



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

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

*David J. Blair, Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, Carol Morlan,  
Theresa Mungioli and David Walker*

**Vision Statement:** *The Community of Choice for Families and Business*

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

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Monday, April 11, 2022

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

**Present** 6 - David Blair, Susan M. Bowyer, Ryan Deel, Dale Hetrick, Carol Morlan and David Walker

**Absent** 1 - Theresa Mungioli

## Others Present:

*Bryan Barnett, Mayor  
Alan Buckenmeyer, Parks Manager  
Caroline Bull, Rochester Hills Youth Government Representative  
Ken Elwert, Parks and Natural Resources Director  
Tom Howley, Information Systems Director  
Kristen Kapelanski, Planning Manager  
Sara Roediger, Planning and Economic Development Director  
Allan Schneck, Public Services Director  
Leanne Scott, City Clerk  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Mike Viazanko, Building / Ordinance / Facilities Director*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

Absent 1 - Mungioli

## COUNCIL AND YOUTH COMMITTEE REPORTS

### Rochester Hills Government Youth Council (RHGYC):

**President Deel** introduced RHGYC Representative **Caroline Bull**.

**Ms. Bull** mentioned that she is a sophomore at Rochester Adams High School and that this is her second year serving on the RHGYC. She shared that at the last RHGYC meeting Councilwoman Mungioli was a guest speaker and she spoke on parliamentary procedures. She added that April is 'Parliamentary Law Month' and they learned a lot from Councilwoman Mungioli about running meetings and the procedures on making motions. She stated that the RHGYC is continuing to plan for their upcoming Cultural Togetherness Event that will take place on May 21, 2022 at Rochester Adams High School and that this event is free for the public to attend. She shared that the RHGYC has raised \$7,500 for the cultural event and their goal is \$12,000.

### Green Space Advisory Board (GSAB):

**Vice President Bowyer** stated that the GSAB Second Saturday Hikes are back. She shared that last Saturday, they hiked the Clover Port Green Space which is located on the east side of the Clinton River, just north of Rochester University. She announced the next GSAB Second Saturday Hike will be May 14, 2022 at the Harding Green Space at 10:00 a.m. She added that anyone interested in attending can meet at City Hall in the visitor parking lot by 10:00 a.m. and carpool to the property, or they can meet at the entrance to Harding Green Space. She pointed out that some portions of the hike can be strenuous and are not pet and stroller friendly.

### Older Persons' Commission (OPC):

**Mr. Hetrick** spoke about the following OPC events:

- 2nd Hand Jewelry Sale on May 12, 2022 - May 14, 2022 at various times.
- 650 Players presents the musical 'Going Global' starting May 14 through May 21, 2022. Tickets are \$15 and on sale now; call (248) 659-1029 for more information.

## RECOGNITIONS

2022-0171 Proclamation in Recognition of the Rochester Adams High School Competitive Cheer Team

Attachments: [041122 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** shared that the City of Rochester Hills has a unique story when it comes to competitive cheer. He stated that the legacy was extended last

*weekend when The Rochester Adams Varsity Cheer Team won the State Championship. He added that all three high schools' Varsity Cheer Teams in the Rochester Community School (RCS) District have won State Championships throughout the years. He shared that The Rochester Adams Varsity Cheer Team has won three titles back-to-back. He pointed out that their round one, two and three scores were not just the highest in Rochester Adams High School history, but also the highest in the State of Michigan history.*

*He presented **Coach Brooke Miller** and the **Rochester Adams Varsity Cheer Team** with a proclamation.*

***Coach Miller** stated that she is very proud of her team and not only are they all incredibly talented athletes, but they are also part of the Academic All-Star Athletes, because the team holds an average GPA of over a 3.8.*

**Presented.**

**Whereas**, Competitive Cheer is a high energy team-based performance sport that involves athletes performing elaborate routines composed of tumbling, stunting, pyramids, dance and cheer segments; and

**Whereas**, for an incredible third year in a row, Rochester Adams won the Michigan High School Athletic Association (MHSAA) Girls Competitive Cheer Division 1 Tournament, showing how hard they worked to be such a strong and prepared team; and

**Whereas**, at the state finals on March 5, 2022, Adams' scores for Round 1 (239.2), Round 2 (232.94) and Total (793.74) were not only the highest in school history but also in MHSAA state finals history; and

**Whereas**, the 2022 MHSAA Girls Competitive Cheer Division 1 State Champions, led by Head Coach Brooke Miller and Assistant Coach Jocelyn Welsh consists of the following Adams High School athletes:

Celeste Barnard	Carley Hedlund	Skylar Menzies
Trisha Bartolome	Lily Hittle	Peyton Regalado
Ava Bolin	Emilia Honingford	Alex Ris
Sophia Bondra	Laurel Kania	Megan Robinson
Katie Burgin	Anna Kelly	Ashley Rosati
Elizabeth Doran	Sabrina Lee	Julia Schultz
Destini Dorkins	Ella Malinowski	Cece Shea
Reese Falconer	Emma Maynard	Christina Truszkowski
Francesca Ford		

**Now, Therefore, Be It Resolved**, that on the occasion of their historic outstanding win, I congratulate the Rochester Adams High School Girls Varsity Competitive Cheer Team and wish each athlete all the best in her academic and extracurricular endeavors.

## ORDINANCE FOR INTRODUCTION

**2022-0189** Acceptance for First Reading - An Ordinance to Amend Sections 138-1.203, 138-4.415, 138-10.107, 138-10.310, 138-10.312, 138-11.102 and Chapter 2 of Article 10 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify public notice sign

requirements, to update standards for home occupations, to clarify swimming pool fence regulations, to update performance standards and relocate this section to the City Code, to institute a maximum parapet height, to update standards for residential parking, and to update exterior lighting standards, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations

**Attachments:** [042522 Agenda Summary.pdf](#)  
[041122 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Introduction Memo.pdf](#)  
[PC Minutes 031522 \(Draft\).pdf](#)  
[PC Minutes 011822.pdf](#)  
[PC Minutes 122121.pdf](#)  
[Public Hearing Notice.pdf](#)  
[041122 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

***Kristen Kapelanski***, Planning Manager, explained that this is the first reading for a variety of Zoning Ordinance amendments. She added that the Planning Commission and Planning Department has been working on these amendments over the last several months. She pointed out that the home occupation standards are being updated to more closely match how home businesses currently operate. She stated that the performance standards are being removed from the Zoning Ordinance and placed into the City Code of Ordinances. She added that the lighting standards have been updated to account for industry changes.

**President Deel** mentioned that he finds it appropriate to update some of these ordinances as things change from year-to-year.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

**Resolved**, that an Ordinance to amend Sections 138-1.203, 138-4.415, 138-10.107, 138-10.310, 138-10.312, 138-11.102, and Chapter 2 of Article 10 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify public notice sign requirements, to update standards for home occupations, to clarify swimming pool fence regulations, to update performance standards and relocate this section to the City Code, to institute a maximum parapet height, to update standards for residential parking, and to update exterior lighting standards, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations is hereby Accepted for First Reading.

**2022-0179** Acceptance for First Reading - An Ordinance to Add Article 4 to Chapter 46, Environment, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations

**Attachments:** [042522 Agenda Summary.pdf](#)  
[041122 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Introduction memo.pdf](#)  
[PC Minutes 031522 \(Draft\).pdf](#)  
[PC Minutes 011822.pdf](#)  
[PC Minutes 122121.pdf](#)  
[Public Hearing Notice.pdf](#)  
[041122 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Kristen Kapelanski**, Planning Manager, explained that this is the first reading to relocate and update the performance standards to the City Code of Ordinances. She added that there have been updates throughout this ordinance that address enforcement issues to bring the standards up-to-date on how the City operates.

**President Deel** mentioned that he had discussion with the Building Department to ensure that they are ready and able to enforce any issues and that they have the capabilities to do so.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

**Resolved**, that an Ordinance to add Article 4 to Chapter 46, Environment, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations, is hereby accepted for First Reading.

## ORDINANCE FOR ADOPTION

**2022-0109** Acceptance for Second Reading and Adoption - An Ordinance to Add Section 138-800, Temporary Moratorium, to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a temporary moratorium suspending the City's processing and acceptance of applications and plans for development, improvement, or alteration of land under Article 8 Flex Business Overlay Districts (FB-1, FB-2, AND FB-3) of the Zoning Ordinance, to prescribe a penalty for violations, and to repeal inconsistent or conflicting ordinances

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Moratorium.pdf](#)  
[Public Email Correspondence.pdf](#)  
[032122 Agenda Summary.pdf](#)  
[PC Minutes 031522 \(Draft\).pdf](#)  
[PC-CC Minutes 013122.pdf](#)  
[Memo Roediger 030922.pdf](#)  
[Public Comments.pdf](#)  
[Notice to Property Owners.pdf](#)  
[Public Hearing Notice.pdf](#)  
[032122 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Kristen Kapelanski, Planning Manager, stated that the First Reading was approved at the March 21, 2022 City Council Meeting and is before Council this evening for Second Reading and Adoption.*

**A motion was made by Hetrick, seconded by Walker, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:**

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0087-2022

**Resolved**, that an Ordinance to Add Section 138-800, Temporary Moratorium, to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a temporary moratorium suspending the City's processing and acceptance of applications and plans for development, improvement, or alteration of land under Article 8 Flex Business Overlay Districts (FB-1, FB-2, AND FB-3) of the Zoning Ordinance, to prescribe a penalty for violations, and to repeal inconsistent or conflicting ordinances is hereby Accepted for Second Reading and Adoption and shall become effective April 18, 2022 following its publication in the Oakland Press on Sunday, April 17, 2022.

## PLANNING AND ECONOMIC DEVELOPMENT

- 2021-0426** Request for Approval of the Final Site Condominium Plan - Camden Crossing Site Condominiums, a proposed 25-unit, detached single family condominium development on 9.36 acres located on the north side of Hamlin Rd., between Livernois and Rochester Rd., zoned R-3 One Family Residential with MR Mixed Residential Overlay District; Camden Crossing, Applicant

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Staff Report 030922.pdf](#)  
[Reviewed Plans Pt 1.pdf](#)  
[Reviewed Plans Pt 2.pdf](#)  
[PC Minutes 031522 \(Excerpt Draft\).pdf](#)  
[Letter from Applicant 022122.pdf](#)  
[Minutes CC 111521 \(Excerpt\).pdf](#)  
[111521 Agenda Summary.pdf](#)  
[PC Minutes 101921 \(Excerpt Draft\).pdf](#)  
[Staff Report 101921.pdf](#)  
[EIS received 072319.pdf](#)  
[Applicant Response Letter 082421.pdf](#)  
[Assessing Memo 012721.pdf](#)  
[ASTI Letter 012821.pdf](#)  
[WRC Letter 072619.pdf](#)  
[Nunez Response Ltr 110321.pdf](#)  
[Updated Landscape Plans 110321.pdf](#)  
[Site Plans Pt 1 101921.pdf](#)  
[Site Plans Pt 2 101921.pdf](#)  
[Site Plans Pt 3 101921.pdf](#)  
[Color Illustrative Site Plan.pdf](#)  
[Elevation.pdf](#)  
[Public Hearing Notice.pdf](#)  
[111521 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Kristen Kapelanski**, Planning Manager, **Jim Polyzios** on behalf of Camden Crossing, and **Ralph Nunez** from Nunez Design were present.

**Ms. Kapelanski** explained that the Applicant is seeking approval of the final site condo for a 25-unit detached single family development on the north side of Hamlin Road under the MR Overlay District. She pointed out that the Planning Commission recommended approval of the final site condo on March 15, 2022 and City Council approved the preliminary site condo in November 2021. She noted that there have been no substantial changes between the preliminary approval and the proposed final site condo plan.

**Mr. Nunez** thanked the Planning Department, Engineering Department and Forestry Department for their assistance with the site plan.

**Vice President Bowyer** thanked Mr. Nunez and Mr. Polyzois for a beautiful development that includes a pathway, congregation area and open spaces.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0088-2022

**Resolved**, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Camden Crossing Site Condominiums, a proposed 25-unit, detached single family condominium development on 9.36 acres located on the north side

of Hamlin Rd., between Livernois and Rochester Rd., zoned R-3 One Family Residential with MR Mixed Residential Overlay District, Parcel Nos. 15-22-451-029, 15-22-451-002 and part of 1-22-451-022 with the following findings and subject to the following conditions:

**Findings:**

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominiums.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by City Council on November 15, 2021.

**Conditions:**

1. The following items must be addressed prior to issuance of a land improvement permit: submission of condominium documents including the Master Deed and Bylaws, to be reviewed by the City Attorney; Engineering approval of all permits and agreements; and inspection and approval of tree protection and silt fencing by the City.
2. The land improvement permit must be issued prior to any trees being removed onsite.
3. Provide a landscape bond in the amount of \$170,515.45, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
4. Compliance with all outstanding staff review comments, if any, prior to final approval by staff.

- 2021-0469** Request for Conditional Use Approval to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Michael Thompson, Stucky Vitale Architects, Applicant



**Attachments:** [041122 Agenda Summary.pdf](#)  
[Site Plans Pt 1 032322.pdf](#)  
[Site Plans Pt 2 032322.pdf](#)  
[Elevations.pdf](#)  
[PC Minutes 031522 \(Draft\).pdf](#)  
[PC Minutes 021522.pdf](#)  
[PC Minutes 111621.pdf](#)  
[Staff Report 030922.pdf](#)  
[Staff Report 021522.pdf](#)  
[Staff Report 111621.pdf](#)  
[TIS Response letter 012022.pdf](#)  
[MDOT letter 011722.pdf](#)  
[TIS 092921.pdf](#)  
[EIS 032221.pdf](#)  
[Public Comments.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Alternate Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Kristen Kapelanski**, Planning Manager, **Michael Thompson** and **John Vitale**, Stucky Vitale Architects, were present.

**Ms. Kapelanski** explained that the Applicant is proposing to demolish the existing Barnes and Noble building on Rochester Road to construct a mixed use development that would include a four-story development with one-story of ground level retail and a drive-through restaurant. She added the site is currently zoned B3 with the FB-3 Overlay and the Applicant is requesting to develop under the FB-3 Overlay zoning. She noted that a conditional use permit is required for the proposed drive-through, and that the site layout generally meets all the provisions of the Zoning Ordinance with the exception of required right-of-way plantings that were modified based on utility conflicts. The Planning Commission approved the site plan and the tree removal permit and made a positive recommendation of the conditional use permit at their March 15, 2022 meeting. She pointed out that there were two conditions the Planning Commission attached to the site plan approval that have been satisfied. She noted the first condition was that the pavement markings shown on the renderings be carried over to the plan set and that the second condition was that the area at the drive-through exit be revised to better clarify the walkway and to screen headlights exiting the drive-through.

**Mr. Vitale** presented a slide show of the proposed development and stated that they have worked hard with the City to make a safe drive-through development. He added that they have received approvals from the Michigan Department of Transportation (MDOT) and the Engineering Department. He explained that this is a mixed-use development with 94 residential units with a courtyard. He shared that they modified the building size to move the drive-through to the north to accommodate oncoming traffic concerns, and added that the drive-through is 140-feet from Rochester Road. He noted that the drive-through tenant will be a 'fast casual' restaurant not a 'fast food' restaurant. He stated that they have added markings on the pavement as additional traffic safety measures and included bollards and additional landscaping on the island. He added that there are two drive-through lanes; one designated for pick-up only and one for ordering at the drive-through.

**Vice President Bowyer** shared that she still has issues with the drive-through, but the rest of the development is beautifully designed. She stated that she is glad to see the carports and loading areas added to the site plan. She mentioned that the drive-through design is going to be a conflict with traffic from Rochester Road and noted that she had requested changes that she does not see on the revised site plan. She recommended one-way traffic into the parking lot for the drive-through traffic to eliminate potential traffic hazards. She stated the courtyard is beautiful; however, there will be cars lined up around the courtyard from the drive-through which is a nuisance. She added that the apartments above the drive-through restaurant will look down from their balcony and see traffic from the business. She stated she is not in favor of this development with the drive-through as proposed.

**Mr. Vitale** stated the distance from the drive-through exit is 140-feet; therefore, there should not be a conflict with traffic from Rochester Road. He mentioned that they have worked with a traffic consultant to make sure there would not be any traffic conflicts. He added that they feel it is a safe drive-through and that they have taken all the precautions to make sure it is safe.

**Vice President Bowyer** asked if there is a similar drive-through development that Council can look at for comparison to show that there are no traffic conflicts. She mentioned that the Gateway Plaza and the Starbucks at Rochester Road and Auburn Road both had been redesigned to not conflict with traffic. She reiterated that she has never seen a development like this and is concerned about safety.

**Mr. Vitale** stated there are a lot of fast food restaurants with drive-throughs that are developed similar to this drive-through. He added based on the size of this property, the traffic consultants felt that full ingress and egress drive-way entrances from Rochester Road were important for safety.

**Mr. Walker** questioned if this development has a residential component in the front and in the back and if the drive-through is between the two components.

**Mr. Vitale** responded that there are residential units in the back, retail units in the front and residential units in the upper front of the development. He added that the residential component is married to the retail component by a bridge and that there would be access to the street from the north and south of the building.

**Mr. Walker** inquired about residents walking from the front of the development to the back of the development and whether this could be safely walk-able with a drive-through in the middle of the residential components. He also questioned whether a tenant has been acquired for the drive-through portion of the development and if there are restrictions on the type of tenant based on traffic concerns. He noted that he is also concerned about traffic as well as the safety of residents and visitors in this area.

**Mr. Vitale** responded that there is an interest for occupancy for the drive-through development, but they do not have a specific tenant to announce.

*He added that the developer is looking for a 'fast casual' tenant, and that this is a conditional use approval that could be rescinded if it does not work out. He mentioned regardless of the drive-through, they still anticipate traffic in and out of the development based on the mixed-use.*

**President Deel** shared that he also has similar safety concerns with this development and stated that the Zoning Ordinance has the following five factors that Council must look at when considering an approval:

- *He stated the first factor is 'the promotion of the intent and purpose' and Council always considers the promotion of the health, safety and welfare of the residents and that is the most important factor. He pointed out that the courtyard in this development will be utilized by the residents that live there and is right next to the proposed drive-through that will have a consistent flow of traffic. He expressed that the courtyard with the drive-through nearby creates a safety hazard that is unacceptable. He added that with 94 apartment units, there will be vehicles from the occupants coming and going that will be competing with the drive-through traffic that would also create a safety concern.*
- *He stated the second factor is 'that it will be designed, constructed, operated, maintained and managed as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land or natural environment, the capacity of the public services facilities affected by the land use'. He shared that he cannot find another development that has this concept of residential, retail and a drive-through that can be used as a comparison to show that this development is safe.*
- *He stated that the third factor is 'will be served adequately by essential public facilities and services, such as highways, street, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service'.*
- *He stated the fourth factor is 'will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare'. He reiterated that there are potential issues that could arise with residents that would reside at this location.*
- *He explained the fifth factor is 'will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community'. He added if there are safety concerns about this development, that is detrimental and adds to costs of public facilities.*

*He expressed that without being able to analyze and look at another mixed-use development with the exact same uses as this proposed development it is difficult to support this development with a drive-through.*

**Mr. Vitale** questioned that if they considered modifying the site plan to just have a one-way exit, would that help make the situation safer.

**Vice President Bowyer** responded that it would make the situation safer; however, as President Deel and Mr. Walker stated, the development as a whole has many safety concerns with a drive-through in between residential units. She added that she still cannot support this development even if the site plan was modified to just a one-way exit. She reiterated that this is a beautiful design that

does not need a drive-through and stated without a drive-through the business could include outside dining.

**Mr. Vitale** noted that he is aware that this is a creative solution to integrating retail with residential and that there are not many developments like this. He added that the traffic consultant has identified this development as a safe environment.

**Mr. Hetrick** concurred with Vice President Bowyer that outdoor dining might be a better option for this development. He added that without the drive-through there would be no reason for cars to travel between the two buildings. He stated that he is not in favor of the drive-through.

**Mr. Blair** explained that the residents spoke out at the last election about overdevelopment and this project is pushing the boundary of overdevelopment. He added that the drive-through is too much for this development and he cannot support the drive-through based on his fellow Council Member's comments. He questioned if the drive-through is a necessity for the business interested in leasing this unit.

**Mr. Vitale** responded that the drive-through is a necessity for the proposed tenants and pointed out that traffic will still be there regardless of the drive-through because of the retail units.

**Mr. Blair** stated that drive-through traffic is different from day-to-day traffic and added that drive-through traffic inches forward from time to time, and drivers may not be as attentive as they are ruffling through bags or grabbing their wallets. He added that this is the type of traffic that he is concerned about when it comes to safety in this area. He mentioned that he does not think it would be hard to find a restaurant to occupy this unit without a drive-through, especially because of the outdoor dining possibilities. He stated the development is beautiful; however, the drive-through is not a good decision.

**A motion was made by Hetrick, seconded by Bowyer, that this matter be Denied by Resolution. The motion carried by the following vote:**

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0089-2022

**Resolved**, that the Rochester Hills City Council hereby Denies the Conditional Use to allow a restaurant with a drive-through at 2800 S. Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center business District with an FB-3 Flexible Business Overlay, based on plans dated March 17, 2022 and received by the Planning Department on March 23, 2022 with the following findings.

#### **Findings**

1. The drive-through use will not promote the intent and purpose of the Zoning Ordinance

due to traffic and circulation concerns associated with the drive-through layout.

2. The drive-through has not been designed and is not proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use, based upon traffic and circulation concerns.

3. The proposal will not have a positive impact on the community due to traffic and circulation concerns associated with the proposed drive-through.

4. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare due to traffic and circulation concerns.

## **PUBLIC COMMENT for Items not on the Agenda**

### **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.

**2022-0182** Approval of Minutes - City Council Regular Meeting - March 7, 2022

**Attachments:** [CC Min 030722.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0090-2022

**Resolved**, that the Minutes of the Rochester Hills Regular Meeting held on March 7, 2022 be approved as presented.

**2022-0183** Approval of Minutes - City Council Regular Meeting - March 21, 2022

**Attachments:** [CC Min 032122.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0091-2022

**Resolved**, that the Minutes of the Rochester Hills Regular Meeting held on March 21, 2022 be approved as presented.

**2022-0143** Update to Designation of City Depositories for FY 2022

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0092-2022

**Whereas**, under the laws of Michigan and the City's Investment Policy, the Rochester Hills City Council is required to provide by resolution for the deposit of all public monies coming into the hands of the Treasurer of the City of Rochester Hills, in one or more bank(s).

**Now Therefore Be It Resolved**, that the following financial institution(s) be added as depository institutions for City funds and other public monies coming into the hands of said Treasurer during the Fiscal Year beginning January 1, 2022 and ending December 31, 2022.

**Broker/Dealers/Safekeeping:**

Bank of America Merrill Lynch  
Comerica Securities  
Fifth Third Bank  
Huntington Bank  
J.P. Morgan Securities LLC/J.P. Morgan Clearing Corp.  
Morgan Stanley  
Multi-Bank Securities Inc.  
PNC Financial Services Group  
Raymond James & Associates, Inc.  
Robert W. Baird & Co.  
Robinson Capital  
Truist Securities, Inc.  
UBS Financial Services, Inc.

**Pooled Accounts:**

Michigan CLASS / Public Trust Advisors, LLC  
Oakland County / Local Governmental Investment Pool (LGIP)

**Banks:**

Bank of America  
Chief Financial Credit Union  
CIBC Bank  
Citizens Bank  
Comerica Bank  
Fifth Third Bank  
First State Bank  
Flagstar Bank  
Genisys Credit Union  
Horizon Bank  
Huntington Bank  
In Touch Credit Union  
JP Morgan Chase Bank  
Lake Michigan Credit Union  
Level One Bank  
Michigan State University Federal Credit Union  
Northstar Bank  
Oxford Bank  
PNC Bank, N.A.  
The State Bank  
Waterford Bank N.A.

**Be It Further Resolved**, that each of the above depositories designated are hereby

requested, directed and authorized to honor all checks for payment of monies drawn on the various accounts when bearing the actual or facsimile signature of persons authorized by the City of Rochester Hills to sign said checks and orders.

- 2022-0146** Request for Purchase Authorization - FACILITIES: Contract/Blanket Purchase Order for the replacement of existing radiant tube heaters in the apparatus bays of Fire Stations 1, 3 and 5 in the amount of \$83,500.00 with a 10% project contingency in the amount of \$8,350.00 for a total not-to-exceed project amount of \$91,850.00; K&S Ventures, Inc., Rochester Hills, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0093-2022

**Resolved**, that the Rochester Hills City Council authorizes a contract/blanket purchase order for the replacement of existing radiant tube heaters in the apparatus bays of Fire Stations 1, 3 and 5 to K&S Ventures, Inc., Rochester Hills, Michigan in the amount of \$83,500.00 with a 10% project contingency in the amount of \$8,350.00 for a total not-to-exceed project amount of \$91,850.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

- 2022-0154** Request for Purchase Authorization - MIS: Purchase Authorization for the renewal of Backup and Recovery Equipment in the amount of \$58,320.00; CDW-G, Chicago, IL

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0094-2022

**Resolved**, that Rochester Hills City Council hereby authorizes the purchase for the renewal of backup and recover equipment to CDW-G, Chicago, Illinois in the amount of \$58,320.00.

- 2022-0176** Request for Acceptance of the Water Main Easement granted by Lombardo Homes of Michigan LLC, a Michigan limited liability company, for Avon/Livernois Lot Split

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0095-2022

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Water Main Easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across land more particularly described as Parcel #'s 15-16-451-063, -064, -065 and -066, granted by Lombardo Homes of Michigan LLC, a Michigan limited liability company, whose address is 13001 23 Mile Road, Suite 200, Shelby Township, MI 48315, for Avon/Livernois Lot Split.

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

**2022-0177** Request for Acceptance of the Water Main Easement granted by JBD Grace Rochester, LLC, a Michigan limited liability company, for Grace Senior Living

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0096-2022

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Water Main Easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across land more particularly described as Parcel #15-17-103-002, granted by JBD Grace Rochester, LLC, a Michigan limited liability company, whose address is 300 E. Long Lake Road, Suite 280, Bloomfield Hills, MI 48304 for Grace Senior Living.

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

**2022-0178** Request for Approval of a Storm Water System Maintenance Agreement between the City of Rochester Hills and JBD Grace Rochester, LLC, a Michigan limited liability company, for Grace Senior Living

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0097-2022

**Resolved**, that the Rochester Hills City Council hereby approves the Storm Water System Maintenance Agreement between the City of Rochester Hills and JBD Grace Rochester, LLC, a Michigan limited liability company, whose address is 300 E. Long Lake Road, Suite 280, Bloomfield Hills, MI 48304.

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

**2022-0181** Request for Purchase Authorization - FLEET: Purchase of two (2) platform



bodies and one (1) platform body with a lift gate in the amount of \$33,005.00 and two (2) additional platform bodies in the amount of \$16,260.00 for a total not-to-exceed purchase price of \$49,265.00; Bostick Truck Center, Pontiac, MI; Truck and Trailer Specialties, Howell, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0098-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of two (2) platform bodies and one (1) platform body with a lift gate in the amount of \$33,005.00 to Bostick Truck Center, Pontiac, Michigan and two (2) additional platform bodies in the amount of \$16,260.00 to Truck and Trailer Specialties, Howell, Michigan for a total not-to-exceed purchase price of \$49,265.00.

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

### Passed the Consent Agenda

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Munglioli

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Mr. Blair stated that the Rochester Hills Museum at Van Hoosen Farm has had many visits the past few weeks from elementary school students. He added that his son Ben and his friends had a great time. He noted that there are new exhibits, a refurbished roof and facility and many events to attend this spring and summer. He thanked the staff for doing a great job educating the visitors and for keeping the Museum in great shape.*

*Vice President Bowyer recognized St. John's Lutheran School students, Christopher, Amber, Ava, Josh, Caleb, Jordan and Gabby for creating the future City of Detroit in 2122 that provided solutions for reusable, hazardous and organic waste streams. She added that they placed first in the regional competition in January and placed second in the national competition last week. She thanked their teachers Dr. Linda Gerhardt and Tim Grothaus for their hard work and commitment to their students.*

*She shared the following Outdoor Engagement Activities and noted interested participants can register at <http://www.rochesterhills.org/outdoors>:*

*- Pedal in the Park - Experience Nature from the Seat of your Bike, April 20, 2022 at 6:00 p.m.*

- Gardening and Landscaping with Deer, April 28, 2022 at 7:00 p.m.
- Fossils and Riverside Campfire, May 5, 2022 at 6:00 p.m.
- Silent Sharing Hike, May 19, 2022 at 8:00 p.m.
- Investigate Innovation, May 26, 2022 at 6:00 p.m.
- Outdoor Survival for Young Ladies, June 5, 2022 at 4:00 p.m.
- Story Time with Healthy Hikes, June 15, 2022 at 10:00 a.m.
- Nature Discovery Camp, June 21, 2022 at 10:00 a.m.
- Fishing for Beginners, June 29, 2022 at 9:00 a.m.
- Evening Kayak, July 21, 2022 at 7:30 p.m.
- Kayaking 101, July 23, 2022 at 9:00 a.m.
- Outdoor Adventure Camp, August 2, 2022 at 10:00 a.m.
- Amphibians at Innovation, August 11, 2022 at 6:30 p.m.
- Night Hike and Campfire, August 25, 2022 at 7:00 p.m.

**Mayor Barnett** provided the following updates:

- The Rochester Avon Youth Assistance (RAYA) had their 2022 Youth Recognition Awards at the Rochester Hills Museum at Van Hoosen Farm. He shared that the youth that were recognized are exceptional and are all involved in the Community by volunteering their time.
- The Green Schools Recycle Program is still underway and there are five schools that are accepting residents' donations of recycle points: Hart Middle School, Meadow Brook Elementary School, Rochester High School, Stoney Creek High School and Brewster Elementary School. He noted that the program ends May 4, 2022 and encouraged everyone to donate their points if possible.
- Millie Knudsen recently celebrated her 100th birthday and received a birthday proclamation from the City. He recognized Ms. Knudsen's involvement in the Community throughout the years as a Charter Member of the University Presbyterian Church, Rochester Hills Library Board Member, Elected Treasurer of Avon Township and a Charter Commission Member.
- April is Autism Acceptance Month; Ron Sandison and Kristin Rohrbeck were featured on 'Right Down the Street' podcast. He added that he interviewed Mr. Sandison, a four-time published author, who grew up in Rochester Hills and spoke about some challenges and life stories of being on the spectrum. He stated that Ms. Rohrbeck runs OU Cares, an organization at Oakland University that assists with Autism Outreach Services, which was very instrumental in helping with the creation of Innovation Hills.
- Community Canopy Tree Program still has trees available for residents. He explained that residents can request a free tree and plant it on City-owned property. He stated more information can be found at [www.arboday.org/rochesterhills](http://www.arboday.org/rochesterhills)
- DTE has been trimming trees throughout the City to assist with fixing the multiple power outages that have been happening throughout the City. He explained that by collaborating with DTE, State Senators, and City Staff, the City of Rochester Hills has been moved to DTE's top investment priority list. He added that since February 1, 2022, DTE has sent 100 employees to the City every day, seven days a week to cut down trees and that they have spent millions of dollars on this project. He shared that he walked through some neighborhoods with DTE today to get a better understanding of the project and stated that the tree trimming has proven to cut power outages down by 70 percent. He thanked DTE for the time, talent and resources they are investing in Rochester Hills.

## ATTORNEY'S REPORT

*City Attorney John Staran had nothing to report.*

## NOMINATIONS/APPOINTMENTS

**2022-0071** Request for Appointment of a Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2023

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Memo.pdf](#)  
[PC Minutes 021522.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mr. Hetrick** shared he has served on the Zoning Board of Appeals (ZBA) with Deborah Brnabic and she brings a wealth of knowledge to the ZBA as well as the Planning Commission. He stated that he is in support of appointing Ms. Brnabic to the Zoning Board of Appeals.

**A motion was made by Hetrick, seconded by Bowyer, that this matter be Adopted by Resolution to appoint Deborah Brnabic as the Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2023. The motion carried by the following vote:**

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungiola

Enactment No: RES0099-2022

**Resolved**, that the Rochester Hills City Council hereby appoints Deborah Brnabic to serve as the Planning Commission representative on the Zoning Board of Appeals for a one-year term to expire March 31, 2023.

**2022-0097** Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals for a three-year term to expired March 31, 2025

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Koluch CQ.pdf](#)  
[Ogden CQ.pdf](#)  
[032122 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Arrington CQ.pdf](#)  
[Berard CQ.pdf](#)  
[Braun III CQ.pdf](#)  
[Farmer CQ.pdf](#)  
[Frederiksen CQ.pdf](#)  
[Galliway CQ.pdf](#)  
[Ivanaj CQ.pdf](#)  
[Krajewski CQ.pdf](#)  
[Lemanski CQ.pdf](#)  
[Strunk, Jon CQ.pdf](#)  
[Strunk, Susan CQ.pdf](#)  
[Thompson CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Deel** noted that Kenneth Koluch and Bill Ogden were both nominated at the March 21, 2022 Council Meeting. He requested Council Members vote for one nominee. The nominees received the following votes:

**Kenneth Koluch:** Deel, Bowyer, Hetrick, Walker

**Bill Ogden:** Blair, Morlan

**President Deel** announced that Kenneth Koluch would be appointed to the Zoning Board of Appeals.

**A motion was made by Hetrick, seconded by Bowyer, that this matter be Adopted by Resolution to appoint Kenneth Koluch to the Zoning Board of Appeals for a three-year term to expire on March 31, 2025. The motion carried by the following vote:**

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0100-2022

**Resolved**, that the Rochester Hills City Council hereby appoints Kenneth Koluch to the Zoning/Sign Board of Appeals to serve a three-year term expiring March 31, 2025.

## NEW BUSINESS

**2022-0140** Request for Purchase Authorization - ACCOUNTING: Blanket Purchase Order for the printing and distribution services for the City's Water and Sewer Utility Bills in the amount not-to-exceed \$157,000.00 for a two-year term; Doxim Inc., dba Utilitec, Troy, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, explained that the request is to exercise

*the final two-year contract extension with Doxim Inc. for the water and sewer utility bill printing and distributing services. He stated Doxim has agreed to hold the initial three-year contract for an additional two-years and will hold all the existing contract terms, conditions and pricing. He noted that the City has been pleased with Doxim and recommends continuing with Doxim.*

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0101-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order for the printing and distribution services for the City's Water and Sewer Utility Bills to Doxim Inc., dba Utilitec, Troy, Michigan in the amount not-to-exceed \$157,000.00 for a two-year term and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0144** Request for Purchase Authorization - FISCAL: Authorization for the award of the contract for banking services in the amount not-to-exceed \$180,000.00 for a three-year term; Huntington Bank, Columbus, OH

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Cost Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Financial Chief Officer, stated this request is for authorization of a new three-year contract with Huntington Bank. He mentioned that various bid proposals were received and that Huntington Bank had the lowest combined cost and is the City's current banking provider. He added that the City is pleased with the level of service received from Huntington Bank.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0102-2022

**Resolved**, that the Rochester Hills City Council hereby awards the contract for banking services to Huntington Bank, Columbus, Ohio in the amount not-to-exceed \$180,000.00 for a three-year term and further authorizes the Mayor to execute a contract on behalf of the City.

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

**2022-0147** Request for Purchase Authorization - PARKS: Contract/Blanket Purchase Order for the Innovation Hills Playground Phase II project in the amount of \$642,042.00 with a 10% project contingency in the amount of \$64,204.20 for a

total not-to-exceed contract amount of \$706,246.20; WCI Contractors, Inc., Detroit, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director and **Alan Buckenmeyer**, Parks Manager were present.

**Mr. Elwert** explained that the request is for approval of the second phase of the Innovation Hills playground. He stated this phase will bring ten new playground equipment pieces, 80 new trees, over 300 shrubs and 10,000 square feet of grass seed. He noted that this phase is funded by a grant received from the Water Conservation Fund and donations received.

**President Deel** stated that the current Innovation Hills Playground is awesome and that this will only enhance the experience at Innovation Hills.

**Mr. Walker** acknowledged all the Departments that worked hard to create Innovation Hills and added that it continues to evolve, grow and expand. He questioned what type of new equipment will be installed in this phase.

**Mr. Elwert** responded that there is a climbing rope ladder and a 'we-go-round' that is a covered merry-go-round that is flat with the concrete making it accessible by wheelchairs and will be fun for everyone to enjoy.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Munglioli

Enactment No: RES0103-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order to the Innovation Hills Playground Phase II project to WCI Contractors, Inc., Detroit, Michigan in the amount of \$642,042.00 with a 10% project contingency in the amount of \$64,204.20 for a total not-to-exceed project amount of \$706,246.20 and further authorizes the Mayor to execute an agreement on behalf of the City.

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

**2022-0148** Request for Purchase Authorization - PARKS: Blanket Purchase Order/Contract for the purchase of fireworks for the Festival of the Hills and Light the Village fireworks display for 2022, 2023 and 2024 in the amount not-to-exceed \$135,000.00; American Fireworks, Hudson, OH

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Alan Buckenmeyer**, Parks Manager, stated that American Fireworks was

*selected through a competitive bid last year and was signed for a one-year contract with the option to extend the contract for four years. He noted that the City was very pleased with American Fireworks and that they worked very well with the Fire Department and City Staff. He added that they would like to request approval to extend the contract for three years. He noted that funding for the fireworks is raised through the Mayor's Office.*

***President Deel** pointed out that last year's Festival of the Hills presented some challenges with storms right before the event and the fireworks were still a big hit.*

***Mr. Walker** noted that he is very optimistic for committing for the next three years. He added that Hudson, Ohio is his hometown and that when he goes back home to visit, he frequently passes the American Fireworks store.*

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0104-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the purchase of fireworks for the Festival of the Hills and Light the Village fireworks display for 2022, 2023 and 2024 to American Fireworks, Hudson, Ohio in the amount not-to-exceed \$135,000.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0152** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Construction Engineering Services for the Borden Park Parking Lot Reconstruction and Lighting Project in the amount not-to-exceed \$296,848.00; Nowak and Fraus Engineers, Pontiac, Michigan

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

***Allan Schneck**, Public Services Director, explained that the request is for approval to enter into a contract with Nowak and Fraus Engineers for construction engineering services for the Borden Park Parking Lot Reconstruction and Lighting Project. He noted that at the March 21, 2022 Council meeting, City Council approved Hutch Paving as the contractor for this project.*

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0105-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket



purchase order for construction engineering services for the Borden Park Parking Lot Reconstruction and Lighting Project to Nowak and Fraus Engineers, Pontiac, Michigan in the amount not-to-exceed \$296,848.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

- 2022-0155** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for the purchase of Rock Salt for the 2022/2023 Winter Season in the amount not-to-exceed \$206,000.00 through June 30, 2023; The Detroit Salt Company, Detroit, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that this request is for the purchase of rock salt. He added that this is a consortium of entities that is led by the City of Farmington Hills.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0106-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order for the purchase of Rock Salt for the 2022/2023 Winter Season to The Detroit Salt Company, Detroit, Michigan in the amount not-to-exceed \$206,000.00 through June 30, 2023.

- 2022-0119** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for the Old Perch Reconstruction Project (Walton to Avon and N. Adams Pathway (Powderhorn to Tienken) in the amount of \$3,393,500.00 with a 10% project contingency in the amount of \$339,350.00 for a total not-to-exceed contract amount of \$3,732,850.00; Pro-Line Asphalt Paving Corp., Washington, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, mentioned that there are some items on the agenda that fall short on the budget. He noted that he sent communication to Council and the Mayor explaining the reasoning behind the budget short fall. He explained that many DPS projects come before Council for approval with a ten percent contingency to allow for unforeseeable situations that may arise during the project. He stated that often the projects do not need the allotted contingency funds and those unexpended funds go back to the original fund it came from. He stated that the unexpended funds from previous projects are then applied to the projects that fall short on the budget.

He noted that this request is for consideration of awarding a contract to ProLine Asphalt for the Old Perch Reconstruction from Walton to Avon Project and the Pathway Construction on the east side of Adams from Powderhorn to Tienken.



**President Deel** stated that Council would expect to see a budget amendment in the future that will transfer funds from retained earnings to make up for the shortfall on this project.

**Mr. Walker** questioned if the budget shortfall is expected.

**Mr. Schneck** responded that there are not a lot of budget shortfall projects and that the City tried to anticipate through the first-quarter budget amendment where these projects would fall. He added that DPS tries to bid their projects in the first quarter to allow the construction industry to jump on these projects which gives the City the most favorable pricing because the industry is seeking work.

**Mr. Walker** thanked Mr. Schneck for the memo explaining the budget contingences on past projects, future projects and the benefits of the project contingences.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0107-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for the Old Perch Reconstruction Project (Walton to Avon and N. Adams Pathway (Powderhorn to Tienken) to Pro-Line Asphalt Paving Corp., Washington, Michigan, in the amount of \$3,393,500.00 with a 10% project contingency in the amount of \$339,350.00 for a total not-to-exceed contract amount of \$3,732,850.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

**2022-0151** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Construction Engineering Services for the Old Perch Road Reconstruction and North Adams Pathway Project in the amount not-to-exceed \$330,656.00; Nowak and Fraus Engineers, Pontiac, Michigan

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated this request is for approval to enter into an agreement with Nowak and Fraus Engineers for construction engineering services for the Old Perch and North Adams Pathway Projects.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0108-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for construction engineering services for the Old Perch Road Reconstruction and North Adams Pathway Project to Nowak and Fraus Engineers, Pontiac, Michigan in the amount not-to-exceed \$330,656.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0145** Request for Purchase Authorization - DPS/ENG: Approval of Cost Participation Agreement between the Board of Road Commissioners (BOARD) for the County of Oakland and the City of Rochester Hills for the resurfacing of Livernois Road from South Boulevard to Avon Road in the amount not-to-exceed \$137,500.00, Road Commission for Oakland County, Beverly

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, explained that he received a call from the Road Commission of Oakland County asking if the City had any interest in resurfacing Livernois Road from South Boulevard to Avon Road. He added that the City of Troy agreed to resurface Livernois Road from 18 Mile Road to South Boulevard. He noted that he consulted with Joe Snyder, Chief Financial Officer, to analyze the current budget to see if there would be funding available for this project. He pointed out that this would be \$825,000 worth of work at a cost to the City of \$137,500.

**Mr. Walker** stated he recently viewed the Oakland County Road Condition Map that is color-coded based on each roads' condition. He added that the county roads in Rochester Hills are in good condition; however, Livernois Road could use some work.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0109-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes the approval of the Cost Participation Agreement between the Board of Road Commissioners (BOARD) for the County of Oakland and the City of Rochester Hills for the resurfacing of Livernois Road from South Boulevard to Avon Road in the amount not-to-exceed \$137,500.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0149** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for the 2022 Concrete Road and Sidewalk Program in the amount not-to-exceed \$313,465.00; Spalding DeDecker, Rochester Hills, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that at the last Council meeting a contract was approved for the 2022 Concrete Program and this request is for approval to enter into a contract with Spalding DeDecker for the construction engineering services for this program.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0110-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for construction engineering services for the 2022 Concrete Road and Sidewalk Program to Spalding DeDecker, Rochester Hills, Michigan in the amount not-to-exceed \$313,465.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0150** Request for Purchase Authorization - DPS/ENG: - Contract/Blanket Purchase Order for construction engineering services for the 2022 HMA Road Rehabilitation and Speed Hump Program in the amount not-to-exceed \$351,760.00; Spalding DeDecker, Rochester Hills, MI

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated this request is for approval to enter into an agreement with Spalding DeDecker for construction engineering services for the 2022 HMA Road Rehabilitation and Speed Hump Program.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0111-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for construction engineering services for the 2022 HMA Road Rehabilitation and Speed Hump Program to Spalding DeDecker, Rochester Hills, Michigan in the amount not-to-exceed \$351,760.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2022-0153** Request for Purchase Authorization - DPS/ENG: Authorize a contract/blanket purchase order for the Spring Hill North Subdivision and North Hill Condos Water Main Replacement Project in the amount of \$4,902,711.00 with a 10% project contingency in the amount of \$490,271.10 for a total not-to-exceed project amount of \$5,392,982.10; Murphy Pipeline Contractors, Jacksonville, FL

**Attachments:** [041122 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that the Spring Hill North Subdivision and North Hill Condos Water Main Replacement Project is included in the Capital Improvement Plan and has been budgeted for. He explained that this replacement is non-destructive, as they will utilize the existing water main in the ground as the host pipe, fuse high-density polyethylene pipes together, put rods through the existing pipe and fracture the existing water main into place. He stated that this 'pipe-bursting' method has had great success in previous water main rehabilitations. He added that the pipe is pre-chlorinated above ground which allows the water main to get back into service within a day or two.

**President Deel** stated that this budgeted item is a big project and is within the parameters of the project contingency.

**Ms. Morlan** stated that as a resident of Spring Hill Subdivision, she is very pleased to see this project come before Council. She added that she recently had some pipe work done to her home that was done by a similar 'pipe-bursting' method and it worked great.

**Mr. Schneck** acknowledged and thanked the Procurement Team for all their hard work and efforts with all of the DPS projects.

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

**Aye** 6 - Blair, Bowyer, Deel, Hetrick, Morlan and Walker

**Absent** 1 - Mungioli

Enactment No: RES0112-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for the Spring Hill North Subdivision and North Hill Condos Water Main Replacement Project to Murphy Pipeline Contractors, Jacksonville, Florida in the amount of \$4,902,711.00 with a 10% project contingency in the amount of \$490,271.10 for a total not-to-exceed project amount of \$5,392,982.10 and further authorizes the Mayor to execute an agreement on behalf of the City.

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

## ANY OTHER BUSINESS

## NEXT MEETING DATE

*Regular Meeting - Monday, April 25, 2022 - 7:00 p.m.*

**ADJOURNMENT**

*There being no further business before Council, it was moved by Walker and seconded by Morlan to adjourn the meeting at 8:52 p.m.*

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*RYAN DEEL, President  
Rochester Hills City Council*

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*LEANNE SCOTT, MMC, Clerk  
City of Rochester Hills*

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*AMBER BEAUCHAMP  
Administrative Coordinator  
City Clerk's Office*

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