



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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*David J. Blair, Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, Stephanie Morita,
Theresa Mungiola 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."*

Monday, October 25, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - David Blair, Susan M. Bowyer, Ryan Deel, Dale Hetrick, Stephanie Morita, Theresa Mungiola and David Walker

Others Present:

*Bryan Barnett, Mayor
Ken Elwert, Parks and Natural Resources Director
Larry Gambotto, Captain/Training Officer
Tim Hollis, Deputy Building Director
Lee Mayes, Captain/Assistant Fire Marshall
Sara Roediger, Planning and Economic Development Director
Leanne Scott, City Clerk
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Tom Talbert, Strategic Innovation Specialist*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Mungioli, seconded by Walker, that the Agenda be Approved as Amended, to move Legislative File 2021-0433 Recommendation for Michigan Liquor Control Commission approval of a Tasting Room License application for Bitter Tom's Manufacturing, LLC to immediately follow Legislative File 2021-0384 Request for Conditional Use Approval for Bitter Tom's Manufacturing to allow for on-premises alcoholic beverage consumption as part of a tasting room that would be operated in conjunction with distilling of spirits at 2937 Waterview Dr., between Auburn Rd. and Adams Rd., west of Leach Rd., Tom Bosley, Bitter Tom's Manufacturing, LLC; and to remove Legislative File 2021-0425 Request for Purchase Authorization - PARKS: Blanket Purchase Order for tree maintenance services in the amount no-to-exceed \$404,290.00 through October 31, 2024; JH HArt Urban Forestry, Sterling Heights, MI, per the request of the Purchasing Department.

Aye 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

President Deel introduced RHGYC Representative **Amanpreet Dosanjh**.

Miss Dosanjh mentioned she has been on the RHGYC for three years and is also a representative on the Human Resources Committee. She stated the RHGYC will have their monthly meeting on November 3, 2021, followed by volunteering at the Community Foundation Greater Rochester's Annual Tailgate Party on November 4, 2021. She added for the month of thankfulness the RHGYC will work on a project to honor the hospital workers at Ascension Hospital.

Older Persons' Commission (OPC):

Mr. Hetrick announced the OPC's Artisan Holiday Market will take place on November 13, 2021 from 9:00 a.m. to 4:00 p.m.

Avondale Youth Assistance:

Ms. Morita mentioned Avondale Youth Assistance is still in need of volunteers to help with programs. She stated they are operating mostly remotely and are looking to add some additional programming.

Rochester-Avon Recreation Authority (RARA):

Ms. Mungioli shared that RARA currently has many programs available to the public, and encouraged anyone interested to visit their website and sign up.

PRESENTATIONS

2021-0431 2021 Year-End Legislative Update; Midwest Strategy Group

Attachments: [10252021 Agenda Summary.pdf](#)
[Midwest RH Update 2021.pdf](#)

Dave Hodgkins and **Mike Compagnoni**, Government Relations, from Midwest Strategy Group were present to provide an update from Lansing.

Mr. Hodgkins explained they provide government relation services for the City of Rochester Hills. He highlighted the following items currently happening at the State level:

- The Governor signed the State Budget for the 2021-2022 Fiscal Year on September 28, 2021. This budget includes a mix of general fund and American Rescue Plan (ARP) dollars.
- \$500,000 was secured for Innovation Hills, bringing the total grant dollars to \$1,200,000.
- Bills that are being tracked for the City include Aggregate Mining, Short-Term Rentals, Disabled Vet Property Exemption, Part 115 Solid Waste Management rewrite, Elections, and Stormwater Bills.

Mr. Compagnoni spoke about Budget Supplementals stating the State has approximately \$9 billion left on their books that was not addressed in the most recent budget. He explained this will most likely be spread out into multiple Budget Supplementals, adding the Senate has already requested a \$2.5 million water supplemental that would replace lead service lines, bolstering the State's revolving fund program, dam infrastructure, as well as other items. He spoke about the Special Election and Redistricting including the following:

- Representative Doug Wozniak, Representative Mark Huizenga, and Representative Andrea Schroeder all representing the Republican Party will take a seat in the State Senate if they win the November election.
- There is a new Independent Citizen's Redistricting Commission that is starting to take public comment and meeting with individuals around the State. He stated it is interesting to watch these meetings that would normally take place behind closed doors and encouraged people to tune into a meeting.

President Deel thanked Mr. Hodgkins and Mr. Compagnoni for their presentation and commended them on securing the \$500,000 grant for Innovation Hills. He acknowledged Representative Tisdell and his support for local government as well. He noted he would love to see part of the \$9 billion Budget Supplemental come back to Rochester Hills if possible.

Ms. Mungoli questioned what the next step will be for the Redistricting Commission after the initial hearings. She noted that she is aware of the hearings scheduled for October 25 and October 26 in Gaylord and Flint. She mentioned the hearings can be viewed virtually and encouraged people to join. She also questioned the Budget Supplemental dollars asking if that is all ARP dollars and what the restrictions are for using the funds.

Mr. Compagnoni responded they are working on the process and are expecting a final vote on the maps sometime around the end of December. He explained that the US Treasury has released a document regarding what Budget Supplemental funds can and cannot be used for. He noted some of the funds are State tax dollars.

Mr. Hodgkins added most of the Budget Supplemental dollars are ARP dollars, and there was a mixture of State and ARP dollars used for the recent budget. He noted the Administration decided to fund the State priorities first and then come back and supplement other needs.

Vice President Bowyer thanked Mr. Hodgkins and Mr. Compagnoni for their hard work and for their assistance with the funding for Innovation Hills.

Mayor Barnett stated they have already been working on receiving some of the Budget Supplemental funds and he appreciates the Mid-West Strategy team and their assistance.

Presented.

PUBLIC HEARINGS

2021-0403 FY 2021 3rd Quarter Budget Amendment

Attachments: [10252021 Agenda Summary.pdf](#)
[3rd Qtr BA Overview.pdf](#)
[Budget Amendments Backup.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, explained that the public hearing being presented is for the third quarter budget amendment. He added in total there is approximately \$1.5 million proposed to be credited back to various funds City-wide. He noted the third quarter budget amendments presented propose the following:

- Decrease total revenue's by \$950,000, and decrease total expenditures by \$865,000, resulting in a \$85,000 draw from fund balance.
- The decrease in total revenue includes \$243 in insurance net asset distributions, and \$294,000 of fund transfers.
- The decrease in total expenditures includes a reduction in operating expenditures of \$1.3 million.
- There is also a \$150,000 increase for a water meter MXU change out program that was approved in July 2020.
- Capital Projects are proposed to increase by \$176,000; the largest expense is for the advance for the engineering for the Borden Parking Lot Project.
- Transfers out are proposed to increase by \$294,000 to comply with the Fund Balance policy.

He requested Council open a public hearing on the City of Rochester Hill's Fiscal Year 2021 Third Quarter Budget Amendment.

President Deel Opened the Public Hearing at 7:28 p.m. Seeing No Public Comment, President Deel Closed the Public Hearing at 7:29 p.m.

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

Enactment No: RES0248-2021

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III

Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, the Public Hearing for the proposed FY 2021 3rd Quarter Budget Amendments was noticed on October 7, 2021; and

Whereas, the proposed FY 2021 3rd Quarter Budget Amendments were available for public viewing beginning on October 15, 2021; and

Whereas, at its October 25, 2021 meeting City Council held a Public Hearing on the proposed FY 2021 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following FY 2021 fund totals as amended:

TOTAL BUDGET SUMMARY	Current Budget	Change	Amended Budget
101 - General Fund	\$ 29,304,300	\$ (442,330)	\$ 28,861,970
202 - Major Road Fund	\$ 11,311,840	\$ (19,450)	\$ 11,292,390
203 - Local Street Fund	\$ 10,532,670	\$ (140,450)	\$ 10,392,220
206 - Fire Department Fund	\$ 13,120,120	\$ -	\$ 13,120,120
207 - Special Police Fund	\$ 10,041,970	\$ (6,620)	\$ 10,035,350
213 - RARA Millage Fund	\$ 704,540	\$ -	\$ 704,540
214 - Pathway Maintenance Fund	\$ 734,520	\$ -	\$ 734,520
232 - Tree Fund	\$ 185,690	\$ -	\$ 185,690
244 - Drain Maintenance Fund	\$ 701,230	\$ (11,030)	\$ 690,200
365 - OPC Millage Fund	\$ 1,569,600	\$ -	\$ 1,569,600
285 - ARPA Fund	\$ -	\$ -	\$ -
299 - Green Space Fund	\$ 318,690	\$ -	\$ 318,690
331 - Drain Debt Fund	\$ 210,120	\$ -	\$ 210,120
369 - OPC Building Refunding Debt Fund	\$ 756,420	\$ -	\$ 756,420
393 - Municipal Building Refunding Debt Fund	\$ 892,750	\$ -	\$ 892,750
402 - Fire Capital Fund	\$ 2,461,020	\$ 3,350	\$ 2,464,370
403 - Pathway Construction Fund	\$ 254,550	\$ -	\$ 254,550
420 - Capital Improvement Fund	\$ 5,018,400	\$ 111,480	\$ 5,129,880
510 - Sewer Department	\$ 15,839,620	\$ (89,500)	\$ 15,750,120
530 - Water Department	\$ 21,036,280	\$ (57,590)	\$ 20,978,690
593 - Water & Sewer Capital Fund	\$ 16,923,100	\$ -	\$ 16,923,100
595 - Water & Sewer Debt Fund	\$ 1,379,380	\$ -	\$ 1,379,380
596 - Solid Waste Fund	\$ 659,390	\$ -	\$ 659,390
631 - Facilities Fund	\$ 21,158,390	\$ (49,930)	\$ 21,108,460
636 - MIS Fund	\$ 3,731,510	\$ (44,910)	\$ 3,686,600
661 - Fleet Fund	\$ 6,165,980	\$ (118,410)	\$ 6,047,570
677 - Insurance Fund	\$ 422,200	\$ -	\$ 422,200
736 - Retiree Healthcare Trust Fund	\$ 205,790	\$ -	\$ 205,790
752 - Cemetery Perpetual Care Trust Fund	\$ 5,000	\$ -	\$ 5,000
761 - Green Space Perpetual Care Trust Fund	\$ 304,390	\$ -	\$ 304,390
243 - Brownfield Revolving Fund	\$ -	\$ -	\$ -
844 - Brownfield Redevelopment Fund (Legacy)	\$ 169,690	\$ -	\$ 169,690
848 - LDFA Fund	\$ 710,710	\$ -	\$ 710,710
870 - RH Museum Foundation Fund	\$ 100	\$ -	\$ 100
GRAND TOTAL - ALL FUNDS	\$ 176,829,960	\$ (865,390)	\$ 175,964,570

PLANNING AND ECONOMIC DEVELOPMENT

2021-0384 Request for Conditional Use Approval for Bitter Tom's Manufacturing to allow for on-premises alcoholic beverage consumption as part of a tasting room that would be operated in conjunction with distilling of spirits at 2937 Waterview Dr., between Auburn Rd. and Adams Rd., west of Leach Rd., Tom Bosley, Bitter Tom's Manufacturing, LLC, Applicant

Attachments: [10252021 Agenda Summary.pdf](#)
[Minutes PC 92121 \(Excerpt\).pdf](#)
[Staff Report 92121.pdf](#)
[Concept Plan.pdf](#)
[Floor Plan.pdf](#)
[Letter of Intent 72721.pdf](#)
[EIS.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Planning and Economic Development Director, introduced **Tom Bosley** from Bitter Tom's Manufacturing. She noted Mr. Bosley owns a distillery on Waterview Drive located between Adams Road and Auburn Road. She explained many distillery's provide tours of their facility that include tasting the products, and Mr. Bosley is requesting an on-site consumption alcohol license to allow for tasting and purchasing of alcohol on-site in his distillery. She added the Planning Commission did look at this request as a conditional use in September of 2021, and they recommend approval with restrictions including the time the tastings could occur.

Ms. Mungiola questioned when the facility will open.

Mr. Bosley responded they are still going through approvals at the State level, and if approved, it will still take several months to get opened.

Ms. Morita questioned if food will be served on-site and if not, can people bring their own food on-site.

Mr. Bosley answered they are not serving food on-site and have not considered allowing people to bring food on-site at this time.

Vice President Bowyer thanked Mr. Bosley for explaining that the tasting room will allow people to see what his business is all about as opposed to a robust tasting room that will attract large amounts of people.

Mayor Barnett thanked Mr. Bosley for building and expanding his business in the City.

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

Aye 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungiola and Walker

Enactment No: RES0249-2021

Resolved, that the Rochester Hills City Council hereby approves the conditional use for Bitter Tom's Manufacturing, LLC to allow on-premises alcoholic beverage consumption, located at 2937 Waterview Dr., subject to the following findings and conditions:

Findings

- A. The proposed use will promote the intent and purpose of the Zoning Ordinance.
- B. The building has been designed and is 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.
- C. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
- D. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
- E. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
- F. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

- 1. Public hours of operation for the tasting room will be between 9:00 a.m. - 6:00 p.m. Friday and Saturday, including special events.

2021-0433 Recommendation for Michigan Liquor Control Commission approval of a Tasting Room License application for Bitter Tom's Manufacturing, LLC

Attachments: [10252021 Agenda Summary.pdf](#)
[Application.pdf](#)
[Tasting Room Concept Plans.pdf](#)
[MLCC Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Leanne Scott, City Clerk, stated that upon Council's approval of the Conditional Use for Bitter Tom's, the Michigan Liquor Control Commission is requiring a resolution from Council to either approve or disapprove the Tasting Room License. She noted Mr. Bosley met with the Liquor License Technical Review Committee and they have unanimously approved the recommendation for the Tasting Room License.

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

Aye 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

Enactment No: RES0250-2021

Resolved, that the Rochester Hills City Council hereby recommends that the application from Bitter Tom's Manufacturing, LLC, for the Tasting Room License to be located at 2937 Waterview, Rochester Hills, be considered for approval by the Michigan Liquor Control Commission

PUBLIC COMMENT for Items not on the Agenda

Nancy Riley, 69 Cloverport, mentioned that she believes the City's approach to obtaining Green Space is not standard and does not create fair purchasing or negotiation opportunities for property owners. She fears that if this practice continues the City will not be able to purchase Green Space properties.

Heidi Morris, 900 Stag Ridge, mentioned that she has been a member of the Green Space Advisory Board (GSAB) since 2017. She noted that she is concerned about safety in the City, even though Rochester Hills is a generally safe place to live. She pointed out that there have been several major developments recently constructed in the City and that the population is growing. She added that there is also a rise in mental health problems not just in the City, but all over the country. She shared that she would like Council to revisit Sheriff Bouchard's recommendation to add a Directed Patrol Unit to keep the City safe.

Andrew Krupp, 168 Cloverport Ave, stated he has a long standing and active relationship with Green Space in the City. He mentioned that the Innovation Hills Grant is a good example of what he would like to be seen with Green Space in the City. He explained the original Green Space Millage was meant for just Green Space purchases and preservation, rather than maintenance. He added there was a great deal of thought put into the millage and that the maintenance of Green Space was to be funded by grants, volunteers, and local and state partnerships. He stated he believes the City needs to leverage resources for maintenance of Green Spaces in order to use the millage for obtaining Green Space properties.

Pamela Bratton Wallace, 168 Cloverport Ave, noted her concerns about Green Space, and pointed out that she is a founding member of the Green Space Advisory Board (GSAB). She added that she is the co-founder and director of the Grassroots Green Space Initiative in Rochester Hills. She congratulated Council on the recent Green Space purchase, and stated it is a start in the right direction. She mentioned she would like the GSAB to return to its original procedures and actively pursue Green Space properties in the City.

Angela Sambani-Olystn, 152 Cloverport, stated that she is the co-founder of Grassroots Green Space Initiative Rochester Hills and she wants to inform residents of how important it is to preserve and obtain Green Space in the City. She requested that the GSAB return to its original protocols, including spending the \$7 million on Green Space purchases. She added she would like the City's nomination and purchase procedures of Green Space shortened and more accessible and respectful to property owners.

Jeff Gabrielson, 201 Cloverport, thanked Council for the opportunity to speak tonight. He offered his condolences to the Volcic family regarding the tragic loss of Elisa. He noted he would like the Green Space Millage to be used to purchase Green Space properties; not to hold it long term in an account.

Paul Murch, 196 Cloverport, mentioned that he lives near the Clinton River Corridor and Green Space is an important topic for his family. He added that he believes everyone is in favor of accepting land donations and lower cost properties for Green Space. He stated while low cost and donated properties are wonderful, it is not normal and the City can't base the acquisition process around these type of properties. He stated the primary intention of the green space millage was to purchase property and not maintenance.

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.

2021-0438 Approval of Minutes - City Council Regular Meeting - September 27, 2021

Attachments: [09272021 CC Regular Meeting Minutes.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0251-2021

Resolved, that the Minutes of the Rochester Hills City Council Regular Meeting held on September 27, 2021 be approved as presented.

2021-0410 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for the concrete floor applications in City Hall's Receiving Area and DPS Garage in the amount of \$53,180.00 with a 10% project contingency in the amount of \$5,318.00 for a total not-to-exceed project amount of \$58,498.00; MLP Painting, Inc., Washington Township, MI

Attachments: [10252021 Agenda Summary.pdf](#)
[Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0252-2021

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the concrete floor applications in City Hall's Receiving Area and DPS Garage in the amount of \$53,180.00 with a 10% project contingency in the amount of \$5,318.00 for a total not-to-exceed project amount of \$58,498.00 to MLP Painting, Inc., Washington Township, Michigan 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.

2021-0432 Request for Approval of a Fireworks Display Permit for Light the Village, November 19, 2021; American Fireworks Company of Hudson, Ohio, Applicant

Attachments: [10252021 Agenda Summary.pdf](#)
[Fire Dept. Memo.pdf](#)
[FOTC Permit Application.pdf](#)
[Pyrotechnic Application.pdf](#)
[Map.pdf](#)
[Insurance.pdf](#)
[SDS.pdf](#)
[BATFE License.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0253-2021

Whereas, American Fireworks Company of Hudson, Ohio, is providing the fireworks display for The Village of Rochester Hills, Rochester Hills, Michigan; and

Whereas, American Fireworks Company has provided the necessary insurance with the City of Rochester Hills; and

Whereas, the Rochester Hills Fire Department has no objection to the issuance of a fireworks permit providing their safety procedures are followed.

Therefore Be It Resolved, that the Rochester Hills City Council does hereby approve a permit for American Fireworks Company to provide a fireworks display for The Village of Rochester Hills on Friday, November 19, 2021, subject to the following conditions:

1. The display shall be in conformance with the 2018 Edition of NFPA 1126, and the 2018 Edition of NFPA 1123 and the 2006 International Fire Code.
2. During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing.
3. No smoking shall be allowed in the discharge area where fireworks or other pyrotechnic materials are present.
4. No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or drugs that could adversely affect judgment, movement, or stability.
5. Subject to onsite inspection the night of the display.

2021-0436 Request for Purchase Authorization - FIRE: Purchase Authorization for replacement of furniture at the City's Fire Station No. 1 in the amount of \$38,726.39; NBS Commercial Interiors, Troy, MI

Attachments: [10252021 Agenda Summary.pdf](#)
[NBS Quote.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0254-2021

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of replacement furniture for Fire Station No. 1 to NBS Commercial Interiors, Troy, Michigan in the amount of \$38,726.39.

Passed the Consent Agenda

A motion was made by Mungioli, 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 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett explained he still maintains the Green Space approach the City has taken, is the best approach. He mentioned that purchasing property is possible at the assessed value, because the City recently did just that. He appreciates Council's strong support of the Green Space Program and stated that this is a long term program.

He gave the following updates:

- There is a GoFundMe page for Elisa Volcic's family and he encouraged residents who want to donate to visit the GoFundMe page at <https://gofund.me/6a03842a>.
- The City hosted the Secretary of Labor, Marty Walsh, last week. He explained that Secretary Walsh spoke at the Royal Park Hotel and at Oakland University, and he also met with small business owners and union labor leaders. He added Secretary Walsh also visited Val's Polish Kitchen for lunch, Lava Mountain in Orion Township, a local classroom, and Yates Cider Mill.
- Halloween is this Sunday and Trick or Treating hours are 6:00 p.m. to 8:00 p.m. He reminded everyone to please drive safe and slow through neighborhoods.
- City Hall will be closed for non-election business on November 2nd, Election Day.

He thanked **Ms. Morita** for serving on Council over the last eight years and added she will be missed. He presented her with a Proclamation from the City.

President Deel addressed the public comment regarding the addition of deputies in the City, stating that the crime trends in the City have been on a seven-year downward trend. He added the FBI has named Rochester Hills as one of the safest Cities in America. He pointed out that the Green Space Fund has two portions, one is to preserve and keep the properties in proper condition and the other portion is for acquisition of Green Space properties. He thanked Ms. Morita for selflessly dedicating her time and talent as a municipal attorney to the City. He presented a plaque to Ms. Morita for her service on Council.

Mr. Blair stated that he admires Ms. Morita's ability to speak up for the good of the residents and the City, and he hopes to continue being that voice on Council. He mentioned that he attended Gjergj Fishta's Birthday Party at St. Paul Albanian Catholic Church, stating this event was a celebration that included Albanian songs, dance, and food. He added the church is truly amazing and encouraged people to stop by and see it.

Mr. Walker pointed out that he attended the grand opening of Lake Michigan

Credit Union on October 12, 2021 and a ribbon cutting for Rochester General Surgery on October 18, 2021. He added Shake Shack opened in the Village of Rochester Hills and celebrated their grand opening last week. He wished Ms. Morita the best of luck in her future endeavors.

Ms. Mungoli thanked Clerk Scott and her team for their hard work on the upcoming election. She encouraged voters to turn in their absentee ballots and to drop them off in the drop box in the parking lot. She stated Ms. Morita has been an inspiration to her, and an amazing leader in the Community, and thanked her for her service on Council.

Mr. Hetrick stated Ms. Morita's contribution to the City has been outstanding and she will be missed on Council. He responded to the directed patrol unit public comment stating the downward trend for crime is real and is good for the City. He added that the upcoming police millage renewal is in 2024, and at that time there could be a possibility that changes could be made to the number of deputies in the City.

Vice President Bowyer added that if the City needs more police officers, Council will be more than happy to add one or two as needed, and that the Sheriff's Office was requesting four additional officers and there was not room in the budget for that many. She addressed the Green Space concerns stating there is a Green Space Study Map that shows where all the Priority One properties are, as well as what is still preserved and what is available. She shared some memories of Ms. Morita and thanked her for her dedication and leadership to Rochester Hills, and stated that she will be missed on Council.

Clerk Scott stated it has been an honor and pleasure to work with Ms. Morita over the last eight years. She added she admires how passionately she supports causes that she believes in, and thanked her for the support she has given to the Clerk's office. She explained there are a lot of absentee ballots still not turned in yet, and to please drop them off at City Hall. She thanked the hundreds of residents and individuals that help with the election, as well as her staff that have worked long hours to prepare for the election.

ATTORNEY'S REPORT

John Staran, City Attorney, wished Ms. Morita well in her future endeavors and stated he will miss her wisdom, insights, and leadership on Council.

- 2021-0435** Request for Approval of proposed Purchase Agreement to purchase the undeveloped two parcels of priority 1 property for 9.380 acres and 0.806 acres (10.186 acres total) Parcel No. 15-31-227-033 and Parcel No. 15-31-227-034, respectively, Rochester Hills, as recommended by the Green Space Advisory Board

Attachments: [10252021 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Executed Offer to Purchase.pdf](#)
[Green Space Advisory Board Score Sheet.pdf](#)
[GSAB Meeting Minutes - Motion.pdf](#)
[Parcel Map CC2.pdf](#)
[Priority One Natural Features.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks and Natural Resources Director, thanked Ms. Morita for her passion and support of the Parks in the City. He stated that this request is to authorize the purchase agreement of two parcels totaling a little over ten acres of Green Space. He noted the properties still need to undergo an environmental review prior to purchasing.

Mr. Walker mentioned that Green Space acquisition has been talked about frequently over the last few weeks, and this request proves that the process works. He added this addition will bring the City's total Green Space to almost 140 acres.

Mr. Hetrick questioned how close the purchase price of this property was to the assessed value.

Mr. Elwert responded he does not have the exact figure; however, the purchase price was very close to the assessed value.

Ms. Mungioni stated that she supports the purchase of the property, but questioned the budget line regarding the \$5.7 million that was deposited into the Green Space Perpetual Care Trust Fund with funds collected from the Green Space Millage. She further questioned when action was taken at a meeting to set the amount in the initial Green Space Trust.

Mr. Snyder responded the first vote on the ballot was to accept the Green Space Fund, and the second vote on the ballot was to allow the Green Space Millage dollars to not be used for solely purchases but also for preservation/stewardship. He added the Perpetual Care Trust was then set up with the millage dollars and that the funds in the trust can be invested in long-term investments. He stated the rules for a Perpetual Care Trust is that the dollars invested as the principal investment cannot be spent per the IRS. He explained when the Green Space Millage expired there was \$5.7 million deposited into the Trust from the Green Space Operating Fund, and that makes up the principal of the trust. He added the purpose of the Green Space Trust is to use the interest earned for acquisition and maintenance of Green Space properties.

Ms. Mungioni questioned if the \$5.7 million is being held in order to generate the interest income to this fund and whether the fund can go below the \$5.7 million.

Mr. Snyder responded that the Perpetual Care Trust Document was established and approved by Council in 2013, and it states the funds can go below the \$5.7 million but it needs to be brought back up to the original \$5.7 million. He added that the City has been abiding by that clause ever since the

fund was set up, and that the Green Space Advisory Board would have to approve any spending on Green Space.

Ms. Mungiolli responded that between the \$5.7 million originally invested and the \$2 million earned in interest, that this purchase leaves approximately \$1.5 million remaining above the original \$5 million invested in the Green Space Perpetual Trust Fund for maintenance and purchases.

Ms. Morita mentioned that years ago there were large vacant undeveloped parcels that were filled with invasive species that needed to be cleaned out. She added it was expensive to naturalize these parcels and that the City did not have funds to pay for this, therefore, Council decided to delegate funds in the Green Space Trust Fund to pay for upkeep on properties within the City.

Mr. Blair thanked Mr. Elwert for making Green Space properties easier to find on the City's website. He stated he is in favor of this Green Space purchase because it is not overrun with invasive species and has great space for people to enjoy.

Mayor Barnett explained Ms. Mungiolli's breakdown of Green Space was helpful and Ms. Morita's comments are reflective to conversations that former Council and GSAB members would have regarding Green Space purchases. He added in the past, there was concern that the Green Space Fund dollars would be spent too quick and not be able to protect the Green Space purchases. He explained there was an intentional and specific effort to preserve the Green Space purchases in the City, and that this is a long-term plan to allow future generations to enjoy these Green Space properties.

Vice President Bowyer added the Green Space Perpetual Fund is earning phenomenal interest that can be used on Green Space acquisition.

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, Morita, Mungiolli and Walker

Enactment No: RES0255-2021

Whereas, the Rochester Hills City Council established the Green Space Advisory Board (GSAB) for the purpose of developing strategies and recommendations to City Council regarding the expenditure of Open Space Millage funds for permanently preserving natural green spaces, wildlife habitats and scenic views; protecting woodlands, wetlands, rivers and streams; and expanding the Clinton River Greenway and other trail corridors;

Whereas, GSAB has established a Property Evaluation Criteria which included water resources, habitat protection, recreational/historical resources, other factors and adverse factors;

Whereas, GSAB has evaluated the nominated property based on the Property Evaluation Criteria, site visits, and the Rochester Hills Stewardship Plan;

Whereas, GSAB has also considered how the nominated parcel supports the City's Master Recreation Plan;

Whereas, based on its findings, GSAB recommends the City pursue the acquisition of the undeveloped two parcels of priority 1 property for 9.380 acres and 0.806 acres (10.186 acres total) of Parcel No. 15-31-227-033 and Parcel No. 15-31-227-034, respectively,

Now Therefore Be It Resolved, that the Rochester Hills City Council approves the purchase agreement for the purchase of the undeveloped two parcels of priority 1 property for 9.380 acres and 0.806 acres (10.186 acres total) Parcel No. 15-31-227-033 and Parcel No. 15-31-227-034, respectively, Rochester Hills and further authorizes the Mayor 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 upon completed and approved environmental review.

NOMINATIONS/APPOINTMENTS

- 2021-0439** Acceptance of Resignation of Tom Stephens from the Historic Districts Commission, the Historic Districts Study Committee, and the Public Safety and Infrastructure Technical Review Committee

Attachments: [10252021 Agenda Summary.pdf](#)
[Tom Stephens' Resignation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ms. Morita explained Tom and Terry Stephens have both been tremendous assets to the City, serving on several committees throughout the years. She explained they are moving out of the City which is why they are resigning from these committees. She thanked them for their service and wished them well.

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

Aye 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

Enactment No: RES0256-2021

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Tom Stephens as a Citizen Representative on the Historic Districts Commission, the Historic Districts Study Committee, and the Public Safety and Infrastructure Technical Review Committee effective October 15, 2021.

- 2021-0442** Acceptance of Resignation of Terry Stephens from the Green Space Advisory Board

Attachments: [12062021 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Bagley CQ.pdf](#)
[Duperon CQ.pdf](#)
[Gearhart CQ.pdf](#)
[11152021 Agenda Summary \(Revised\).pdf](#)
[11152021 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Arrington CQ.pdf](#)
[Bante CQ.pdf](#)
[Berard CQ.pdf](#)
[Braun III CQ.pdf](#)
[Frederiksen CQ.pdf](#)
[Hunter CQ.pdf](#)
[Lemanski CQ.pdf](#)
[Long CQ.pdf](#)
[Lyons CQ.pdf](#)
[McGunn CQ.pdf](#)
[Strunk, J CQ.pdf](#)
[Strunk, S CQ.pdf](#)
[Toenniges CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[10252021 Agenda Summary.pdf](#)
[Terry Stephens' Resignation.pdf](#)
[10252021 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Bowyer stated she has worked with Terry Stephens on the Green Space Advisory Board and that she has done a wonderful job gathering history on the properties for future generations. She added Ms. Stephens has been a huge advocate for Green Space and will be truly missed.

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

Aye 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

Resolved, that the Rochester Hills City Council hereby accepts the resignation of Terry Stephens as a Citizen Representative on the Green Space Advisory Board effective October 15, 2021.

UNFINISHED BUSINESS

2021-0145 Request that Council delists the locally designated historic district located at 1021 Harding Ave., Paul Miller, Applicant

Attachments: [10252021 Agenda Summary.pdf](#)
[Minutes CC 072621.pdf](#)
[Engineering Report 101921.pdf](#)
[Filipek Harding Letter.pdf](#)
[072621 Agenda Summary.pdf](#)
[Letter to Delist.pdf](#)
[Letter Connolly.pdf](#)
[Draft Minutes CC 051021.pdf](#)
[051021 Agenda Summary.pdf](#)
[Adopted Final Report 1021 Harding.pdf](#)
[Engineering Report.pdf](#)
[Memo Kapelanski 041521.pdf](#)
[Email Connolly 042921.pdf](#)
[Minutes HDSC 011421.pdf](#)
[Minutes HDSC 021121.pdf](#)
[Minutes PC 031621.pdf](#)
[Minutes HDSC 042221.pdf](#)
[051021 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Planning and Economic Development Director, stated this item was presented to Council in July and postponed to allow the applicant time to provide more information to Council regarding his request to delist. She explained that the applicant is requesting to delist his property because he believes the building is not able to be restored to its historic integrity. She added the Historic Districts Study Committee (HDSC) and the Historic Districts Commission (HDC) both recommended the property remain a historic designation. She pointed out there is now a new owner of this property and they want to continue the request to delist. She added the new owner had the property evaluated, and the engineer stated in his report that this property is not feasible to restore as historic. She introduced **Nancy and Bud Filipek**, the new property owners that were present to answer any questions.

President Deel questioned if the new property owners have already purchased this property; and if there was any contingency in the purchase agreement if Council did not grant the request to delist this property. He inquired what the new owners plan to do with this property if it is not delisted.

Ms. Filipek responded she has already purchased the property and that they were already fully committed prior to knowing this property was listed as historic. She answered she is not sure what she will do if Council does not grant the request, she mentioned possibly going to the HDSC and requesting that they review the property again to see the declining state of the home.

Vice President Bowyer stated she is really sorry that the new owners purchased this property without knowing what was going on with the property. She added she has a hard time delisting this property because there is a lot of history on this property and she would not want to see it get subdivided into three separate lots. She pointed out that it backs up to a large Green Space and would be a perfect Green Space property. She mentioned the last potential buyer wanted to restore the building as historic and she thought that was a great plan.

Mr. Filipek responded stating this property is not a good Green Space property because there is debris everywhere, adding the structure itself cannot be rebuilt. He stated there are many features on the structure that currently are not historic, and they believed that Council would be happy that someone decided to clean this property up, as it is going to be very costly. He mentioned they were told to get out of the building during the walkthrough with the engineer because it was not safe to be in the building. He questioned that if the building falls down would they be able to come back to Council with the same request to delist. He further questioned whether the property can be split into separate parcels.

Vice President Bowyer stated there is a precedence to maintain and just because someone took on this property not knowing it was historic does not mean it should be delisted. She responded that if the structure falls down the property is still designated as historic and would have to be rebuilt as historic per the HDC's approval.

Ms. Roediger addressed the parcel split stating regardless if the site is in a Historic District the property is zoned for single family residential development. She noted this parcel is able to be split per the zoning and all lots would have to remain historic if Council does not approve the delisting request.

Mr. Filipek stated there is a distinctive trail that runs from a nearby subdivision to this property and children often walk the trail. He added during their initial walk through they found drug paraphernalia inside the house and the inspector said that this is common in abandoned homes. He mentioned they are worried kids will find these items and injure themselves; therefore, they would like to take the home down because it is very dangerous.

Ms. Roediger explained that they could not demolish the home because it is historic and would need the HDC's approval; however, they can clean up the rubbish around the property and in the home in order to keep it safe.

Mr. Hetrick inquired about the conclusion of the engineering report stating that the structure is not habitable. He added that even though the house was given the designation by the HDC, Council can still delist the property if there is a hardship. He mentioned he believes the previous owner had a hardship and that he would be in favor of delisting if the new owners were going to clean up this site and make it livable and safe again.

Mr. Filipek responded stating the report did state the structure is not livable, adding there is no safe way to go into the structure to take out the flooring that is collapsing.

Ms. Morita noted that this is a health, safety and welfare issue based on the engineering report, regardless of how it got to this point. She mentioned that the house is not repairable and is a hazard to the City, and she would be in favor of delisting this property.

Mr. Blair thanked the Filipek's for purchasing this property, and added that this particular property came with additional responsibilities because it is historic. He mentioned that there is no doubt that the home is a complete loss, noting that if

the home was removed and the site was split into three parcels the owners could build three historic homes on this property without delisting it. He added he does not support delisting the property, but rather encouraged the Filipeks to build the homes as historic.

Mr. Walker explained that at the July meeting, Council left specific instructions for the owner at that time to provide an engineering assessment of the stability of the structure on the property, the cost and ability to repair the structure, and documentation explaining a financial hardship. He added only one of those three items has been presented to Council tonight, which makes it difficult to make a decision without all the requested information. He also inquired about the intent of this property if it is delisted, stating the investment is much larger than the cost of building three homes on three separate lots. He added he would like to keep the nature preserved on this property and would not be in favor of delisting at this time.

Vice President Bowyer added she does not want to see this property delisted; however, the Filipeks can work with the HDSC on options of removing the structure.

Ms. Morita responded stating it takes the HDSC a long time to make decisions and this structure is a hazard and needs immediate action to get demolished.

Vice President Bowyer stated there was another historic property that had a home that needed to be removed and Council did not override the HDSC's recommendation to delist the property. She added she does not want to set the precedence of delisting historic properties.

Ms. Mungoli mentioned she agrees with the concept of not delisting, but would like Council to give direction to the HDSC to expedite a review of this site and give permission to remove the structure that is falling apart, and then come back with plans on how to address the vacant land.

Ms. Roediger clarified that she understands how long it takes the HDSC to go through the delisting process because it has to go through the State and that process normally takes six months to a year. She noted an individual property owner can request removal of the structure from HDC and they meet monthly and can turn that request around quickly.

Mr. Staran noted any application made to demolish the structure would not involve the HDSC, rather the HDC that meets regularly and are bound by the City's ordinance and state law to act within 60 days of a completed application submitted.

Mr. Hetrick added he agrees with Ms. Mungoli to expedite the process of removing the structure.

Mr. Filipek explained he braced up the structure the best he could to prevent anyone from getting injured, noting the seller still has 30 days to remove his items from the structure.

Mayor Barnett stated the reason why Council originally did not vote to delist this property is because the previous owner requested that it remain historic. He questioned that if this property remains historic and the Filipeks cannot build homes on three separate lots that will produce a return on their investment, will they be able to make this project work. He noted that it would be a financial loss for the Filipeks. He explained if Council delists this property and the Filipeks sell the land, anyone who purchases this property can then build what they want without preserving the historic designation.

President Deel added that the home was not insured when it was damaged and reiterated that the City had worked with the previous owner to try to preserve the property. He stated that twice a potential buyer came before Council expressing interest in purchasing the property and maintaining its historic nature. He stressed that it became very difficult to believe there was an economical hardship when there was a potential buyer. He stated the best way to determine the value of a property is what a person is willing to pay for the property, and there was a willing person who wanted to purchase and restore the property as historic.

The motion failed due to lack of second.

ANY OTHER BUSINESS

NEXT MEETING DATE

- Regular Meeting - Monday, November 15, 2021 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Morita and seconded by Mungiola to adjourn the meeting at 9:44 p.m.

RYAN DEEL, President
Rochester Hills City Council

LEANNE SCOTT, MMC, Clerk
City of Rochester Hills

AMBER BEAUCHAMP
Administrative Coordinator
Rochester Hills Clerk's Office

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

