absent 1 - Yalamanchi

PUBLIC COMMENT

Mary Jo VanNutter, representing Rizzo Environmental Services, requested Council open bidding for the upcoming expiring single waste hauler contract to allow other companies to provide quotes. She read from a letter from Mr. Rizzo, and listed several services that her company could provide. She commented that bidding the contract out could result in lower costs to residents.

Deborah Whyman, representing Citizens for Accountable Government, stated that today's Detroit Free Press reported that several Council members voiced their opposition to competitive bidding for the single waste hauler contract. She noted that her organization conducted a poll of Rochester Hills residents, the results of which indicated that Council should bid out the contract. She commented that Rochester Hills residents pay more than residents in adjoining communities. She questioned whether closed-door decisions have been made regarding this contract.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

In response to Public Comment, President Hooper noted that the original single waste hauler contract was bid out five years ago, and resulted in a five-year contract with a five-year option. He stated that the Solid Waste Committee did meet and noted that Council will take up the contract discussion at the September 30, 2013 meeting. He stated that he takes issue with public comment implying that the process was not undertaken in an open forum.

Mr. Webber reported that the Paint Creek Center for the Arts held a successful Art and Apples Festival on September 6th through 8th, with great attendance numbers. He announced that the Brookside Way Half Marathon is slated for Sunday,

September 29th, and requested that residents and motorists plan accordingly for the temporary road closures.

Mr. Kochenderfer noted that during Public Comment, the representative from Rizzo Environmental Services implied that the City should rethink its position on the single waste hauler contract. He stressed that Council has not yet taken any position on the negotiations that have taken place. He commented that the issue is still under discussion and negotiation, and stated that the harder that Rizzo Environmental Services pushes the issue, the more ammunition it provides to the City in its current negotiations. He noted that City Council will give the issue full consideration.

Mr. Tisdell referred to Public Comment regarding recent newspaper articles, and likened it to an old quote by Will Rogers, stating that he knows nothing about the topic except what he reads in the paper.

Jordan Akil-Hunter, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the 2013-2014 RHGYC held its first meeting, with its eight returning members welcoming seven new members. He noted that committee assignments were made at the meeting. He commented that the RHGYC is planning for future events and projects, including a Safe Driving Campaign and the Rochester Hometown Christmas Parade.

ATTORNEY MATTERS

None.

RECOGNITIONS

2013-0309 Recognition of Drive 4 Pledges Day - September 19, 2013

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

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

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

Absent 1 - Yalamanchi

Enactment No: RES0176-2013

Whereas, texting has become the way many people communicate today, which means some people are doing it at the worst possible time - while driving; and

Whereas, texting while driving is involved in over 100,000 motor vehicle crashes each year, often causing injuries and deaths; and

Whereas, those who text while driving are 23 times more likely to be involved in some type of safety critical event as compared to those drivers who don't text while they drive; and

Whereas, in 2009 AT&T launched the public awareness campaign "It Can Wait" to educate the public about the dangers of texting while driving by encouraging consumers to take the personal pledge not to text while driving.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills designates September 19, 2013 as "Drive 4 Pledges Day" to focus attention on the dangers of texting while driving, and

Be It Further Resolved, that the Mayor and City Council have taken the personal pledge to not text and drive, support efforts to raise public awareness about the dangers of texting while driving and encourage others to take the pledge not to text and drive.

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.

2013-0275 Approval of Minutes - City Council Regular Meeting - July 15, 2013

Attachments: [CC Min 071513.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0177-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 15, 2013 be approved as presented.

2013-0298 Approval of Minutes - City Council Special Meeting - July 29, 2013

Attachments: [Special Mtg Min 072913.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0178-2013

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on July 29, 2013 be approved as presented.

2013-0299 Approval of Minutes - City Council Regular Meeting - July 29, 2013

Attachments: [CC Min 072913.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0179-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 29, 2013 be approved as presented.

2013-0320 Approval of Minutes - City Council Regular Meeting - August 12, 2013

Attachments: [CC Min 081213.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0180-2013

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 12, 2013 be approved as presented.

2013-0323 Request for Acceptance of an Amendment to the Watermain Easement granted by Continuum Care Campus Association, a Michigan non-profit corporation, for Oakmont Boulevard Hills Nursing Center

Attachments: [Agenda Summary.pdf](#)
[Amended WM Easement Appd 082613.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0181-2013

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an amended watermain easement granted by Continuum Care Campus Association, a Michigan non-profit corporation, 25480 Telegraph Road, Suite 100, Southfield, Michigan 48033, for Oakmont Boulevard Hills Nursing Center, for the construction, operation, maintenance, repair and/or replacement of a watermain, over, on, under, through and across land more particularly described as Parcel Nos. 15-31-378-001, 002 & 003.

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

2013-0324 Request for Acceptance of the Amendment to the Sanitary Sewer Easement granted by Continuum Care Campus Association, a Michigan non-profit corporation, for Oakmont Boulevard Hills Nursing Center

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0182-2013

Resolved, that the Rochester Hills City Council hereby accepts the amendment of the sanitary sewer easement granted by Peachwood, Pomkal Assisted, Pomkal, and Continuum Care Campus Association, a Michigan non-profit corporation, 25480 Telegraph Road, Suite 100, Southfield, Michigan 48033, for Oakmont Boulevard Hills Nursing Center, for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer Main, over, on, under, through and across land more particularly described as Parcel Nos. 15-31-378-001, 002 & 003.

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

- 2013-0325** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills and Continuum Care Campus Association, a Michigan non-profit corporation, for Oakmont Boulevard Hills Nursing Center

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0183-2013

Resolved, that the Rochester Hills City Council hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Continuum Care Campus Association, a Michigan non-profit corporation, 25480 Telegraph Road, Suite 100, Southfield, Michigan 48033, for Oakmont Boulevard Hills Nursing Center.

- 2013-0295** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills, Taco Bell, and Claridge Properties, a Michigan limited partnership

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0184-2013

Resolved, that the Rochester Hills City Council hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Claridge Properties, a Michigan limited partnership, 6733 Bloomfield Lane, West Bloomfield, MI 48322-3944, for Taco Bell.

- 2013-0334** Request for Approval of the Storm Water Maintenance Agreement between the City of Rochester Hills and Patrick and Gwen Bismack, for Grace Park Subdivision

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0185-2013

Resolved, that the Rochester Hills City Council hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Patrick Bismack, a married man, and Gwen Bismack, his spouse, 2742 Powderhorn Ridge, Rochester Hills, MI 48309, for Grace Parc Subdivision.

- 2013-0300** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for auto and truck parts in the amount not-to-exceed \$78,510.00 through July 31, 2016; Motown Automotive, Farmington Hills, MI; Genuine Parts Company/NAPA Detroit, Romulus, MI; other auto parts vendors

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0186-2013

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for auto and truck parts to Motown Automotive, Farmington Hills, Michigan, Genuine Parts Company/NAPA Detroit, Romulus, Michigan and other auto parts vendors in the amount not-to-exceed \$78,510.00 through July 31, 2016.

2013-0337 Request for Purchase Authorization - DPS/FLEET: Purchase of one (1) new 2 Yard 4x4 Dump Truck in the amount of \$69,848.00; Jorgensen Ford Sales, Inc., Detroit, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0187-2013

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) new 2 Yard 4x4 Dump Truck from Jorgensen Ford Sales, Inc., Detroit, Michigan, in the amount of \$69,848.00.

2013-0340 Request for Approval to Add Delinquent Charges to the 2013 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0188-2013

Resolved, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2013 Winter Tax Roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2013 Winter Tax Roll.

Roll/Fund	Total	Ordinance
Delinquent W/S Charges	\$1,082,308.53	Ch. 102-92.(b)
Water/Sewer Fund		
Delinquent Weed Control	\$ 16,247.99	Ch. 106-125.(e)
General Fund		
Delinquent SAD	\$ 10,112.62	Ch. 90-114.(b)
Local Street Fund		
Delinquent Costs Incurred	\$ 5,695.20	Ch. 90-30.(d)
Temporary Safeguards		
General Fund		
Delinquent False Alarms	\$ 17,127.50	Ch. 42-65.(f)(2)
Special Police Fund		

Delinquent Solid Waste Collection Allied Waste Services	\$ 203,326.18	Ch. 86-103.(4) and .(5)
Delinquent Costs Incurred Sidewalk Replacement Local Street Fund	\$ 114.70	Ch. 94-143.(b)(2)

2013-0345 Request for Approval of FY 2014 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$69,806.00

Attachments: [Agenda Summary.pdf](#)
[Letter from SMART.pdf](#)
[FY 2014 SMART Contract.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0189-2013

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal Year 2014 Municipal Credits to the Older Persons' Commission as presented.

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

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 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell and Webber

Absent 1 - Yalamanchi

PUBLIC HEARINGS

2013-0284 Public Hearing for the City of Rochester Hills Proposed Fiscal Year 2014 Budget

Attachments: [Agenda Summary.pdf](#)
[Straw Poll Results.pdf](#)
[091613 Agenda Summary.pdf](#)
[081913 Agenda Summary.pdf](#)
[081913 Budget Presentation Schedule.pdf](#)
[082613 Budget Presentation Schedule.pdf](#)
[081213 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Suppl Budget Overview Presentation.pdf](#)
[Public Hearing Notice.pdf](#)
[081213 Resolution.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, noted that the proposed Budget was presented to Council at its August 12th Regular Meeting, with Budget discussions held at Special City Council Meetings on August 19th and August 26th. He explained that questions and comments raised during the Budget discussions were included in a Straw Poll to Council, with the results of the Poll incorporated into the proposed Budget. He noted that the next step in the process is to hold the Public Hearing.

President Hooper Opened the Public Hearing at 7:22 p.m.

Erin Howlett, 3597 Aynsley Drive, expressed her thanks to the City for a successful "Stagger Your Start" water use campaign. She mentioned that page 319 of the Proposed Budget incorrectly listed the result of the Parks Charter Amendment vote, noting that it was approved by an 88 percent of those voting. She suggested that the City has many opportunities to hold public hearings on the Budget and other topics of interest and suggested that more be incorporated into City Council's regular meetings.

Seeing No Further Public Comment, President Hooper Closed the Public Hearing at 7:26 p.m.

Council Discussion:

In response to Public Comment, **President Hooper** noted that Public Hearings are held on amendments to the Budget each quarter.

Mr. Sawdon added that the Administration does its best to communicate with the public, including providing information on the City's website and in the Hills Herald publication.

Mr. Webber noted that a request to schedule a future public hearing is set for later in this evening's agenda. He requested City Attorney Staran comment on the requirement to hold public hearings on various topics.

John Staran, City Attorney, commented that he has heard discussion that there was no public hearing held for the Green Space ballot proposal appearing on the November ballot, and noted that no formal public hearing was required for that.

President Hooper commented that all City meetings are open and advertised to the public and noted that the only difference for a formal public hearing is the

publication of a notice in the City's Official Newspaper of record. He added that he has been on Council for seven-and-a-half years and in that time, only one resident faithfully attends the public meetings on the Budget. He stated that the Budget is the most important issue Council faces. He commented that while he is not opposed to holding public hearings, he does not believe that they will generate any different level of interest. He questioned whether any Council member had any additional comments on the Budget, noting that no vote would be taken tonight.

Mr. Rosen questioned whether the Straw Poll results will be incorporated.

Mr. Sawdon responded that the majority of the Straw Poll results have been incorporated into the Budget figures, and stated that all fund totals will be adjusted when the Budget comes back to Council for adoption.

Mr. Rosen questioned whether the Straw Poll results will be published.

President Hooper responded that the results will be included when the Budget comes back to Council for a vote.

Discussed.

2013-0336 Public Hearing for the 2013 Millage Rates (for FY 2014)

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

Keith Sawdon, Director of Finance, noted that the proposed Millage Rates are set at 9.7060.

President Hooper Opened the Public Hearing at 7:30 p.m.
Seeing no Public Input, President Hooper Closed the Public Hearing at 7:31 p.m.

President Hooper noted that this is the 15th year that the City will maintain the same millage rate. He commented that he is fully supportive of this and noted that he is not interested in raising taxes.

A motion was made by Webber, seconded by Kochenderfer, that the proposed 2013 Millage Rates be Adopted by Resolution. The motion carried by the following vote:

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

Absent 1 - Yalamanchi

Enactment No: RES0190-2013

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

Whereas, at its August 12, 2013 meeting City Council acknowledged receipt from the Mayor of the Proposed 2014 Proposed Budget and 2015 and 2016 Projected Budgets and set a Public Hearing for September 16, 2013 at 7:00 p.m. to hear comments on the proposed budget plan; and

Whereas, at its September 16, 2013 meeting City Council held said Public Hearing and heard comments on the proposed budget and related millage rates.

Now, Therefore, Be It Resolved, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2013 to provide the tax revenues included in the Fiscal Year 2014 Proposed Budget:

Operating Millages	2013
General Fund (Charter)	3.6222
Local Street I (Voted)	0.3545
Local Street II (Voted)	0.4855
Fire Fund (Charter)	1.9564
Special Police I (Voted)	0.7823
Special Police II (Voted)	0.4260
Pathway (Voted)	0.1858
RARA Operating (Voted)	0.1950
OPC Operating (Voted)	0.2403
OPC Transportation (Voted)	0.0891
Green Space (Voted)	0.2972
Library Operating (Charter)	0.7823
Operating - Subtotal	9.4166
Debt Millages	
Chapter 20 Drain Debt	0.0426
OPC Building (Voted)	0.2468
Debt - Subtotal	0.2894
TOTAL MILLAGES	9.7060

The Total Millage rate of 9.7060 is per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and

Be it Further Resolved, the City Council hereby adopts the following Special Lighting Levies for the Christian Hills Subdivision at the rate of \$15.95 per lot or description; and for the Denison Acres Subdivision at the rate of \$4.27 per lot or description; and

Be It Further Resolved, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2013 Tax Rolls.

Be It Further Resolved, that the City Council hereby adopts the following proposed tax rate in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2013 to provide the tax revenues included in the Fiscal Year 2014 Proposed Budget.

ORDINANCE FOR INTRODUCTION

2013-0343 Acceptance for First Reading - an Ordinance to amend Section 90-69 of Chapter 90, Special Assessments, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to discontinue improvement proceedings; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[LF 2013-0040 Attachments.pdf](#)
[012813 CC Min excerpt.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, noted that a number of months back, Council directed the City Attorney to amend the Special Assessment District (SAD) Ordinance as a result of dialogue regarding Special Assessments.

Public Comment:

Lee Zendel, 1575 Dutton Road, commented that previous SADs brought before Council in the 1990s were resident-initiated. He pointed out that the Ordinance appears to allow a majority vote of Council to initiate an SAD. He urged Council to remove that option in the Ordinance language.

President Hooper questioned what changes were incorporated in the Amendment.

John Staran, City Attorney, responded that Council's authority to initiate an SAD has been in the City's Ordinance since its inception. He stated that in his tenure with the City, he is not aware of any SADs that the City has proceeded with that were not initiated by resident petition. He pointed out that the current Ordinance allows residents to submit petitions opposing an SAD. He explained that currently, if more than fifty percent of the affected residents oppose the project, Council can still move ahead with the SAD with a supermajority vote. The proposed Amendment will eliminate the Council supermajority override.

President Hooper stated that upon amendment of the Ordinance, if the residents do not want an SAD, it will die. He commented that Council should not enforce the SAD.

Mr. Schneck commented that he believes the Amendment is appropriate.

Mr. Webber noted that the Ordinance Amendment should be done first, and the SAD Policy will then be considered by Council at a future date.

Mr. Staran confirmed that the Ordinance Amendment is necessary in order to be able to amend the SAD Policy.

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

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

Absent 1 - Yalamanchi

Resolved, that an Ordinance to amend Section 90-69 of Chapter 90, Special Assessments, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to discontinue improvement proceedings; repeal conflicting or inconsistent Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

NEW BUSINESS

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

Attachments: [Agenda Summary.pdf](#)
[Map aerial.pdf](#)
[Review Comments.pdf](#)
[PC Minutes 082013.pdf](#)
[PSCPlans.pdf](#)
[OP PHN.pdf](#)
[Staff Report.pdf](#)
[TRP Notice.pdf](#)
[Resolution.pdf](#)

Roy Rathka, Developer, and **James Klinkenberger**, Fenn & Associates, Engineer for the project, were in attendance.

Jim Breuckman, Manager of Planning, noted that the proposed Regal Estates consists of a nine-unit single family site condominium development on three-and-a-half acres east of John R and north of Auburn, off Gravel Ridge. He stated that the development is compliant with all Codes and Ordinances, and received Planning Commission's recommendation for approval along with a Tree Removal Permit on August 20th.

President Hooper noted that the Planning Commission voted unanimously to support the project, with the conditions noted.

After the vote, **Mr. Rathka** requested that a sidewalk waiver be considered for the property along Demar Road.

Mr. Breuckman stated that the waiver can be handled along with final approval, noting that the sidewalk would connect to nothing.

President Hooper commented that he would see no objection and stated that the sidewalk waiver needs to go through the proper procedure for approval.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0191-2013

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Regal Estates, a 9-unit residential detached condominium development on 3.5 acres, located east of John R, north of Auburn, zoned R-4, One-Family Residential, Parcel No. 15-25-352-022, based on plans dated received by the Planning and Economic Development Department on August 12, 2013, with the following findings and conditions:

Findings:

1. Upon compliance with the following conditions, the proposed Preliminary Site Condominium Plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominium Ordinance.
2. Adequate utilities are available to properly serve the proposed development.
3. The Preliminary Plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be address on the plans may be incorporated on the Final Condominium Plan without altering the layout of the development.

Conditions:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit (LIP).
2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of an LIP.
3. Submittal of detailed landscape plans addressing Staff comments in item 3 of the Staff Report, prior to Final Approval by Staff.
4. Provide landscape cost estimates for landscaping, replacement trees and irrigation on the landscape plans, prior to issuance of an LIP.
5. Payment of \$1,800.00 into the Tree Fund for street trees, prior to issuance of an LIP.
6. Submit a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees and irrigation prior to issuance of an LIP.
7. Filing of conservation easements for all wetland, infiltration trench and Natural Features Setback areas prior to the issuance of an LIP.
8. Approval of all required permits and approvals from outside agencies must be obtained prior to issuance of an LIP.
9. Compliance with the Engineering Department memos dated June 11, 2013 and July 3, 2013, prior to Final Approval by Staff.
10. Temporary Natural Features Setback impacts from construction activities associated with Lot No. 5 or the proposed drainage Level Spreader structure must be restored to

original grade with original soils and seeded with a City approved seed mix, prior to issuance of an LIP.

11. The By-Laws and recorded easement for the Natural Features Setback area should stipulate a prohibition of buildings, decks, patios or other physical structures.

12. Relocate the replacement trees along the east side of the detention pond and along the west side of Lots 1, 2 and 3, prior to Final Approval by Staff.

2010-0495 Request to Schedule a Public Hearing regarding the request for an Industrial Facilities Exemption Certificate at 2923 Technology Drive (Otto Bock Polyurethane Technologies, Inc.)

Attachments: [Agenda Summary IFT 2013.pdf](#)
[Development Agreement 2013.pdf](#)
[Financial Analysis.pdf](#)
[Agenda Summary.pdf](#)
[Application.pdf](#)
[062413 Agenda Summary.pdf](#)
[Suppl Presentation 062413.pdf](#)
[022811 Agenda Summary.pdf](#)
[121310 Agenda Summary.pdf](#)
[112210 Agenda Summary.pdf](#)
[Development Agreement Draft.pdf](#)
[Suppl Development Agreement \(Revised\).pdf](#)
[Suppl Presentation 121310.pdf](#)
[Exhibit A 2008 Tax Exemption Chart.pdf](#)
[Application.pdf](#)
[Application Question 6a.pdf](#)
[Application Section 6b.pdf](#)
[Otto Bock Brief History.pdf](#)
[5 Year Analysis.pdf](#)
[112210 Resolution.pdf](#)
[121310 Resolution.pdf](#)
[022811 Resolution.pdf](#)
[Resolution.pdf](#)

Pam Valentik, Manager of Economic Development, noted that Otto Bock Polyurethane Technologies recently came before Council to present their progress and noted that they have far exceeded expectations since Council granted its initial exemption. She explained that the company has plans to expand its United States production capabilities and purchase additional equipment, and an application for personal property tax abatement was submitted. She noted that complete applications must be presented to the Michigan Tax Commission by October 31st, and stated that Council is requested to approve the scheduling of a Public Hearing for its September 30th meeting.

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

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

Absent 1 - Yalamanchi

Whereas, an Industrial Development District was established on September 6, 2006 at 2923 Technology Drive, also known as Parcel No. 15-30-477-012; and

Whereas, Otto Bock Polyurethane Technologies, Inc. filed an application for an Industrial Facilities Exemption Certificate on September 9, 2013; 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 its September 30, 2013 meeting; and

Be It Further Resolved, to authorize the City Clerk's office to publish notice of the Public Hearing in the Oakland Press on Wednesday, September 18, 2013; and

Be It Further Resolved to send a copy of the notice to Otto Bock Polyurethane Technologies, Inc., 2923 Technology Dr., Rochester Hills, MI 48309 no later than Wednesday, September 18, 2013; and

Be It Finally Resolved, to send a copy of the notice to all taxing jurisdictions and the City's Assessor no later than Wednesday, September 18, 2013.

2013-0339 Request for Purchase Authorization - BLDG/FACILITIES: Contract/Blanket Purchase Order for roof repairs and reconstruction at Fire Station #1 in the amount of \$84,330.00 with a 10% contingency of \$8,433.00 for a total not-to-exceed amount of \$92,763.00; Garland/DBS, Inc., Cleveland, OH

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

Scott Cope, Director of Building/Ordinance Compliance, noted that the Capital Improvement Plan included the reworking of the Fire Station #1 entry roof at an estimated \$30,000 18 months ago. He explained that during the bid process, upon inspection it was determined that other items needed to be addressed, which increased the project scope. He mentioned that the original project included 30 feet of roof, changing metal to membrane. Upon inspection, some leaks were noted on the standing metal roof area, and a determination was made to do the entire metal roof, encompassing 140 feet of roof, or 1,700 square feet. The drainage system will be increased from four inches to six inches and will be underground. Based on the increased scope, the cost increased from the estimate of \$30,000 to \$90,000. He stated that the project needs to be done as it has become a safety concern.

President Hooper questioned whether the subcontractor portions of the project were bid out.

Mr. Cope responded that the general contractor bid out the separate pieces of the project; and stated that while he assumes that they were all competitively bid, he would have to verify this to confirm.

Mr. Klomp made a motion to authorize the project. **Mr. Tisdell** supported the motion.

Mr. Webber suggested that approval be postponed until additional information on the subcontractor bids is obtained.

President Hooper questioned whether the timing of the project was such that approval could wait until the next meeting so information can be provided as to whether the other portions of the project were competitively bid.

Mr. Cope commented that he would have to check with the City's Purchasing Division. He noted that the contractor is ready to proceed upon approval. He stated that weather will become a challenge; and while he would prefer to see the project proceed, he could research the bids further and return with information.

Mr. Kochenderfer stated that it would make sense to postpone a decision.

The motion and second were withdrawn.

President Hooper noted that this item would be postponed to the September 30, 2013 meeting.

Postponed.

2011-0146 Request for Purchase Authorization - DPS: Increase to Blanket Purchase Order for shoulder right-of-way, detention basin and site distance mowing services in the amount of \$2,500.00 for a new not-to-exceed amount of \$155,000.00 through December 31, 2013; Kleen Kut, Gilbertsville, KY

Attachments: [Agenda Summary.pdf](#)
[040411 Agenda Summary.pdf](#)
[Proposals Tabulation.pdf](#)
[040411 Resolution.pdf](#)
[Resolution.pdf](#)

Allan Schneck, Director of DPS/Engineering, stated that the \$2,500 increase to the Blanket Purchase Order for mowing is required due to the wet spring. He stated that an additional mowing of some of the detention basins and pathways is required.

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 - Hooper, Klomp, Kochenderfer, Rosen, Tisdell and Webber

Absent 1 - Yalamanchi

Enactment No: RES0193-2013

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order to Kleen Kut, Gilbertsville, Kentucky for shoulder right-of-way, detention basin and site distance mowing services in the amount of \$2,500.00 for a new not-to-exceed amount of \$155,000.00 through December 31, 2013.

2013-0338 Request for Purchase Authorization - DPS/ENG: Contract for the 2013 Pathway Rehabilitation Program in the amount of \$273,697.00 with a 10% contingency of \$27,369.70 for a not-to-exceed amount of \$301,066.70; Pro-Line Asphalt Paving Corporation, Washington Township, MI

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

President Hooper stated that while he works in the construction industry and knows the firm involved, he has had no knowledge of the bid process and has no connection to the project. He commented that as such, he sees no need to recuse himself from discussion or vote on this item.

Allan Schneck, Director of DPS/Engineering, stated that the scope of work of the 2013 Pathway Rehabilitation Program includes rehabilitation of approximately 2.8 miles of pathway, along with the actual construction of 250 feet of pathway to close a gap on Tienken Road. He noted that while the cost is above the estimate, all three bidders are within 15 percent of each other. He stated that to make up the shortfall in the budget, approximately \$1 million in Fund Balance would be used.

President Hooper noted that some of the bid line items are not in line with previous years.

Mr. Schneck responded that additional treatments have been required when contractors run into roots underneath pathways. He commented that this contractor has performed work for several pathway programs and realizes that there is more work and effort in that bid item than in the previous program.

President Hooper stated that he would like the differences in the scope of work from previous programs noted.

Mr. Schneck noted that the bid items encompass more than just materials.

Mr. Webber questioned whether the engineer's estimate was prepared internally or by a consultant.

Mr. Schneck responded that the estimate is derived departmentally by staff. He commented that estimates are typically prepared for a two-mile rehabilitation program, and noted that this program encompasses eight-tenths of a mile longer.

Mr. Webber questioned whether the change in pricing will be used for future estimates.

Mr. Schneck responded that the engineer's estimate looks at previous projects along with a review of bid tabulations obtained from other agencies. He commented that in years past, there was not as much work for contractors and bids were more competitive. Now that the economy is improving and private developments are starting up again, the additional capacity no longer exists.

Mr. Webber stated that the community wants the pathway system to be complete.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0194-2013

Resolved, that the Rochester Hills City Council hereby authorizes a contract for the 2013 Pathway Rehabilitation Program to Pro-Line Asphalt Paving Corporation, Washington Township, Michigan in the amount of \$273,697.00 with a 10% contingency of \$27,369.70 for a not-to-exceed amount of \$301,066.70 and further authorizes the Mayor to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the bid 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.

2013-0344 Request for Purchase Authorization - CLERK'S: Increase to Blanket Purchase Order for monument/marker sales in the amount of \$25,000.00 for a new not-to-exceed amount of \$50,000.00 through December 31, 2013; Patten Monument Company, Comstock Park, Michigan

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

Tina Barton, City Clerk, stated that sales of monuments and markers have increased and the increase to the Blanket Purchase Order is necessary as there is less than \$300 left on the current Blanket Purchase Order.

President Hooper noted that this is a pass-through charge.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0195-2013

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order to Patten Monument Company, Comstock Park, Michigan, for monument/marker sales in the amount of \$25,000.00 for a new not-to-exceed amount of \$50,000.00 through December 31, 2013.

2013-0294 Request for Approval of funding in the amount of \$12,500.00 for an educational campaign relative to the Green Space Millage Proposal

Attachments: [Agenda Summary.pdf](#)
[081913 Agenda Summary.pdf](#)
[Ballot Language - Admin \(Updated\).pdf](#)
[Ballot Language - Admin.pdf](#)
[081213 Agenda Summary.pdf](#)
[Green Space Ballot Proposal.pdf](#)
[081213 Draft Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper stated that Council approved the inclusion of a ballot proposal on the November ballot at its August 19th meeting, at the request of the Green Space Advisory Board, to allow stewardship activities and cost of stewardship activities to be paid for by Green Space Millage funds. He noted that similar to Police and Road Funding Technical Review Committee's (PRFTRC) educational campaign last year to inform the residents of the ballot proposal, an educational piece is proposed, which would not advocate for a yes or no position.

Public Comment:

Lee Zendel, 1575 Dutton Road, stated that Council should let the proposal stand by itself and commented that calling this an educational piece could be construed as bending the law.

President Hooper requested City Attorney Staran comment on whether the educational pieces are vetted out to ensure compliance with the law.

John Staran, City Attorney, responded that the City has provided educational information a number of times. Each piece is vetted to ensure that the City is acting in compliance with campaign finance law. He explained that it is permissible to put forth educational material that is factual, fair, neutral and objective. He stated that the City should carefully stay away from anything unbalanced.

Mr. Tisdell stated that he can attest to the editing and degree of scrutiny that goes into the preparation of an educational piece as he assisted in the preparation of the PRFTRC's educational piece last year.

Mr. Webber commented that this is not done for every single item on a ballot. He stated that a piece was prepared for the Police Millage, as the PRFTRC discussed how confusing the proposal could be to a voter. He noted that the Green Space proposal is similar in nature. He stated that Council should not make a practice of issuing educational pieces every single time and commented that a straightforward issue does not warrant it.

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

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

Absent 1 - Yalamanchi

Enactment No: RES0196-2013

Resolved, that the Rochester Hills City Council authorizes funding in the amount of \$12,500.00 for an educational campaign relative to the Green Space Millage Proposal that will appear on the November 5, 2013 General Election Ballot.

COUNCIL COMMITTEE REPORTS

Older Persons' Commission (OPC):

Mr. Webber noted that the OPC Board met last week. He stated that according to the Inter Local Agreement, the municipalities need to approve the OPC Budget before October 1. He mentioned that Rochester and Oakland Township are currently scheduling meetings to review the OPC Budget. He stated that plans for additional parking at the OPC are going to Rochester's Planning Commission in October.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, September 30, 2013 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 8:08 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 November 11, 2013 Regular City Council Meeting.