



# 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 Mungoli 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, February 7, 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 7:00 p.m. Michigan Time.*

## ROLL CALL

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

**Absent** 1 - Dale Hetrick

## Others Present:

*Bryan K. Barnett, Mayor  
Scott Cope, Building, Ordinance and Facilities Director  
Ken Elwert, Parks & Natural Resources Director  
Bert Hallewas, Park Ranger - Sports  
Tim Hollis, Deputy Building Director  
Kristen Kapelanski, Planning Manager  
Gary Nauts, Facilities Manager  
Sara Roediger, Planning & Economic Director  
Allan Schneck, Public Services Director  
Leanne Scott, City Clerk  
John Staran, City Attorney  
Mike Viazanko, Inspection Services Manager  
Aaron Yoon, Rochester Hills Government Youth Council*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

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

Absent 1 - Hetrick

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

**President Deel** introduced RHGYC Representative Aaron Yoon.

**Mr. Yoon** stated that he is a freshman at Rochester High School and that this is his first year serving on the RHGYC. He added that he also serves on the Green Space Advisory Board (GSAB). He explained that at the next RHGYC meeting on February 9, 2022, new officers will be elected for the second term this year, they will continue discussing plans for their upcoming cultural event that will take place this spring, and a guest speaker from Human Resources will speak to the RHGYC members. He stated that the RHGYC also will be volunteering at the February 12, 2022 Spencer Park Pond Hockey Classic.

### Planning Commission / City Council Joint Meeting:

**President Deel** explained that Council and the Planning Commission had a productive meeting last week, discussing a lot of different concerns within the City, including reworking the FB Overlay Districts. He stated it was great meeting with the Planning Commissioners and that he is looking forward to working together.

### Planning Commission:

**Vice President Bowyer** stated that the Planning Department is now accepting Capital Improvement Plan Project Applications for 2023 - 2028. She explained that if a resident is interested in a specific project in Rochester Hills that costs over \$25,000, they can submit an application to request that the project be considered in the Capital Improvement Plan. She advised reaching out to the Director that the project pertains to prior to filling out the application and the Director can assist in filling out the application. She stated applications can be found on the website under Planning and Economic Development and are due February 25, 2022 to Joe Snyder at [snyderj@rochesterhills.org](mailto:snyderj@rochesterhills.org)

### Green Space Advisory Board (GSAB):

**Vice President Bowyer** reminded residents of GSAB's Second Saturday Hikes, adding that this Saturday, February 12, 2022, the hike will take place at Innovation Hills. She pointed out that this Green Space consists of 48-acres and that a lot of work was done to remove the invasive species on this Green Space.

### Rochester Avon Recreation Authority (RARA):

**Ms. Mungoli** stated that there are many events currently happening at RARA and they can be found on RARA's Facebook Page as well as their website. She mentioned the following activities are available to sign up for:  
- Family Bingo Night on February 16

- Magic Soccer Academy Session 2 beginning on February 16
- Valentine's STEAM Kids Night Out on February 11
- Valentine's Art Extravaganza on February 12
- Couples Painting Workshop on February 14
- Babysitting Safety and CPR Classes on February 21, March 9, and April 11 in person (online classes also available)
- Adult CPR Classes on February 28
- Drum Circle Class on February 28
- Mother and Son Date Night on March 9

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

**Ms. Mungoli** mentioned that RAYA is collecting nominations for the 2022 Youth Recognition Award. She explained that this program has been going on for many years and that it honors youths in grades kindergarten through twelfth grade who reside in the Rochester Community School District that are active in the Community. She added applications can be found on the RAYA website and that the deadline to submit nominations is February 18, 2022.

## PRESENTATIONS

2022-0021 Legislative Update - State Representative Mark Tisdel

**Attachments:** [020722 Agenda Summary.pdf](#)

**State Representative Mark Tisdel** provided the following updates:

- Lansing has a new supplemental fund due to COVID-19 in the amount of \$1.2 billion that needs to be spent. He noted that \$300 million will be used for health care employee recruitment, \$114 million for adult foster care and long term care recruitment, \$175 million for early treatments and therapeutics of COVID-19, \$83 million for local health departments to continue with vaccination outreach, \$150 million for rapid testing in schools, and \$367 million for testing and other efforts.
- A \$1.5 billion Economic Development Plan was passed in Lansing that contains three parts; Strategic Outreach and Attraction Reserve Fund, Strategic Site Readiness Fund, and a Critical Industry Fund. He stated the idea of this plan is to have money available for a specific use that includes legislative approval in order to spend, because taxpayer dollars are funding this plan.
- Michigan is in the top ten of outbound population states, meaning Michigan is losing population. He added that Michigan is at the exact same population as it was in 1980, however; the US population has grown over a third. He stated that Forbes ranked Michigan as the 13th highest in quality of life, however; Michigan is the second highest in born-in-state residents. He provided an example that Louisiana is rated 47th in quality of life with 78 percent born-in-state residents, and Michigan is 13th quality of life with 77 percent born-in-state. He inquired how Michigan can do better at retaining and drawing residents to the state. He mentioned the top ten inbound State's average annual employment growth is at 4 percent and Michigan is at 0.4 percent.
- He gave testimony on a modified Michigan Good Jobs Act, and is promoting a

*Bill that allows companies in states of all sizes to make a commitment to a specified number of jobs. He added these companies have five years to maintain these jobs and if they are making progress, they get to keep the four percent withholding tax. He noted there is no up-front money required, as the withholding tax does not get paid until a wage is paid. He explained that he hopes this will jump start our employers to attract people from other states to relocate to Michigan.*

**President Deel** thanked State Representative Tisdel for all his hard work in Lansing, as well as assisting the City in receiving the Innovation Hills Grant.

**State Representative Tisdel** explained that he was given the opportunity to present Innovation Hills to the Legislature as a regional opportunity. He added that this was a Michigan Economical Grant that required Rochester Hills to raise \$50,000 in order to qualify for the funds.

He announced that Rochester Hills will be receiving \$700,000 towards the Drinking Water Analysis throughout the City. He commended **Allan Schneck**, Director of Public Services, for his team's efforts in securing this Grant.

**Vice President Bowyer** thanked State Representative Tisdel for all the work he is doing in Lansing and for assisting with the needs of the City and the State.

**Mayor Barnett** stated that State Representative Tisdel had mentioned the importance of relationships and he could not agree more, especially when it comes to the Community. He added that State Representative Tisdel is in constant contact with his office regarding legislative items and that he appreciates his assistance now and in the future as well.

**Ms. Mungoli** thanked State Representative Tisdel for his legislative update. She stated that now that employers are allowing more remote work, many people are no longer tied to the physical location of their employer. She suggested offering tax incentives for employers that require employees to work in the state of Michigan even if they are working remotely. She added that with more people working from home the traffic patterns are changing and she would be interested to see how the traffic has been impacted in the City due to more remote work.

**State Representative Tisdel** reiterated that there are great places in Michigan to live at a fraction of the price than other states. He mentioned purchasing a home in Saugatuck or Muskegon is a lot more affordable with less crime than living in Milwaukee where someone's employer might be located.

**Presented.**

**(Mr. Hetrick entered at 7:33 p.m.)**

**Present** 7 - David Blair, Susan M. Bowyer, Ryan Deel, Dale Hetrick, Carol Morlan, Theresa Mungoli and David Walker

## **PUBLIC HEARINGS**

**2021-0276** Request for Approval of a Brownfield Plan for the remediation of property for a proposed retail development on 2.2 acres located at the northeast corner of Rochester and Avon Rds., zoned B-2 General Business and B-5 Automotive Service Business with an FB-3 Flexible Business Overlay, Rochester Avon Partners, LLC, Applicant

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Notice to Taxing Jurisdictions.pdf](#)  
[011022 Agenda Summary.pdf](#)  
[Memo Roediger 111121 Mtg.pdf](#)  
[Memo Wackerman 110421.pdf](#)  
[Memo PM Environmental 091721.pdf](#)  
[Memo Assessing 100421.pdf](#)  
[Brownfield Plan Revised 110221.pdf](#)  
[975 S. Rochester Proforma Version 5.pdf](#)  
[Brownfield Application 061121.pdf](#)  
[Brownfield Policy.pdf](#)  
[Minutes BRA 111821.pdf](#)  
[Public Hearing Notice 111821.pdf](#)  
[Minutes BRA 071521.pdf](#)  
[Memo Roediger 070821 Mtg..pdf](#)  
[Memo Wackerman 070721.pdf](#)  
[Draft Brownfield Plan 070621.pdf](#)  
[975 S. Rochester Proforma Version 3.pdf](#)  
[Phase I ESA E-report 092520.pdf](#)  
[Asbestos Survey 060921.pdf](#)  
[BEA 091019 Part 1.pdf](#)  
[BEA 091019 Part 2.pdf](#)  
[BEA 091019 Part 3.pdf](#)  
[Phase 1 ESA 091019 Part 1.pdf](#)  
[Phase 1 ESA 091019 Part 2.pdf](#)  
[Phase 1 ESA 091019 Part 3.pdf](#)  
[011022 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning and Economic Development Director, **Doraid Markus**, Applicant, **Mike Kulka**, PM Environmental, and **Thomas Wackerman**, City Environmental Consultant were in attendance.

**Ms. Roediger** explained that in December 2021, this project came before Council with a request to demolish the existing gas station and retail office building at the northeast corner of Rochester Road and Avon Road. She stated that the site plan has been approved and work should begin sometime this year; however, there are underground storage tanks on the gas station site. She added that the Applicant has met with the Brownfield Redevelopment Authority (BRA) in November 2021 to request a Brownfield reimbursement for the removal of the underground storage tanks and associated cleanup of this site. She noted that the BRA has recommended reimbursement of the full Brownfield Plan and that Mr. Wackerman has reviewed the plan and recommendation. She added that because this is a local only request and that there is not a State request, she recommends approving the local only reimbursement portion

*instead of the entire reimbursement amount that the Applicant is requesting.*

**Mr. Kulka** explained that their approach for reimbursement was with the assumption that the State was participating in the cleanup request because a large part of the funding for the removal of the underground storage tanks came from the State of Michigan Underground Storage Tank Financial Fund (MUSTA) in the amount of approximately \$500,000. He added that there are certain criteria the funds will not cover including the ability to close a site that relies upon a vapor barrier. He explained that it is a site cleanup criteria to ensure no vapors are exposed inside on site buildings. He stated because of this criteria the Applicant needs a vapor barrier which requires removal of the additional soil on site. He mentioned that without full reimbursement approval they will not be able to get the site to a 'no further action' status and will still be listed as a contaminated site. He noted that the State of Michigan is one of the top five states that has the most open leak underground storage tanks. He added that he would like to see this site fully cleaned up with a vapor barrier that would require approval of the full reimbursement amount requested.

**President Deel** noted The Council Policy states that the City will consider each application on a case-by-case basis and any exception to the proportional local tax capture 'will be those cases where there is a compelling local interest'. He questioned what the compelling local interest is regarding this site and if the Applicant can seek reimbursement from the State for its proportional share.

**Mr. Kulka** responded that depends on what someone views as compelling for a community. He added that he believes having a sustainable site is important; therefore, partially removing the underground storage tanks would not serve the City well. He stated that due to timing, they have not approached the State for reimbursement and that they need City Council's approval prior to seeking State reimbursement.

**Mr. Markus** stated that there are time constraints on this project and seeking State approval would push back deadlines with tenants.

**President Deel opened the Public Hearing at 7:36 p.m. Seeing no Public Comment, President Deel closed the Public Hearing at 7:37 p.m.**

**Vice President Bowyer** questioned the following:

- If Council does not approve this request tonight, can the developer move forward with this project?
- Is the Applicant required to clean this site up to a residential living standard?
- Whether the vapor barrier for non-residential standards is acceptable for this site?

**Mr. Kulka** responded that supporting the lower reimbursement amount is not fixing the site to properly protect the tenants. He added that the Applicant is not required to close the underground storage tank leakage and that if he wants to keep his tenants safe he will have to spend his own money to fully clean up this site to a residential standard. He replied that they would not clean this site up to a residential living standard because the State does not support MUSTA funding for residential clean up. He responded that the vapor barrier is

acceptable for non-residential properties but will not remedy the complete closure of the underground storage tanks.

**Vice President Bowyer** stated that if Council approves the City recommended approval amount that the Applicant can develop the site to its proper standard, however, he will not be able to resell the property with ease.

**Mr. Markus** responded that there are many factors that point to getting this site fully cleaned up such as if the use changes or if the tenant wants a clean site. He added that Starbucks is an environmentally conscious company and has standards of their own in addition to the State's standards regarding an environmentally friendly site.

**Mr. Kulka** added that Mr. Markus has to provide the upfront costs of approximately \$200,000 that he will get reimbursed over a couple decades in order to get this site cleaned up.

**Vice President Bowyer** questioned if the difference between the reimbursed amounts is \$507,000 and \$238,000 and if the \$500,000 from the State will have to be provided upfront by the Applicant as well. She inquired what benefit does the City have approving the \$507,000 over the \$238,000.

**Mr. Kulka** concurred those amounts were correct and responded that they will bill the State directly for the funds they are providing.

**Mr. Markus** responded that the benefit to the City in approving the larger reimbursement amount is a fully cleaned site. He added that if they do not clean the site up prior to building on the site, it will be even harder to go back and clean-up the site with a building.

**Mr. Wackerman** stated that the vapor barrier is acceptable for non-residential uses and stated that it was his understanding that a vapor barrier was going to be installed on this site regardless because of the Brownfield Plan.

**Mr. Kulka** responded that the vapor barrier would be installed regardless because the tenant is requiring it and added that many major retailers are now requiring a vapor barrier on new developments.

**Mr. Wackerman** noted that under a typical Brownfield Plan that includes school capture, Rochester Hills would be providing 46 percent of the cost. If the Applicant chooses not to go to the State, Rochester Hills would still provide 46 percent.

**Mr. Hetrick** stated this site has to be cleaned up to the non-residential standard and questioned if repairing a leaking underground storage tank is not part of the non-residential standard. He added that if Council approves the reimbursement, he would expect this site to be cleaned to the required standard.

**Mr. Kulka** responded that EGLE's standards do not require leaking underground tanks to be cleaned up as part of its standards. He stated that the lower approval amount will not be enough funding to get this site fully cleaned up.

**Mr. Wackerman** explained that the Applicant has a due diligence to meet the due care obligations to protect the human health and environment for people that use the property. He stated anything beyond that would be the obligation of the Applicant. He added closure of the underground storage tank goes further than the Applicants obligation requirements. He further explained that the funds the Applicant will receive from MUSTA will take care of the majority of the problems on this site, however; it will still be listed by EGLE as a site with an underground storage tank.

**Ms. Mungoli** questioned whether or not there is additional funding from the State to get this site to the fully clean standard and if the City can get reimbursed for the State's portion if Council approves the full amount.

**Mr. Wackerman** stated that there are two funding programs through the Tax Incentive Funding (TIF); local taxes and school taxes. He added that Council has authority to approve the local tax portion and EGLE would approve school tax capture. He mentioned that the Applicant is choosing not to go to EGLE for the school tax capture. He stated there is not a program that would allow Rochester Hills to get reimbursed by the school tax capture if the full amount is approved.

**Mr. Kulka** responded that they have not gone to EGLE for school tax reimbursement because of timing and added that they have a tenant that wants to move forward on developing, therefore, they cannot wait for Lansing to decide if they will receive funding.

**Ms. Mungoli** inquired whether the City has approved a full reimbursement amount with other developments and what the Planning Department would recommend for this site.

**Ms. Roediger** responded the City has not approved the full reimbursement amount with other Brownfield developments and that this is the first local tax only request that she is aware of. She added that the Planning Department is recommending only approving the proportional share of 46 percent.

**Mr. Blair** expressed that public safety is the number one priority of Council and they would never approve anything that would jeopardize the safety of people that work and live in Rochester Hills. He added that the vapor barrier renders the site completely safe for non-residential use.

**Mr. Markus** responded that he will clean the site up to the appropriate standards, and questioned whether the City has any interest in getting this site completely cleaned up. He added that is why they are requesting the full amount from the City so that this site will have no future problems with tenants or the State.

**Ms. Mungoli** inquired about the water lines that will be planned for this development and questioned if there are any problems with the quality of water due to this site.



**Mr. Wackerman** responded that part of the Brownfield Plan requires sealing of the saturated water lines to prevent infiltration into the water. He added that the water quality in the City would not be impacted by any contaminated soils on this site.

**Mr. Kulka** stated the MUSTA funds are not fully taking care of the saturated soils and water lines as there could be residual concentrations at sea level. He added that the water supply is under pressure and it is impossible for gas to get into the water lines.

**Ms. Mungioli** concluded stating that she is looking out for the best interest of the Community and that the Applicant has opportunities to seek funding from the State if they choose to.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0012-2022

**Resolved**, that the Rochester Hills City Council hereby approves the Brownfield Plan dated November 2, 2021 for the Rochester/Avon Retail Development, Parcel Nos. 15-14-351-011, -012 and -068, limiting the reimbursement of eligible costs to be the proportional share of the capturable taxes, which would result in a reimbursement of \$238,302 with an 8 year reimbursement period, with the following findings and subject to the following conditions:

**Findings:**

1. The submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.
2. The subject parcels qualify as a "facility" under the terms of Act 381.
3. The submitted plan qualifies for the use of tax increment financing based on the policies and goals of the Brownsfield Redevelopment Authority.
4. If implemented, the amount, pay-back period and use of tax increment financing is reasonable for the eligible activities proposed.

**Conditions:**

1. Execute a Reimbursement Agreement within 180 days of Plan approval by City Council, including performance requirements as described in ASTI's letter dated November 4, 2021.
  - a. The amount of the reimbursement is a not-to-exceed amount;
  - b. Since capture is limited to the proportional share of local taxes, or limited for any other reason, include a limit based on the calculated number of years for the reimbursement period; and
  - c. Eligible expenses reimbursed under MUSTA will not be reimbursed under the Plan.

## PLANNING AND ECONOMIC DEVELOPMENT

**2021-0472** Request for Conditional Use Approval to allow a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Letter to City Council 012822.pdf](#)  
[Presentation 012822.pdf](#)  
[Staff Report 011822.pdf](#)  
[Minutes PC 011822 \(Draft\).pdf](#)  
[Applicant's Letter 011022.pdf](#)  
[Letters of Support.pdf](#)  
[Letter from Rochester Salon Suites.pdf](#)  
[Minutes PC 122121.pdf](#)  
[Staff Report 122121.pdf](#)  
[Reviewed plans 120221.pdf](#)  
[Minutes PC 111621.pdf](#)  
[Staff Report 111621.pdf](#)  
[PHN 111621.pdf](#)  
[Response letter 111521.pdf](#)  
[Reviewed Site Plan 101521.pdf](#)  
[MDOT email 081621.pdf](#)  
[Landscape estimate 091721.pdf](#)  
[Irrigation schedule 091721.pdf](#)  
[EIS 091721.pdf](#)  
[Fire test 091421.pdf](#)  
[Alternate Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

***Kristen Kapelanski, Planning Manager, Kyan Flynn and Deanna Richard, Applicants.***

***Ms. Kaplenski explained that the Applicants are proposing a modular drive-thru coffee structure within an outlot of the Meijer parking lot located near Auburn and Rochester Road. She added this structure would provide both drive-thru and walk-up service. She stated the Applicants appeared before the Planning Commission at their November 2021 meeting and the Planning Commission postponed the item and requested a number of modifications. She noted that the Applicants made the following modifications to the plans: modification of the parking lot islands on the north and west portion of the site to address traffic circulation concerns, the proposed facade was updated to a brick style structure, and skirting was indicated around the building and foundation. She added that the Applicants are in compliance with ordinance standards and Staff is recommending approval with minor comments. She stated the Applicants appeared before the Planning Commission at their December 2021 meeting and the Planning Commission is recommending denial of the Conditional Use request.***

**Ms. Richard** stated that they have some visual aids that address some of the concerns that the Planning Commission had with this site. She explained that appearance and traffic issues were the major concerns and added that she hopes the visual aids can help answer some of those concerns.

**Ms. Flynn** shared that the facade has been updated with a brick style exterior and that this matches the Meijer, Panda Express and Culver buildings near this site. She showed slides of buildings throughout the City that have a similar appearance including Aldi and Genisys Bank.

**Ms. Richard** explained that the stacking and traffic flow has been modified to include ten stacking vehicles in the drive-thru with an additional seven spaces that is enclosed with landscaping and explained that this allows for one way in and one way out.

**Ms. Flynn** pointed out that they are anticipating a few different options for traffic flow depending on which direction customers come from.

**Ms. Richard** explained that the most congested traffic time would be from 6:00 a.m. until 10:00 a.m. She stated the other businesses drive-thru windows do not open until at least 10:00 a.m. which is after their busy time.

**Public Comment:**

**Jim Stewart**, 3600 W. 12 Mile Road, Berkley, introduced himself and shared a letter written by Mike McFall, Co-CEO of Bigby Coffee requesting Council's support in approving the Conditional Use request.

**Mr. Hetrick** noted that it is obvious that the applicants are passionate about this project; however, he agreed with Commissioner Gaber that this development is not harmonious with the City of Rochester Hills. He stated that he would not be in favor of approving this project.

**Vice President Bowyer** stated that she hopes that the Applicants can get a Bigby Coffee Shop in Rochester Hills; however, she cannot support the building and site location. She added that she does not want to set the precedent of the smaller 'drive-thru only' buildings in the City. She questioned if the drive-thru was a nuisance would this shop be able to survive with walk-up only service. She stated she is not in favor of this request.

**Ms. Morlan** mentioned that she is a huge Bigby fan and questioned how this site location was chosen, adding that she frequently travels to the Meijer and Culver's in this area and that traffic can be congested in this area already. She stated she is concerned about the traffic flow in this area with an added business.

**Ms. Richard** stated that the location was chosen because of the access to Rochester Road. She responded that currently there are two islands with trees already in place and that they would be adding a row of trees to completely section the area off so there is no traffic confusion.

*Ms. Flynn added that because they only need a 300-foot square building, this spot was a good fit for the business. She pointed out that this area of the parking lot is not utilized for traffic which made it easy to partner with Meijer to allow them to use this space. She added that unlike Culver's that makes food, they would be making coffee and heating sandwiches; therefore, cars are in and out fairly quickly.*

*President Deel stated there is a demand for this business, but that in this location there is already traffic congestion and adding another business could create even more congestion in this small space.*

*Mr. Blair shared that he would love to see Bigby in Rochester Hills, however, he stated that he is concerned with the walk-up service. He questioned where the walk-up customers would enter the walk-up window from and if there is a place that they can sit and enjoy their coffee. He added that Bigby prides itself on community and building relationships; however, this building that is drive-thru and walk-up only does not provide community and connection.*

*Ms. Flynn responded that customers will walk-up to the window from the parking lot area and that there will be tables and chairs near the building for customers to sit and enjoy their beverages.*

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0013-2022

**Resolved**, that the Rochester Hills City Council hereby denies the Conditional Use to allow a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, based on plans dated received by the Planning Department on December 1, 2021 and September 17, 2021 with the following findings:

### **Findings**

1. The use will not promote the intent and purpose of the Zoning Ordinance because (i) the Zoning Ordinance promotes building architecture and aesthetics to be compatible and harmonious with the surrounding area, which the proposed building fails to do, and approval of the proposed development would set an adverse precedent to allow similar buildings to be developed in many parking lots and other similar areas of the City; and (ii) the Zoning Ordinance promotes safe vehicular access, which the proposed site does not provide due to potential traffic conflicts between the only site entrance and traffic passing thereby from three (3) other directions in a busy shopping center. Further, the Zoning Ordinance does not specifically promote modular drive-through structures that look like the proposed modular structures within existing parking lots, nor does it promote a business with only a drive-through and no seating area inside a building. If approved, there are concerns that such uses could proliferate throughout the City, which would create visual clutter and be detrimental to the building and development standards of the community.

2. The site and the proposed building have not been designed and proposed to be compatible, harmonious, and appropriate in appearance or operation with the existing and planned character of the general vicinity and adjacent uses of land or the community as a whole, for several reasons. First, the Meijer parking lot was not designed to accommodate such a development in this location. The proposed site plan within the existing parking lot will create potential traffic conflicts and make vehicular circulation for adjoining businesses more difficult, as it is filling a large portion of a relatively small space within a very busy shopping center, which will likely lead to vehicle conflicts and unsafe conditions. Such traffic conflicts may be detrimental to both the customers of those businesses and the businesses themselves if they suffer a loss of customers. Second, the design, architecture and aesthetics of the proposed modular drive-through structure are not compatible or harmonious in appearance with any of the existing buildings surrounding the site, including the Meijer store, the MedPost Urgent Care, the Culver's restaurant or the Panda Express building. These other sites have buildings that are conventional rectangular shaped buildings, and do not contain a vertical and a horizontal component that resemble shipping containers, such as the proposed development. Allowing the proposed use would detract from the architectural and aesthetic standards expected by, and found throughout the Rochester Hills community.

3. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, and the public welfare. The potential traffic conflicts created by the single entrance/exit to the site and the potential for an excess of cars in the drive-through queue may be detrimental to existing land uses by restricting access to nearby businesses or by creating traffic hazards for patrons of surrounding businesses, including drivers and any pedestrians. Specifically, if cars in the drive-through queue "spill out" outside of the site plan shown to the south, they would be directly interfering with access and circulation of that two-way drive which may cause traffic conflicts, accidents, and difficulties in accessing adjoining businesses. Nearby businesses may be negatively harmed financially if they suffer a loss of business due to frustration of potential customers who experience such difficulties with access and traffic circulation. Further, the aesthetics of the proposed building would contravene the design standards of other development within the community, harming the public welfare by setting an adverse precedent.

**2022-0047** Request for Approval of the Purchase Agreement for 2970 Eastern Avenue located on the west side of Eastern Avenue, south of Auburn Road

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Map.pdf](#)  
[Purchase Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning and Economic Development Director, explained that because of the popularity and success of the Auburn Road redevelopment, the City has been out preparing for parking along Auburn Road. She added that as they were going house-to-house to explain to the residents in this area what the City was planning to do, they received an offer to purchase another property to add to the area where the parking lots are planned to go, on the south side of the alley. She stated that this property is in close proximity to the other properties that the City had acquired and is centrally located within the corridor and added that they have a signed purchase agreement from the property owner based on an agreed upon price provided by the Assessing Department. She pointed out that there are no plans to develop this property and that the current plan is to keep this property as open space at this time.

**President Deel** thanked Ms. Roediger and stated that he is excited for this opportunity that has presented itself. He stated that he thinks this is a great opportunity to create an area that brings a sense of community.

**Mr. Walker** stated this is a perfect location within the Auburn Road Corridor for future development and is a win for the City.

**Vice President Bowyer** complimented Ms. Roediger and her team for the great work they have done with the development of the Auburn Road Corridor.

**Mr. Hetrick** commented that this is a testament to what the Planning and Economic Development Department and the Mayor did five years ago by taking a risk to engage the residents and build something great. He thanked the team for their efforts in putting this vision in place.

**Mayor Barnett** added that this project was named Michigan's Coolest Project in 2021 and stated that this is the result of five years of relationship building. He stated that there is not a week that goes by that someone does not tell him how much they love the Auburn Road Corridor.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0014-2022

**Resolved**, that the Rochester Hills City Council hereby approves the Purchase Agreement for the 0.37 acres of land at 2970 Eastern Avenue, Parcel #15-36-204-056, located on the west side of Eastern Avenue, South of Auburn Road.

**Be It Further Resolved**, that the Mayor is authorized to undertake such actions and to execute and deliver on the City's behalf such additional documents that are necessary and appropriate to consummate this transaction.

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

**James Tokarski**, 2560 Eastern Avenue, commended the City on the improvements made on Auburn Road and stated that he has been a resident of Rochester Hills for over 30 years. He shared that on January 6, 2022 there was a one-year celebration that took place at the Veterans Memorial Pointe on Livernois Road to remember the partisan event that took place a year ago in Washington D.C. He explained that he is a Veteran and that he believes only events relating to Veterans should be allowed at Veterans Memorial Pointe. He questioned why this event was allowed to take place, who approved this event, and what the approval process is for events at the Veterans Memorial Pointe.

**Joan Kotcher**, 960 Stanford Circle, stated that she had served with the Red Cross for twelve months in Vietnam during the war and added that she was one of the first women allowed in the combat zone. She stated that Veterans are heroes that love and serve their country and that not all soldiers made it home after the war. She shared that the Veterans Memorial Pointe is a memorial to honor the people that have served this country. She expressed her concern with

*the event that took place on January 6, 2022.*

***Mercedes Wirsing**, 2581 Pebble Beach, Oakland Township, inquired whether permission was given for a vigil or for a protest at Veterans Memorial Pointe on January 6, 2022. She shared that on January 4, 2022 she received a text with a news article link that wrote about the vigils that would take place at several locations on January 6, 2022 including Veterans Memorial Pointe, in remembrance of what happened a year ago in Washington D.C. She stated that she drove by the Veterans Memorial Pointe several times on January 6, 2022 and witnessed a protest taking place. She requested that the City not allow these type of events to take place at the Veterans Memorial Pointe.*

## 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.

### 2022-0050

Approval of Minutes - City Council Regular Meeting - October 25, 2021

**Attachments:** [CC Min 102521.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0015-2022

**Resolved**, that the Minutes of the Rochester Hills City Council Regular Meeting held on October 25, 2021 be approved as presented.

### 2022-0051

Approval of Minutes - City Council Special Meeting - October 25, 2021

**Attachments:** [CC Special Min 102521.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0016-2022

**Resolved**, that the Minutes of the Rochester Hills City Council Special Meeting held on October 25, 2021 be approved as presented/amended.

### 2022-0052

Approval of Minutes - City Council Regular Meeting - November 15, 2021

**Attachments:** [CC Min 111521.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0017-2022

**Resolved**, that the Minutes of the Rochester Hills City Council Regular Meeting held on November 15, 2021 be approved as presented/amended.

**2022-0034** Request for Purchase Authorization - BUILDING: Purchase Authorization for eleven (11) LIFEPAK Defibrillators in the amount of \$28,613.50; Stryker Medical, Portage, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Quote.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0018-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of eleven (11) LIFEPAK Defibrillators to Stryker Medical, Portage, Michigan in the amount of \$28,613.50.

**2022-0038** Request for Purchase Authorization - FACILITIES: Blanket Purchase order for the purchase of janitorial products for a not-to-exceed amount of \$90,000.00 through February 28, 2023; Nichols Paper & Supply Company, Rochester Hills, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0019-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order to Nichols Paper & Supply Company, Rochester Hills, Michigan for the purchase of janitorial products for a not-to-exceed amount of \$90,000.00 through February 28, 2023.

**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.

**2022-0002** Request for Purchase Authorization - FACILITIES/DPS/GAR: Blanket Purchase Order/Contract for On-Call Plumbing Services in the amount not-to-exceed \$28,000.00 through February 28, 2023; Allied Building Service Company of Detroit, Inc., Detroit, MI; Rolls Mechanical, Fenton, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0020-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for on-call plumbing services to Allied Building Service Company of Detroit, Inc., Detroit Michigan as the Primary Vendor and Rolls Mechanical, Fenton, Michigan as the Secondary Vendor in the amount not-to-exceed \$28,000.00 through February 28, 2023 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.

- 2022-0023** Request for Approval of a Pedestrian Sidewalk Easement Agreement between the City of Rochester Hills and Chief Financial Federal Credit Union, for Chief Financial Credit Union

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Sidewalk Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0021-2022

**Resolved**, that the Rochester Hills City Council hereby approves a Pedestrian Sidewalk Easement Agreement between the City of Rochester Hills and Chief Financial Federal Credit Union, whose address is 20 South Main Street, Rochester, Michigan, for Chief Financial Credit Union, Parcel #15-14-301-008.

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

- 2022-0026** Request for Acceptance of a Pedestrian Pathway Easement granted by Sandstone Builders Inc., a Michigan corporation, for 1976 June Avenue

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Sidewalk Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0022-2022

**Resolved**, that the Rochester Hills City Council on behalf of the City of Rochester Hills hereby accepts a Pedestrian Pathway Easement for the construction, operation, maintenance, repair and/or replacement of a pedestrian pathway on, under, through and across land more particularly described as Parcel #15-33-101-047, granted by Sandstone Builders Inc., a Michigan corporation, whose address is 46118 Van Dyke Avenue, Shelby Township, Michigan 48317, for 1976 June Avenue.

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

- 2022-0024** Request for Acceptance of the Water Main Easement granted by Tienken Trail Lofts LLC, a Michigan limited liability company, for Tienken Traillofts

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Water Main Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0023-2022

**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 #15-03-451-031, granted by Tienken Trail Lofts LLC, a

Michigan limited liability company, whose address is 44840 Utica Road, Utica, Michigan, 48317, for Tienken Traillofts.

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

- 2022-0025** Request for Approval of a Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and Tienken Trail Lofts LLC, a Michigan limited liability company, for Tienken Traillofts

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Storm Maint Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0024-2022

**Resolved**, that the Rochester Hills City Council hereby approves the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and Tienken Trail Lofts LLC, a Michigan limited liability company, whose address is 44840 Utica Road, Utica, Michigan 48317, for Tienken Traillofts, Parcel #15-03-451-031.

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

- 2022-0044** Request for Acceptance of Agreement - DPS/ENG: Agreement for the installation, operations, and maintenance of the HAWK traffic signal - Pedestrian Crossing to be located on Adams Road near Marketplace Circle; Road Commission for Oakland County, Waterford, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0025-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes the agreement between the Road Commission for Oakland County (RCOC), Waterford, Michigan and the City of Rochester Hills for the installation operations, and maintenance of the HAWK traffic signal - pedestrian crossing to be located on Adams Road near Marketplace Circle and further authorizes the Mayor to execute the agreement on behalf of the City.

- 2022-0045** Request for Acceptance of Agreement - DPS/ENG: Agreement for the installation, operations, and maintenance of the HAWK traffic signal to be located on Avon Road South of 23 Mile at Yates Trail; Road Commission for Oakland County, Waterford, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0026-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes the agreement between the Road Commission for Oakland County (RCOC), Waterford, Michigan and the City of Rochester Hills for the installation operations, and maintenance of the HAWK traffic signal to be located on Avon Road South of 23 Mile at Yates Trail and further authorizes the Mayor to execute the agreement on behalf of the City.

- 2022-0022** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for joint sealant material in the amount not-to-exceed \$89,500.00 through December 31, 2023; National Highway Maintenance Systems LTD, Akron, OH

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0027-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to National Highway Maintenance Systems, LTD, Akron, Ohio for joint sealant material in the amount not-to-exceed \$89,500.00 through December 31, 2023.

- 2022-0035** Request for Approval of the proposed amendments to the Van Hoosen Jones Stoney Creek Cemetery Rules and Regulations

**Attachments:** [020722 Agenda Summary.pdf](#)  
[2022 Cemetery Rules.pdf](#)  
[2022 Cemetery Rules \(redlined\).pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0028-2022

**Resolved**, that the Rochester Hills city Council hereby approves the proposed amendments to the Van Hoosen Jones Stoney Creek Cemetery Rules and Regulations.

- 2022-0039** Request for Approval of the proposed updates to the Van Hoosen Jones Stoney Creek Cemetery Perpetual Care Trust Fund Document

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Cemetery Trust.pdf](#)  
[Cemetery Trust Update.pdf](#)  
[Cemetery Trust Update \(redlined\).pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0029-2022

**Resolved**, that the Rochester Hills City Council hereby approves the proposed updates to the Van Hoosen Jones Stoney Creek Cemetery Perpetual Care Trust Fund Document.

Passed the Consent Agenda

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Munglioli and Walker

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Vice President Bowyer** encouraged everyone to sign up for the Outdoor Engagement events happening in the City:

- Antler Jewelry Making Class on February 8, 2022 at 6:00 p.m.
- Making Maple Syrup on February 19, 2022 at 11:00 a.m.
- Sap-To-Syrup Pancake Breakfast on March 19, 2022 at 9:00 a.m.
- Reptile Roundup on March 5, 2022 at 10:00 a.m.
- Night Hike and Campfire on March 10, 2022 at 6:00 p.m.

She stated that you can register for these events online at:  
<http://www.rochesterhills.org/outdoors>

She reiterated that the Capital Improvement Project Applications are due February 25, 2022 and that you can find applications online and can be submitted to Joe Snyder, Chief Financial Officer.

She added that January was Radon Action Month and that radiation from radon is one of the leading causes of lung cancer for non-smokers. She stated that Oakland County has radon kits for \$10.00 that will detect if any radiation from radon is in your home.

She shared that the Older Persons' Commission (OPC) 5K Run will be held on Saturday June 4, 2022.

**Mr. Blair** thanked the residents that came to speak about their concerns relative to Veterans Memorial Pointe adding that it is a focal point in the City. He thanked Clerk Scott, Joe Snyder, and the members of the Cemetery Citizen Advisory Technical Committee for the hard work that went into updating the Rules and Regulations as well as the Perpetual Care Trust Fund. He added that the Cemetery is on the south exit of the round-a-bout at Sheldon Road and offers reasonably priced plots.

**Mayor Barnett** addressed the concerns regarding the rally held at Veterans Memorial Pointe on January 6, 2022. He stated that the City was made aware of the plans for the January 6, 2022 rally and immediately engaged the City Attorney to see what is permitted at Veterans Memorial Pointe. He shared that the only requirement for this rally was amplification and all events that take place at Veterans Memorial Pointe require amplification. He added that because Veterans Memorial Pointe is public property, groups and people can gather there regardless of Veteran status. He explained that the City wants to make sure all gatherings are done safely; therefore, there were team members present and the Oakland County Sheriff's Office was on-site to make sure traffic was not interrupted.

He provided the following updates:

- The Rochester Falcons lost to the Rochester Adams Highlanders at Oakland University's O-Rena on February 4, 2022. He shared that this game displayed great community spirit.

- *Innovation Hills is one of the newer ponds in the City that is prepped and ready for pond hockey and ice skating, along with Carter Lake at Spencer Park that is prepped and ready. He added that there is a 3 vs. 3 pond hockey tournament coming up at Spencer Park. He mentioned Borden Park and Bloomer Park have great hills for sledding.*
- *DTE has been seen throughout the City recently trimming trees. He stated that this is part of the solution to the multiple outages that have happened in the City and that hopefully this will improve the power in the City.*
- *The City has installed Rectangular Rapid Flashing Beacons (RRFB) to improve the safety for pedestrian crossing. He explained that when a pedestrian is going to cross the street they can push a button on the RRFB and it activates a bright flashing light to alert traffic that someone will be crossing the road.*
- *The DPS was very busy last week with all the snow that the City received. He commended the DPS Team for their hard work with clearing the roads in a safe and efficient way.*
- *Wing walls have been placed at Avon and Dequindre Road and the construction in this area is progressing nicely.*
- *The HR Team is currently seeking seasonal help for groundskeepers, laborers, park attendants, and lifeguards and encouraged interested applicants to submit an application online.*
- *Tom Talbert, Senior Advisor in the Mayor's Office has retired. He stated that he was an asset to his Team and will be greatly missed.*

**Ms. Mungoli** thanked the Mayor for his response to the Veterans Memorial Pointe concerns and questioned whether groups that want to gather that are not Veterans have been diverted to a different park that can accommodate larger groups in a safer way. She inquired if activities can be restricted to Veteran related activities at Veterans Memorial Pointe.

**Mayor Barnett** responded that the City does try to suggest parks that could be a safer option depending on the group size; however, some groups choose specific locations to seek attention.

**Mr. Staran**, City Attorney, responded that activities cannot be restricted at Veterans Memorial Pointe because it would violate people's freedom of speech rights.

## ATTORNEY'S REPORT

City Attorney **John Staran** had nothing to report.

## NOMINATIONS/APPOINTMENTS

- 2022-0049** Acceptance of Resignation from John (Jack) Dalton from the Older Persons' Commission (OPC)

**Attachments:** [030722 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Carrio, Jr. CQ.pdf](#)  
[DeIPup CQ.pdf](#)  
[Dow CQ.pdf](#)  
[Hokschi, Jr. CQ.pdf](#)  
[Long CQ.pdf](#)  
[Paille CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[020722 Agenda Summary.pdf](#)  
[Letter of Resignation.pdf](#)  
[Resolution 020722.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mr. Hetrick** explained that he serves on the OPC board and that Mr. Dalton has served over 20 years in various positions on the OPC board including as treasurer and board chair. He added that Mr. Dalton was there when the new OPC building was established and that it will not be easy to fill his shoes and he will be greatly missed.

**Mayor Barnett** stated that Mr. Dalton is a great friend and has been a great asset for seniors in the Community. He thanked him for his service to the City.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0060-2022

**Resolved**, that the Rochester Hills City Council hereby accepts the resignation of John (Jack) Dalton as a member of the Older Persons' Commission effective December 9, 2021.

## NEW BUSINESS

**2022-0020** Request for Purchase Authorization - PARKS/NATURAL RESOURCES: Blanket Purchase Order/Contract for 2022 Street Tree Planting in the amount not-to-exceed \$185,000.00; Michigan Lawn Maintenance, Inc., dba Sherman Nursery Farms, Columbus, Michigan

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, explained that the request is for a blanket purchase authorization for Sherman Nursery Farms, LLC to continue to plant trees in the City. He added they have been an excellent company and have done great work throughout the City.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0031-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for 2022 Street Tree Planting to Michigan Lawn Maintenance, Inc., dba

Sherman Nursery Farms, Columbus, Michigan in the amount not-to-exceed \$185,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2022-0029** Request for Purchase Authorization - PARKS/NATURAL RESOURCES: Blanket Purchase Order/Contract for Parks and Natural Resources Master Planning Services in the amount not-to-exceed \$108,890.00; Beckett & Raeder, Ann Arbor, Michigan

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, explained that every five years the City's Master Plan is updated according to the Capital Improvement Plan (CIP). He shared that the City received significant public input from all different areas of the Community and this input is incorporated into the Master Plan. He pointed out that there is a second part to the Master Plan that requires the City to create and adopt a Park Strategic Plan. He expressed that he is very excited to take a closer look at all of the Parks operations and plan for options for the future. He added that they looked at several different firms to assist with the Parks Strategic Plan and Beckett & Raeder was the best choice.

**Ms. Mungoli** thanked Mr. Elwert for bringing this to Council and added that she appreciated the tour that he took her on of the Parks that brought awareness to the needs of each Park.

**Mr. Hetrick** stated that he can tell that Mr. Elwert is very passionate about putting together this Park Strategic Plan. He added that Parks are one of the top priorities of residents because they appreciate getting outside and getting recreation. He pointed out that the Park Strategic Plan is a great thing for the City.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungoli and Walker

Enactment No: RES0032-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for Parks and Natural Resources Master Planning Services to Beckett & Raeder, Ann Arbor, Michigan in the amount not-to-exceed \$108,890.00 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2022-0048** Request to Vacate the half width (30') public portions of Samuel Avenue, located north of Alsdorf Avenue, south of Gilsam Avenue and west of Mildred Avenue

**Attachments:** [Public Hearing Notice.pdf](#)  
[020722 Agenda Summary.pdf](#)  
[Map.pdf](#)  
[Applications.pdf](#)  
[Exhibits A B and C.pdf](#)  
[Exhibits D and E.pdf](#)  
[Exhibit F.pdf](#)  
[Exhibits G and H.pdf](#)  
[Exhibits I and J.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated this request is to recommend the vacation of Samuel Avenue. He explained in 2020, the southeast portion of Samuel was vacated and the adjacent property owners are now requesting the portion near them to be vacated. He added that the City has done their due diligence and that there are some public utilities that contain easements to allow the City access to the private utilities. He stated the request is for preliminary approval and to bring this back to the City Council March 21, 2022 meeting as a public hearing.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0033-2022

**Whereas**, the City Council of the City of Rochester Hills has considered vacating, discontinuing or abolishing the public's interest in the following described street, alley, public ground or part thereof, located in the City of Rochester Hills and subject to the jurisdiction and control of the City of Rochester Hills:

**Whereas**, Myron Williams of 1644 Alsdorf Avenue (#15-33-177-006), Mohamad Baiyasi of 1621 Gilsam Avenue (#15-33-130-001) and Zebadiah Israel of 1649 Gilsam Avenue (#15-33-176-018) have requested that the City approve the vacation of the public's interest in the Samuel Avenue (30') half width right-of-way being north of Alsdorf Avenue, south of Gilsam Avenue, east of 1649 Gilsam Avenue, Northbrooke commons area and 1644 Alsdorf Avenue and west of 1621 Gilsam Avenue and the Meadow Creek II commons area. In order to avoid having a landlocked portion of Samuel Avenue remaining, the City of Rochester Hills will also be vacating the public's interest in the (30') half width right-of-way abutting the Northbrooke Subdivision's commons area on the east side and the (30') half width right-of-way abutting Meadow Creek II Condominium's commons area on the west side.

**Now, Therefore, Be It Resolved:**

1. That it is hereby deemed advisable to vacate, discontinue or abolish the public's interest in the above-described street, alley, public ground or part thereof, and the City Council hereby tentatively declares its intention to do so.
2. That a Public Hearing is hereby scheduled for Monday, March 21, 2022 at 7:00 P.M., Michigan Time, at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan, for the City Council to hear and consider comments and objections submitted in writing or orally pertaining to the proposed vacation, discontinuance or abolition.



3. That the City Clerk is hereby directed to give notice of the public hearing in the time and manner specified in Section 94-175 of the Code of Ordinances.

**2022-0036** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for Ready Mix Concrete Materials in the amount not-to-exceed \$140,860.00 through December 31, 2023; Protocon RM, Sterling Heights, MI; Superior Materials, LLC., Farmington Hills, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, explained that on occasion, DPS will perform preventative routine maintenance and repairs on the roads. He stated this contract is for ready-mix concrete that will allow for the maintenance and road repairs.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0034-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for ready mix concrete materials to Protocon RM, Sterling Heights, Michigan as the primary vendor and Superior Materials, LLC., Farmington Hills, Michigan as the secondary vendor in the amount not-to-exceed \$140,860.00 through December 31, 2023.

**2022-0009** Request for Purchase Authorization - FACILITIES/DPS/GAR: Contract/Blanket Purchase Order for 2022 Lawn Mowing Services for City-Owned Properties, Shoulder Right-of-Ways, Pathways, and Ordinance Compliance for Occupied and Vacant Lots in the amount not-to-exceed \$190,655.00 through December 31, 2022; Green Meadows Landscape, Inc., Rochester Hills, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Gary Nauts**, Facilities Manager, stated that this request is for the lawn cutting contract for the City.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0035-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for 2022 Lawn Mowing Services for City-Owned Properties, Shoulder Right-of-Ways, Pathways, and Ordinance Compliance for Occupied and Vacant Lots to Green Meadows Landscape, Inc., Rochester Hills, Michigan in the amount not-to-exceed \$190,655.00 through December 31, 2022 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.

**2022-0010** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for the Delivery of Electric Energy for City Facilities in the not-to-exceed amount of \$495,000.00 through December 31, 2022; DTE Energy, Detroit, MI, Michigan Municipal Risk Management Authority, Livonia, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Gary Nauts**, Facilities Manager, explained that this request is for approving the City's electricity service through DTE.

**Ms. Mungiola** thanked Scott Cope, Building, Ordinance, and Facilities Director, for answering her questions regarding the audit relative to DTE.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungiola and Walker

Enactment No: RES0036-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the Delivery of Electric Energy for City Facilities to DTE Energy, Detroit, Michigan and Michigan Municipal Risk Management Authority, Livonia, Michigan in the not-to-exceed amount of \$495,000.00 through December 31, 2022.

**2022-0030** Request for Purchase Authorization - BUILDING/FACILITIES: Contract/Blanket Purchase Order for construction management services for the construction of the Borden Park Public Restrooms and Park Office in the amount not-to-exceed \$1,647,906.00; George W. Auch Company, Pontiac, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Quote.pdf](#)  
[Drawings.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, **Scott Cope**, Building, Ordinance, and Facilities Director, **Jackie Hoist**, H2A Architects, and **Aaron St. Dennis**, George W. Auch, LLC were in attendance.

**Mr. Elwert** stated that this request is for the approval to build new year round restrooms and the park office in Borden Park. He added these buildings are expected to last over thirty years and the park office will replace the 1950s farmhouse that is out of code compliance and would require more than a million dollars to renovate. He stated Borden Park is one of the most visited parks in the City and these new buildings are necessary. He pointed out that this request has been before Council previously and that Staff has reviewed every item to try to simplify items to provide cost savings. He stated that George W. Auch, LLC is the company that they are recommending for the construction management and that they have collected over 50 bids for this project. He pointed out that

there are construction manager fees with each quote and that with each project there has to be a construction manager attached to that project.

**Ms. Hoist** explained that the new office will be located in front of the two existing buildings; one that contains restrooms and one that contains storage. She shared that the diagrams include the floor plan layout, the office space, public restrooms and meeting space.

**Mr. Elwert** stated that this project is in the budget and will get more expensive as time goes on. He added this project has been analyzed item-by-item and decisions were made based on functionality. He pointed out that the current condition of the buildings are difficult to work in and not a good representation of the City.

**Lee Zendel**, 1575 Dutton Road, inquired about the following:

- City oversight and Auch personnel on-site during construction.
- Whether the sub-contractor contracts are fixed
- If an asphalt roof is a better option than a metallic roof.
- If a contingency allowance will be paid to George W Auch, LLC.

**Mr. St. Dennis** responded that there will be at least one representative from Auch onsite daily overseeing the construction, monitoring safety, quality and time of the project. He stated the sub-contractor prices are all fixed prices. He responded that an asphalt roof was not much of a savings and the life expectancy was much lower than using a metal roof.

**Mr. Cope** added that in addition to Auch onsite during construction, Facilities will be checking in daily, as well as the park staff that will be there working. He responded that Auch provides a guaranteed maximum price that can come in lower than what has been quoted.

**Mr. Hetrick** reiterated that this quote is a guaranteed maximum price that will not go beyond that. He stated that if costs continue to escalate over time, now is the time to move on this project.

**Vice President Bowyer** stated that this is the time to invest in Parks and that with this Park being the most used Park, having a clear location where people can go for help is necessary. She thanked Mr. Elwert and Mr. Cope for their efforts in analyzing price options and stated this project is only going to get more expensive as the years go on.

**President Deel** commented that when he was driving by Borden Park this weekend with his wife, she was in disbelief that the farmhouse was where Staff worked. He added that there is a need for these new buildings.

**Mr. Walker** concurred that this project is long overdue. He questioned the demolition costs of the existing restrooms and farmhouse.

**Mr. Cope** responded that the demolition of the existing buildings will be a separate project for later this year that has already been budgeted for.

**Ms. Mungoli** thanked Mr. Elwert for answering her questions regarding this project. She inquired if repair work would be done on the existing restroom facilities. She stated that she does not want to spend anymore money on this project, including new furniture and landscaping. She questioned which department is responsible for these buildings and wants to make sure there are adequate resources to maintain the new buildings.

**Mr. Elwert** stated that the existing restrooms will be used as storage and not be used as restrooms or available for public use.

**Mr. Cope** responded that all the buildings are owned by the City and Facilities does the majority of the maintenance on the buildings; Parks handles the cleaning of their buildings. He added that Facilities' current main focus is on Park buildings.

**Ms. Mungoli** stated she will vote in favor of this request because she has seen first hand the needs in the Parks and added that she appreciates all the work that the Parks and Natural Resources Team does to keep the Parks beautiful. She pointed out that she is happy that Borden Park, Bloomer Park and Spencer Park are receiving the attention that other Parks in the City have received.

**President Deel** shared that anyone that has been to Borden Park knows that the new buildings are needed. He added that Council values the City Staff and wants them to have safe work environments; therefore, he is in favor of this request.

**Mayor Barnett** stated that **Bert Hallewas** was present in the audience and has been part of the Parks Staff for 26 years. He noted that the conditions he experiences working at Borden Park are not favorable.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungoli and Walker

Enactment No: RES0037-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for construction management services for the construction of the Borden Park Public Restrooms and Park Office in the amount not-to-exceed \$1,647,906.00 to the George W. Auch Company, Pontiac, Michigan and further authorizes the Mayor to execute a contract on behalf of the City.

**2022-0031** Request for Purchase Authorization - BUILDING/FACILITIES:  
Contract/Blanket Purchase Order for construction management services for the construction of the Innovation Hills Ranger Station in the amount not-to-exceed \$757,387.00; George W. Auch Company, Pontiac, MI

**Attachments:** [020722 Agenda Summary.pdf](#)  
[Quote.pdf](#)  
[Drawings.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, **Scott Cope**, Building, Ordinance, and Facilities Director, **Jackie Hoist**, H2A Architects, and **Aaron St. Dennis**, George W. Auch, LLC were in attendance.

**Mr. Elwert** explained that this request is for a garage, small office space and storage work room at Innovation Hills Park. He added that the building matches the style of the current pavilion and stated that they have removed items like geothermal heating that has helped with cost savings. He pointed out that Innovation Hills is the fastest growing visited Park in the City; and added that three years ago there were 17,000 visits and in 2021 there were 250,000 visits to Innovation Hills. He explained that during the first few years at Innovation Hills, there was no portable toilet onsite for Staff and they would sit in their vehicles to warm up and go to Tim Hortons to use the restroom. He added the Staff was aware of the conditions and are passionate about working in the Parks. He shared that in the summer, the current shipping containers that are utilized as temporary onsite storage can get very hot and there are items like paint that cannot be exposed to a certain temperature; therefore, Staff would have to move those items out on extremely warm days.

**Mr. Walker** mentioned that this project is long overdue and questioned whether a cost savings would be provided with utilizing the same vendors for this project and the Borden Park project. He also questioned if the quote is the maximum price of this project and will not exceed that amount.

**Mr. Elwert** responded that there is a cost savings provided with using the same vendors for both parks.

**Mr. Cope** responded that the quote is the maximum price.

**Mr. Hetrick** pointed out that based on the commentary, the building was specifically designed to be functional and added that it fits the character of Innovation Hills and is the most cost effective to fit the needs of the Staff.

**Ms. Mungoli** stated she is cautious on spending a lot of money and questioned what the cost per square foot is for this project and what is the standard cost per square foot for these types of buildings.

**Mr. Elwert** responded that the cost per square foot is \$1,315.00. He added that previously the cost has been compared to residential costs and the contractors have shared that the two are not comparable. He explained that when comparing this to residential, typically residential homes are built as multiple homes in a neighborhood which would significantly reduce the cost per square foot. He added that residential homes do not serve 1000 people daily in the restroom and do not have locker rooms for Staff coming in and out. He stated the proposed ranger station is about 570 square feet and compared to similar projects the low bid for a concession stand was \$1,332.00 per square foot and a farmers' market bid that was a low of \$3,449.00 per square foot.

**Mr. St. Dennis** responded that it would depend on what is being built to get an exact estimate of cost per square foot. He added that each project is unique and that this project requires an 8-inch water main; therefore, the cost

increases. He stated that these types of buildings can range from \$5.00 to \$1,000.00 per square foot and that this is a smaller job so it effects the cost.

**Ms. Mungiola** explained that the provided quote is the maximum price she is willing to approve for this project.

**Vice President Bowyer** stated she loves the architecture of the building and inquired what material is being used for the siding of the building. She inquired about the trees that are currently in the location of the proposed building and whether the trees would be preserved.

**Ms. Hoist** stated the siding is metal that has a wood appearance.

**Mr. Elwert** stated they attempted to wind the path in between the trees to eliminate removing some trees, however; they will have to remove a few trees to construct this building.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungiola and Walker

Enactment No: RES0038-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for construction management services for the construction of the Innovation Hills Ranger Station in the amount not-to-exceed \$757,387.00 to the George W. Auch Company, Pontiac, Michigan and further authorizes the Mayor to execute a contract on behalf of the City.

**2022-0046** Request for Purchase Authorization - BUILDING/FACILITIES:  
Contract/Blanket Purchase Order for construction management services for the renovations of City Hall Clerk's Office and Council Chambers in the amount not-to-exceed \$160,698.00; George W. Auch Company, Pontiac, MI

**Attachments:** [020722 Agenda Summary.pdf](#)

[Quote.pdf](#)

[Drawings.pdf](#)

[Resolution \(Draft\).pdf](#)

**Scott Cope**, Building, Ordinance, and Facilities Director, explained that this project involves renovating the Clerk's vault area and a conference room and some other areas where election work is done. He added the main purpose of this project is to make the election process more seamless for the Clerk's Office. He pointed out that he was very surprised when he walked through the Clerk's Office and saw how they currently operate during elections and added that he even lifted some of the voting equipment. He stated moving the election equipment is physically demanding and this project will provide some shelving on wheels that will allow the equipment to be stored and movable when needed. He stated that the vault has been reconfigured to house the voting machines and the back room has been redesigned to allow for additional election work. He explained this project will also remove the fixed chairs in the auditorium, install new carpet, new electrical outlets and non-fixed chairs in the auditorium to

create a multi-purpose room, especially during elections.

**President Deel** questioned whether these renovations will meet the needs now and in the future with elections especially with the influx of absentee ballots.

**Clerk Scott** responded that this project has been years in the making and that the City purchased election equipment with the expectation that absentee voting would increase and that over the last four years absentee ballots have grown exponentially. She added this renovation will meet all of the election needs because it will better utilize space and pointed out that ballots have to be kept secure. She shared that the movable cabinets can come out of the Vault and Staff can work on them during the day and then move them back to the Vault to be stored securely. She explained the back room will be utilized for issuing of ballots away from the counter and other interruptions. She stated that this renovation will also accommodate record storing and she is very excited for these updated accommodations. She mentioned that the last few years, City Hall has been closed on election day to accommodate the processing of absentee ballots and that this renovation will allow City Hall to remain open during elections because the auditorium will be able to hold the absentee workers.

**Mr. Walker** stated anything Council can do to make Clerk Scott's job easier he is in favor of.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0039-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for construction management services for the renovations of City Hall Clerk's Office and Council Chambers in the amount not-to-exceed \$160,698.00 to the George W. Auch Company, Pontiac, Michigan and further authorizes the Mayor to execute a contract on behalf of the City.

**2020-0490** Request for Purchase Authorization - FISCAL: Increase to Blanket Purchase Order for 2021 City Attorney services in the amount of \$1,684.00 for a new not-to-exceed amount of \$251,684.00 through December 31, 2021; Hafeli, Staran & Christ, P.C., Sylvan Lake, Michigan

**Attachments:** [020722 Agenda Summary.pdf](#)  
[12142020 Agenda Summary.pdf](#)  
[12142020 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, explained that the request is to increase the 2021 blanket purchase order for City Attorney Services in the amount of \$1,684.00.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morlan, Mungioli and Walker

Enactment No: RES0040-2022

**Resolved**, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order for 2021 City Attorney services to Hafeli, Staran & Christ, P.C., Sylvan Lake, Michigan in the amount of \$1,684.00 for a new not-to-exceed amount of \$251,684.00 through December 31, 2021.

## **ANY OTHER BUSINESS**

**NEXT MEETING DATE - Monday, February 28, 2022 - 7:00 p.m.**

## **ADJOURNMENT**

*There being no further business before Council, it was moved by Walker and seconded by Mungioli to adjourn the meeting at 10:39 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.*