



Rochester Hills

Minutes - Draft

City Council Special Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
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Home Page:
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David J. Blair, Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, Stephanie Morita, Theresa Mungioli, and David Walker

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

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

Monday, November 18, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Vice President Morita called the Special Rochester Hills City Council Meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Tina Barton, City Clerk
Sean Canto, Fire Chief/Emergency Services Director
Dan Christ, City Attorney
Bill Cooke, Assistant Chief/Fire Marshal
Matt Einheuser, Natural Resources Manager
Todd Gary, Deputy Fire Chief
Pam Gordon, Human Resources Director
Tim Hollis, Deputy Building Director
Kristen Kapelanski, Planning Manager
Kevin Krajewski, Information Systems Director
Denise McDoniel, Financial Analyst
Sara Roediger, Planning & Economic Development Director
Allan Schneck, Public Services Director
Leanne Scott, Deputy Clerk
Joe Snyder, Chief Financial Officer
Tom Talbert, Strategic Innovations Specialist
Laurie Taylor, Assessing Director
Bob White, Ordinance Director*

PLEDGE OF ALLEGIANCE

Vice President Morita invited Evan Moy up to the podium to lead the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Hetrick, seconded by Bowyer, to Approve the Agenda as Amended to move Legislative File 2019-0447 Request for Approval of the Third Amendment to the PUD Agreement - City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD; Designhaus Architecture, Applicant to immediately follow Legislative File 2019-0065 Request for Final Planned Unit Development (PUD) Site Plan Approval - Rochester Hills Trio, a mixed-use development on 5.77 acres, located at the northeast corner of Auburn and Livernois, zoned RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay and B-1 Local Business with an FB-2 Flexible Business Overlay; Designhaus Architecture, Applicant. The motion carried by the following vote:

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

COUNCIL AND YOUTH COMMITTEE REPORTS

Paint Creek Trailways Commission:

Dr. Bowyer reported resurfacing of the Trail is almost complete. There is a small section south of Dutton Road and a quarter mile section between Gunn and Adams Road that still needs to be finished as well as the parking lots at Clarkston & Kern. She relayed complaints that the new bridge is slippery and indicated the Commission is now considering a coating for the bridge.

Rochester Hills Government Youth Council (RHGYC):

Dana Williams, RHGYC Representative, stated she is a junior at Rochester High School and reported the RHGYC is planning one service project at its next meeting and is planning two larger projects for next year. She noted the RHGYC volunteered at the Swearing-In Ceremony on Thursday and announced the next meeting is at Van Hoosen Farms.

Southeast Michigan Council of Governments (SEMCOG):

Mr. Hetrick issued SEMCOG's invitation for public comment on an amendment to the FY 2020-2023 Transportation Improvement Program and 2045 Regional Plan. He listed the following methods for submitting comments:

Via the internet at <https://semcog.org/transportation-improvement-program-tip>;

- In writing to SEMCOG Information Center, 1001 Woodward Avenue, Suite 1400, Detroit MI 48226;

- By fax to 313-961-4869;

- By phone at 313-324-3330;

- By email to InfoCenter@semcog.org <<mailto:InfoCenter@semcog.org>>; or

- In person at either of the following meetings:

- Transportation Coordinating Council, November 21, 2019, 9:30 a.m., SEMCOG offices, 1001 Woodward Ave., Suite 1400, Detroit MI 48226.

- Executive Committee, December 6, 2019, 1:00 p.m., SEMCOG offices, 1001 Woodward Ave., Suite 1400, Detroit MI 48226.

RECOGNITIONS

2019-0481 Proclamation in Recognition of Evan Moy

Attachments: [111819 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mr. Deel presented the proclamation recognizing Evan Moy, an 11-year old who recently earned his black belt in karate through his training at PKSA Karate in Rochester Hills.

Presented.

Whereas, Evan Moy, a fifth grader at Hampton Elementary School in Rochester Hills, was promoted to Black Belt on October 27, 2019 through Professional Karate Schools of America (PKSA); and

Whereas, PKSA is one of the largest martial arts organizations in the United States, training students in the art of Tang Soo Do, a self-defense program that stresses the development of individual character, integrity, and respect for others; and

Whereas, Evan began training at PKSA Rochester Hills in June 2015, at age 6, just after finishing kindergarten at Baldwin Elementary School; and

Whereas, after years of diligent training under the leadership of Kyo Sa Nims Marc and Karen Gerstenberger, Evan completed his rigorous black belt test on August 17, 2019, and passed, earning him the title of Cho Dan (First Degree Black Belt); and

Whereas, Evan is a well-rounded young man who enjoys many sports, promotes recycling through the Green School Club, and enjoys helping younger students as a book buddy and bus safety at school and in karate at the dojang.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby proudly congratulate Evan Moy on earning his black belt in karate. Evan has shown great commitment, focus and perseverance to earn the rank of black belt at 11 years old, an outstanding accomplishment that will serve him well today, and in all his future endeavors.

2019-0489 Proclamation in Recognition of Jim Kubicina

Attachments: [111819 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

Mayor Barnett, members of the City Council, City Clerk Barton, and City Attorney Christ celebrated Mr. Kubicina and Mr. Tisdell by sharing their personal appreciation for the excellent work they did while members of the City Council.

Vice President Morita presented the proclamations from Mayor Barnett to Jim Kubicina and to Mark Tisdell in recognition for their years of service to the City of Rochester Hills on the City Council.

She presented Certificates of Recognition from State Representative Michael Webber to Mr. Kubicina and Mr. Tisdel. She also presented gifts of appreciation from their fellow council members with the quote: "When it's all over it's not who you were, what you did, or how much money you had, it's whether you made a difference." - Senator Robert Dole, and awards from the City in recognition of their leadership and years of dedicated service. Mr. Tisdel also received a plaque from the Rochester Hills Government Youth Council for his service as Council Liaison.

Mr. Kubicina shared remarks in appreciation of law enforcement, City Council, and his wife, and offered advice to the two new members to look to City Clerk Barton and Deputy City Clerk Scott for guidance. He thanked the Department Directors with whom he worked closely, including Sara Roediger, Allan Schneck, Paul Davis, Paul Shumejko, Scott Cope, Tim Hollis, Bob White, Pam Gordon, Joe Snyder, and Laurie Taylor. He thanked the residents of Rochester Hills for the trust they put in him. He thanked Mayor Barnett and indicated his intent to serve on a couple of citizen committees in order to stay active within the community.

Mr. Tisdel thanked his wife, and the group of elected officials with whom he initially ran for Council for their guidance. He said the biggest and greatest benefit of serving on the City Council has been getting to know and work with the Department Directors, and he advised the new council members to make friends with Deputy Clerk Scott who he considers the most valuable player in City Hall. He commented that it has been a wonderful eight years, thanked the residents for putting their trust in him, and said it has been a pleasure to serve the City of Rochester Hills.

Presented.

Whereas, Jim Kubicina is a long-time Rochester Hills resident and public servant known for his love of family, his community, and Ohio State football; and

Whereas, Jim and his wife, Linda, have been married for 38 years, raised their two children in Rochester Hills, and now enjoy their five grandchildren immensely; and

Whereas, Jim served as a citizen representative on boards such as the Deer Management Advisory Council and Rochester Avon Recreation Authority prior to serving on City Council; and

Whereas, Jim was recognized as a thoughtful, caring and diligent member of City Council, always placing the needs of the residents first while seeking collaboration among his colleagues; and

Whereas, the City of Rochester Hills is proud to honor Jim Kubicina for his talent, skill, leadership and professionalism, and to thank him for his many years of service to our city.

Now, Therefore, Be It Resolved, that I, Mayor Bryan K. Barnett hereby thank Jim Kubicina for humbly and faithfully serving the City of Rochester Hills as a City Councilman and on behalf of myself, my family and the residents of our city, wish him the very best in all his future endeavors.

2019-0490 Proclamation in Recognition of Mark Tisdel

Attachments: [111819 Agenda Summary.pdf](#)
[Proclamation.pdf](#)
[Resolution \(Draft\).pdf](#)

See Legislative File 2019-0489 for the Recognition of Jim Kubicina and Mark Tisdel.

Presented.

Whereas, Mark Tisdel is a long-time Rochester Hills resident and public servant known for his compassionate, well-read and thoroughly researched decision making process; and

Whereas, Mark and his wife, Susan, celebrate 42 years of marriage, and are blessed with two children and five grandchildren; and

Whereas, Mark has served on numerous boards and committees during his years on City Council, served as Vice President for one year and President for four years; and

Whereas, Mark's consistent calm and often self-deprecating leadership style has steadily guided the City Council through the past eight years; and

Whereas, the City of Rochester Hills is proud to honor Mark Tisdel for his talent, skill, leadership and professionalism, and to thank him for his many years of service to our city.

Now, Therefore, Be It Resolved, that I, Mayor Bryan K. Barnett hereby thank Mark Tisdel for faithfully serving the City of Rochester Hills as a City Councilman, Vice President and President, and on behalf of myself, my family, and the residents of our city, wish him the very best in all his future endeavors.

PUBLIC HEARINGS

2019-0463 Community Development Block Grant (CDBG) Program Year 2020 Application

Attachments: [111819 Agenda Summary.pdf](#)
[Public Hearing Notice \(Revised\).pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Denise McDaniel, Financial Analyst, stated that as part of the application process for 2020 funding for the Community Development Block Grant Program (CDBG), a Public Hearing must be held and the governing body must pass a resolution to approve the planned use of funds. She noted that the program is proposed to pass funding to the City through Oakland County from the Department of Housing and Urban Development in the amount of \$160,965, mirroring the planning allocation amount for Program Year 2019. She stated that the Administration is recommending that the same amounts be allocated to programs within the CDBG for 2020 as they were for 2019, with \$10,000 going toward Domestic Violence, Dating Violence, Sexual Assault or Stalking, \$10,000 for Emergency Services, \$10,000 for Yard Services and the remainder of \$130,965 to Minor Home Repair.

Highlighting Program Year 2018 funding, she noted that the City assisted 61 individuals through HAVEN in the Battered and Abused Spouses Program (now known as Domestic Violence, Dating Violence, Sexual Assault or Stalking); assisted 208 individuals through the Clothes Closet at Rochester Area Neighborhood House; assisted 59 seniors with snow removal services, and undertook 48 minor home repair projects averaging \$2,700 per project.

Vice President Morita Opened the Public Hearing at 7:52 p.m.

Wendy Powers, representing HAVEN, 801 Vanguard, Pontiac, expressed her thanks to Council for their continued support. She stated that HAVEN is an agency that works on the issues of intimate partner violence and sexual assault. She noted that in 2018 through 2019, HAVEN served 125 clients from Rochester Hills, one was housed in an emergency shelter, 24 through its counseling program, 26 through legal advocacy services, 19 with personal protection orders, provided five forensic exams for victims of sexual assault, and 50 calls from residents to the crisis support line. She reported that residential clients and crisis line clients were serviced as well with the 24/7 crisis line to provide immediate crisis intervention, resources and support. HAVEN was recently awarded a federal grant to fund its first ever transitional housing program, a 3-year program that has been federally funded to permit HAVEN to be able to provide low cost transitional housing to survivors for up to 24 months and to establish permanent housing solutions. She explained that HAVEN wishes to provide prevention education in the schools which would provide age-appropriate programs from pre-K through college age students to address gender respect, healthy relationships, consent training and bystander intervention, and noted that HAVEN is only in 5% of the schools in Oakland County. She requested that the City pass along this information to their contacts at the schools. She thanked Council for their continued support of HAVEN.

Seeing No Further Public Input, Vice President Morita Closed the Public Hearing at 7:58 p.m.

Mr. Hetrick asked Ms. McDoniel what the funds allocated to the Minor Home Repair are used for.

Ms. McDoniel responded that the Minor Home Repair funds go to a lot of different projects and may range from someone getting \$1,000 - \$1,500 for furnace repair or to complete floor repairs that have been water damaged which could cost up to \$5,000.

Mr. Hetrick stated that he wished to make a motion to amend the proposed allocations by adding an additional \$5,000 to HAVEN and removing \$5,000 from Minor Home Repair. He stated his wish to support the additional educational outreach programs that HAVEN is endeavoring to do in the schools with additional funding.

Dr. Bowyer thanked Mr. Hetrick for making the motion and questioned if the Minor Home Repairs go to the residents of Rochester Hills and if it is spread out

over the whole year or if the City would run out of funding in June or July.

Ms. McDoniel responded that it depends on the year and how much funding the City gets. She reported that this year, all the funds were allocated but the projects are being wrapped up now; in other years, it may be spent after a few months. She noted that the City has consistently had a 'wait-list'; this year ten (10) residents were unable to get funding because the City ran out of funds.

Vice President Morita questioned if individuals being provided services from HAVEN and Rochester Area Neighborhood House are required to provide proof of residency. She inquired further if the agencies requesting reimbursement from CDBG for services provided to residents have to provide proof of services to the residents before receiving payment and whether or not the funds are used completely, or if the City ever gets funds returned.

Ms. McDoniel responded that for reimbursement from Minor Home Repair, the residents have to provide proof of home ownership and residency in Rochester Hills. For HAVEN reimbursement, the funding goes to Oakland County which then administers the funds to HAVEN. For Yard Services, the City works with the Older Persons' Commission to perform snow removal services and the clients must provide proof of ownership and residency as well. The subsistence payment goes to the Rochester Area Neighborhood House (RANH) Clothing Closet so residents can have their needs met there. She confirmed that the funds are used completely.

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

Aye 5 - Deel, Hetrick, Blair, Walker and Bowyer

Nay 1 - Mungioli

Abstain 1 - Morita

Enactment No: RES0311-2019

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

Whereas, the City of Rochester Hills has duly advertised and conducted a public hearing on November 18, 2019 for the purpose of receiving public comments regarding the proposed use of Program Year 2020 Community Development Block Grant funds (CDBG) in the approximate amount of \$160,965; and

Whereas, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account Number	Project Name	Amount
731227	Minor Home Repair	\$125,965
732170	Yard Services	\$ 10,000

730137	Services for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking	\$ 15,000
730571	Subsistence Payments	\$ 10,000
		<u>\$160,965</u>

Resolved, that the City of Rochester Hills CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

ORDINANCE FOR INTRODUCTION

2019-0479 Request for Acceptance of First Reading - an Ordinance to Amend Sections 54-34, 54-54, 54-91, 54-154; 54-162; 54-191, 54-192, 54-196, 54-200, 54-201, 54-202, 54-203, 54-206, 54-207, 54-208, 54-210, 54-213, 54-226, 54-229, 54-232, 54-262, 54-265, 54-267, 54-268, 54-302, 54-314, 54-317, 54-591, 54-742, 54-776 and 54-806; to repeal Section 54-50; and to add new Sections 54-166, 54-193, 54-214 and 54-215 in Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify fees charged for copy costs, maps, permits and permit cancellations, reviews, inspections, licenses, and services, educational services, emergency medical services, surveys, cost recovery, circuit, nonsolid fuel burning equipment, temporary use of public hydrant, municipal water department, sanitary sewer connections and to repeal conflicting or inconsistent Ordinances

Attachments: [120219 Agenda Summary.pdf](#)
[Ordinance \(Amended 111919\).pdf](#)
[111819 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, reported that all of the City Departments reviewed their fees as contained in Chapter 54 of the City of Rochester Hills Code of Ordinances and submitted proposed fees which consider applicable laws and statutes, the competitiveness of the fees, and the full cost of providing the service including both direct and indirect costs related to the service. Going forward, this will be an annual process as part of the budget process to ensure fees are updated on a regular basis.

Vice President Morita referenced an email from Ms. Mungioli indicating that a language change may be needed in Section 54-206 which deals with Fire Safety Inspections.

Bill Cooke, Assistant Chief/Fire Marshal, acknowledged that Sections 58-59 require building inspections annually, every two years, or every three years, depending on the building's occupancy risk, whereas Section 206 references annual fire safety inspections. Chief Cooke suggested the word "annual" be removed from Section 206 and the heading of the column that identifies the fees.

Dr. Bowyer questioned whether fee changes will be brought before City Council on an annual basis.

Mr. Snyder explained the number of requested changes each year will be significantly fewer once the fee schedule is updated to reflect cost changes over the past four or five years. He indicated most fees are being raised to meet actual costs.

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

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

Enactment No: RES0374-2019

Resolved, that an Ordinance to Amend Sections 54-34, 54-54, 54-91, 54-154; 54-162; 54-191, 54-192, 54-196, 54-200, 54-201, 54-202, 54-203, 54-206, 54-207, 54-208, 54-210, 54-213, 54-226, 54-229, 54-232, 54-262, 54-265, 54-267, 54-268, 54-302, 54-314, 54-317, 54-591, 54-742, 54-776 and 54-806; to repeal Section 54-50; and to add new Sections 54-166, 54-193, 54-214 and 54-215 in Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, To modify fees charged for copy costs, maps, permits and permit cancellations, reviews, inspections, licenses, and services, educational services, emergency medical services, surveys, cost recovery, circuit, nonsolid fuel burning equipment, temporary use of public hydrant, municipal water department, sanitary sewer connections and to repeal conflicting or inconsistent Ordinances is hereby accepted for First Reading.

2019-0480 Request for Acceptance of First Reading - an Ordinance to amend Sections 110-141, 110-171, 110-172, 110-203; 110-204, 110-286, 110-287, 110-372, 110-373, 110-374, 110-403 and 110-438 to repeal Section 110-1 and to add new Section 110-346 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various City services, and to repeal conflicting Ordinances

Attachments: [120219 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[111819 Agenda Summary.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, reported that all of the City Departments reviewed their fees as contained in Chapter 110 of the City of Rochester Hills Code of Ordinances stating that it had been some time since the fees in Chapter 110 were reviewed on a citywide basis. He noted that reviewing and, if necessary, updating fees in Chapter 110 will become part of the annual budget process.

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

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

Enactment No: RES0375-2019

Resolved, that an Ordinance to amend Sections 110-141, 110-171, 110-172, 110-203;

110-204, 110-286, 110-287, 110-372, 110-373, 110-374, 110-403 and 110-438 to repeal Section 110-1 and to add new new Section 110-346 of Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various City services, and to repeal conflicting Ordinances is hereby accepted for First Reading

- 2019-0488** Request for Acceptance of First Reading - an Ordinance to add Section 58-59 and 58-60 to Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require periodic Fire Safety Inspections, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [120219 Agenda Summary.pdf](#)
[111819 Agenda Summary.pdf](#)
[Ordinance \(Revised\).pdf](#)
[Ordinance.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Sean Canto, Fire Chief/Emergency Services Director, explained that the Fire Department, through the development of a Strategic Plan, identified a deficiency in the current fire safety inspection process. He indicated that in order to provide consistent and equitable fire safety inspections to occupancies under the jurisdiction of the City of Rochester Hills, the Fire Department has developed an inspection frequency schedule based on the risk of each occupancy. He noted the Public Safety and Infrastructure Technical Review Committee considered the amendments in May and approved moving the proposal forward to City Council.

Vice President Morita said she was pleased that the schedule and fees are based on the size and type of business which relieved her concern that the program would be burdensome on small businesses. She thanked the Fire Department for their hard work on the Ordinance.

Ms. Mungiola asked how the increase in inspections each year would be managed.

Chief Canto explained that next year's budget includes two new inspectors which will give the department adequate staffing to inspect a third of the City on an annual basis.

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

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

Enactment No: RES0376-2019

Resolved, that an Ordinance to add Section 58-59 and 58-60 to Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require periodic Fire Safety Inspections, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

- 2019-0485** Request for Acceptance of First Reading - an Ordinance to amend Sections

134-6 and 134-7 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify provisions for wall signs and projecting signs, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [120219 Agenda Summary.pdf](#)
[111819 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

*In attendance for this item were **Sara Roediger**, Planning and Economic Development Director, and **Rod Arroyo** and **Eric Fazzini**, representing Giffels Webster.*

***Ms. Roediger** stated that the City has made a significant investment in the Auburn Road Project. She stated that along with the public investment, it is equally important that private investment is encouraged along that corridor. She explained that much effort was spent with Mr. Arroyo and his team crafting the proposed ordinances for the Brooklands area, and she noted that the Planning Commission has discussed this at length for over half a year. She stressed the importance of not only the physical work to the roadway, but the framework set up to encourage the private success of the area. She noted that Mr. Arroyo's presentation would discuss the four proposed Ordinance Amendments.*

***Mr. Arroyo** stated that the proposed Amendment to the Sign Ordinance was related to the proposed BD-Brooklands District and ties into the 2016 Auburn Road Corridor Plan and the 2018 Master Plan Update.*

Sign Ordinance Amendment

He explained that the proposed Sign Ordinance Amendment was to provide for rear customer entry wall signs. He noted that currently no rear entry signs are permitted in the City facing a residential district. The proposed Amendment would allow non-lit wall signs up to ten square feet within five feet of a rear customer entry, and was deemed important for a walkable district. In addition, the proposed Amendment would allow non-lit projecting signs on any building façade with a customer entry. He noted that these types of signs are small, pedestrian-oriented and build upon the character of what the City is establishing and fostering within the Brooklands District.

Brooklands District

***Mr. Fazzini** discussed the proposed BD-Brooklands District, listing the public input incorporated into the development process:*

- Open house held in April of 2019 attended by approximately 60 residents
- Online Survey received approximately 250 responses
- Public Hearing Preview
- Public Hearing at the Planning Commission

He reviewed the proposed BD Brooklands District uses:

- Retail, service and eating establishments as well as offices, financial institutions and civic uses
- Residential dwellings permitted on upper floors only
- Existing auto-related uses, gas stations and repair shops, are permitted to continue as legally non-conforming uses, but no expansion of the auto-related use is permitted
- Drive-through uses are not permitted, but like gas stations, the existing restaurant with an accessory drive-through facility may continue as long as there is no expansion of the accessory drive-through portion of the establishment

For building form, he noted the following:

- Standards address height and building typology
- Two stories would be maintained; a third story may be requested by an applicant as a part of the conditional use process when stepped back ten feet
- Buildings are to be set at the front property line to support the streetscape and are intended to promote a vibrant walkable district
- Building elements, materials and glass transparency standards are included to ensure quality design as well as long-term maintenance and appearance

Mr. Fazzini noted that parking standards were updated to reflect more current practices in shared parking calculations. He explained that parking models were run to determine whether two or three stories would be feasible; and it was generally found that a two-story mixed-use building would be able to park per the Ordinance. Developers of three-story proposals may need to be more creative with shared parking and other provisions subject to Planning Commission consideration.

Rezoning of the BD District Area

Mr. Fazzini reviewed the proposed Ordinance rezoning various Auburn Road parcels to the new proposed BD - Brooklands District. He noted that it would result in uniform zoning for the area.

R-5 Residential District

Mr. Arroyo noted that the proposed R-5 District was unique in that it would create the district; however, no property was currently being rezoned to R-5. He explained that rezoning could be applicant-driven or City-initiated. He commented that this was discussed as a part of the Master Plan to promote affordable and attainable housing. He stated that a number of individuals came to the open house that commented that they had lived in the community for a number of years and were having difficulty finding affordable appropriate housing to allow them to stay within the community. He pointed out that this zoning district would be targeted to limited areas within the city, and provide a variety of different housing types that typically have not been constructed in the city.

He explained that the Future Land Use Map depicted the areas that would be targeted for an R-5 District. He mentioned that many of the proposed areas are

currently developed with a variety of different types of housing and uses compatible with this district. He explained that attached dwelling units would be permitted in R-5 and are not permitted in other Residential Districts.

He noted uses that would not be permitted in R-5, include:

- Plant Material Nurseries
- Private Stables
- Raising and Keeping of Animals
- Cemeteries
- Golf Courses
- Alcoholic Beverage Sales Accessory to a Permitted Use

For form and setbacks, he noted that a focus would be toward smaller units with lower floor area, and would include single family, duplexes, bungalow courts where detached units front an open space, and multi-plex (3-4) units with a single-family character. Frontage types would be a typical single-family look that would fit in with the traditional single-family community.

Council Discussion

Vice President Morita stated that she would first take discussion on the 2019-0485 for the proposed Ordinance Amendment for Chapter 134, Signs.

There was no additional Council Discussion regarding 2019-0485.

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

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

Enactment No: RES0377-2019

Resolved that an Ordinance to amend Sections 134-6 and 134-7 of Chapter 134, Signs, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify provisions for wall signs and projecting signs, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

2019-0413 Request for Acceptance of First Reading - an Ordinance to amend Chapter 138 Zoning of the Code of Ordinances of the City of Rochester Hills to replace the C-I Commercial Improvement District with the BD Brooklands District

Attachments: [120219 Agenda Summary.pdf](#)
[Proposed BD Ordinance.pdf](#)
[111819 Agenda Summary.pdf](#)
[102919 Auburn Rd Zoning memo to City Council.pdf](#)
[102119 Draft Auburn Rd Parking memo \(updated\).pdf](#)
[Oct 2019 Final Survey Results.pdf](#)
[Rochester Hills Market Analysis 2016 reduced.pdf](#)
[Memo Giffels 091219.pdf](#)
[Minutes PC 091719.pdf](#)
[Minutes PC 102819 CI to BD.pdf](#)
[Public Hearing Notice.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

In attendance for this item were **Sara Roediger**, Planning and Economic Development Director, and **Rod Arroyo** and **Eric Fazzini**, representing Giffels Webster.

See Legislative File 2019-0485 for the Presentation regarding the BD-Brooklands District.

Council Discussion

Mr. Hetrick questioned whether the setback required for a three-story proposed development would be on the street side or rear side. He stated that he was not in favor of three stories, commenting that even with the setbacks he did not feel that it fit the character of the neighborhood.

Mr. Arroyo responded that the ten-foot setback would apply to both the street and the rear facing side toward the residential.

Mr. Walker questioned how the Draft Ordinance documents the three-story option.

Mr. Arroyo responded that the site plan view in the Draft Ordinance includes a graphic to represent the setback distance.

Dr. Bowyer discussed parking concerns regarding any development proposing a third story, and noted that a document will be required with any proposal to highlight parking.

Ms. Roediger noted that each site would be considered individually and commented that some larger sites might allow for adequate parking on-site. She stated that the use would be evaluated, along with the building, the site, and the proximity to the public parking lots as a part of the conditional use.

Dr. Bowyer noted that drive-throughs would not be allowed; however, North Shack's drive-through would be grandfathered-in.

Ms. Munglioli expressed her thanks to Ms. Roediger for addressing her questions. She acknowledged a resident's email expressing concerns regarding parking. She questioned whether there had been any inquiries from developers yet.

Ms. Roediger responded that there were inquiries from several developers indicating they were anxious to begin developing plans, and noted that staff would monitor parking concerns.

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

Aye 6 - Deel, Morita, Blair, Walker, Bowyer and Munglioli

Nay 1 - Hetrick

Enactment No: RES0378-2019

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to amend Section 138-4.100, Table 3. Zoning Districts, to replace the CI Commercial Improvement District with the New BD Brooklands District; amend Section 138-4.209 to replace CI Commercial Improvement with the new BD Brooklands District; amend Section 138-4.301 (B) to replace CI with the new BD Brooklands District; amend Section 138-5.100, Table 6, Schedule of Regulations, to replace the CI Commercial Improvement District with the new BD Brooklands District; amend Section 138-5.101 (F)(2) and (3) to replace CI with the new BD Brooklands District; amend Section 138-5.101 (I) to replace CI with the new BD Brooklands District; replace Article 6 Supplemental District Standards, Chapter 3 CI Commercial Improvement District in its entirety with the new BD Brooklands District; and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

- 2019-0414** Request for Acceptance for Second Reading and Adoption - an Ordinance to amend Chapter 138, Zoning, of the Code of Rochester Hills to rezone various parcels on Auburn Rd. from Culbertson to Dequindre from CI Commercial Improvement District and/or B-5 Automotive Service Business and/or B-2 General Business District with a FB-2 Flexible Business Overlay to a new district: BD Brooklands District

Attachments: [120219 Agenda Summary.pdf](#)
[Ordinance Amendment .pdf](#)
[111819 Agenda Summary.pdf](#)
[Rezoning Map.pdf](#)
[Minutes PC 102819 .pdf](#)
[Minutes PC 091719.pdf](#)
[Public Hearing Notice.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

*In attendance for this item were **Sara Roediger**, Planning and Economic Development Director, and **Rod Arroyo** and **Eric Fazzini**, representing Giffels Webster.*

See Legislative File 2019-0485 for the Presentation regarding the BD-Brooklands District.

Public Comment

***Daniel Latsch**, 2966 Emmons Ave., stated that his home is adjacent to the newly-completed alley. He commented that some of the improvements were needed and are very nice; however, some things are not being attended to. He mentioned alley speed limits and snowplowing narrowing the alley to one lane, and stated that the alley should be one-way. He stated that many long-time residents want the community to stay small, and asked the City to only consider two-story development. He mentioned traffic concerns on Culbertson during school drop-off times, and suggested any installation of speed humps be the City's financial responsibility. He expressed his disagreement with inclusion of any provisions for murals.*

***Vice President Morita** questioned whether making the alleys one-way was*

considered.

Ms. Roediger stated that the alleys were designed to be two-way. She commented that parking, speeds and consideration of the need for speed humps would be monitored to ensure the safety of the residents.

Vice President Morita noted that any three-story proposal would have to go before the Planning Commission for conditional use recommendation, and requested Ms. Roediger summarize the process.

Ms. Roediger explained the process for conditional use approval. She noted that a two-story building was a permitted right. She stated that the intent would be to incentivize anyone who had a tasteful proposal for a three-story building in the BD District. She stated that notice would go to all properties within a specific distance, and the request would be considered first by the Planning Commission and then by City Council. She noted that the purpose of a Conditional Use is to evaluate the site-specific conditions associated with a particular property and a proposed development to determine appropriateness and any proposed conditions that may be applicable. She stated that parking and screening would be considered as a part of any conditional use proposal.

Vice President Morita pointed out that the Planning Commission ensures appropriate setbacks and screening would include any Conditional Use evaluation. She commented that certain taller development types, such as proposed hotels, are required to have additional screening and setbacks if adjacent to residential property.

Ms. Roediger confirmed that any three-story would have to be considered a positive addition to the neighborhood. She stressed that whenever a potential applicant comes in, they are encouraged to meet with the neighbors. She noted that the reference to murals was removed from the Draft Ordinance.

Council Discussion

Ms. Mungoli questioned whether the owners of the three properties being moved from B-5 to the BD District were aware of the rezoning and if it would affect them negatively.

Ms. Roediger responded that the two gas stations currently zoned as B-5 are limited to auto-related use. She explained that the BD District will allow multiple options for these properties. She mentioned that options will also be expanded for the B-2 property.

Ms. Mungoli noted that the gas stations would be allowed to expand the retail portion of their businesses and questioned whether they would have the same height restriction. She mentioned the recent redevelopment of the station at the corner of Adams and Walton, noting that its redevelopment is higher than the original screening. She requested that additional screening be required if the properties are expanded in height.

Ms. Roediger confirmed that the retail component of the gas stations would be

allowed to expand; however, the automotive component would not. She pointed out that the City installed a solid screened barrier along the entire district at the boundaries of the alleys.

Ms. Mungioli noted that any proposal from these businesses to expand would have to go through the site planning process, allowing residents additional opportunities to question screening.

Ms. Roediger confirmed any proposals would go through the conditional use and sit planning process.

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

Aye 6 - Deel, Morita, Blair, Walker, Bowyer and Mungioli

Nay 1 - Hetrick

Enactment No: RES0379-2019

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone the following parcels from Commercial Improvement District (CI) and/or Automotive Service Business (B-5) and/or General Business District (B-2) with a Flexible Business Overlay (FB-2) to a new district - BD -Brooklands District and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations is hereby Accepted for Second Reading and Adoption and shall become effective on Monday, December 9, 2019, following its publication in the Oakland Press on Sunday, December 8, 2019.

15-25-455-040
15-25-455-046
15-25-456-025
15-25-456-029
15-25-456-030
15-25-456-040
15-25-456-041
15-25-457-019
15-25-457-025
15-25-457-034
15-25-458-023
15-25-458-027
15-25-458-031
15-25-480-018
15-25-480-019
15-25-481-017
15-25-482-025
15-25-483-006
15-25-483-008
15-25-483-010
15-36-201-008
15-36-201-039
15-36-201-047
15-36-201-048
15-36-201-049
15-36-202-008

15-36-202-009
15-36-202-010
15-36-202-011
15-36-202-012
15-36-202-013
15-36-202-047
15-36-203-004
15-36-203-007
15-36-203-008
15-36-203-011
15-36-203-061
15-36-203-068
15-36-204-001
15-36-204-002
15-36-204-003
15-36-204-004
15-36-204-005
15-36-204-006
15-36-204-007
15-36-204-008
15-36-204-059
15-36-226-003
15-36-226-004
15-36-226-005
15-36-226-047
15-36-227-064
15-36-228-054
15-36-229-059
15-25-458-022
15-36-203-044
15-36-229-061

2019-0246 Request for Acceptance of First Reading - an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to add a new R-5 Residential district, City of Rochester Hills, Applicant

Attachments: [120219 Agenda Summary.pdf](#)
[Finalized PC Rec Ordinance 091819.pdf](#)
[111819 Agenda Summary.pdf](#)
[Memo Giffels 081419.pdf](#)
[FLU Map R5 Only.pdf](#)
[Minutes PC 091719.pdf](#)
[Minutes PC 060519.pdf](#)
[Public Hearing Notice.pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

*In attendance for this item were **Sara Roediger**, Planning and Economic Development Director, and **Rod Arroyo** and **Eric Fazzini**, representing Giffels Webster.*

See Legislative File 2019-0485 for the Presentation regarding the BD-Brooklands District.

Council Discussion

Mr. Hetrick questioned whether an owner of a specific property would have to submit a rezoning request to be zoned R-5.

Ms. Roediger indicated that was correct.

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

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

Enactment No: RES0380-2019

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the City of Rochester Hills, Oakland County, Michigan to amend Section 138-3.104(B)(2) to include the new R-5 District; amend Section 138-4.100, Table 3. Zoning Districts, to include the R-5: One-Family Residential District; insert new text into Section 138-4.200 RE, R-1, R-2, R-3 and R-4 One Family Residential Districts to add the R-5 District; amend Section 138-4.300, Table 4. Permitted Uses by Zoning District to add a new R-5 column with permitted and conditional Uses; amend Section 138-4.400(C) to include the R-5 district; amend Section 138-4.401 to include the new R-5 District; amend Section 138-4.402(C) to include the new R-5 District; amend Section 138-4.412(A) to include the new R-5 District; amend Section 138-4.415(A) to include the new R-5 District; amend Section 138-5.100, Table 5. Schedule of Regulations - Residential Districts to add a new row R-5; amend Section 138-5.101 (A) Footnotes to the Schedule of Regulations to include the R-5 District; amend Section 138-6.102 Setbacks for the RM-1 District to include the R-5 District; amend Article 6 Supplemental District Standards, to add a new Chapter 7, R-5 One-Family Flex Residential; amend Section 138-10.102 Height for Detached Accessory Structures to add the R-5 District; amend Section 138-10.106 Gazebos to add the R-5 District; and to amend Article 13, Section 138-13.100 to add a new Definition; and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations is hereby accepted for First Reading.

PLANNING AND ECONOMIC DEVELOPMENT

2019-0444 Request for Planned Unit Development (PUD) Agreement Approval - Rochester Hills Trio, a mixed-use development on 5.77 acres, located at the northeast corner of Auburn and Livernois, zoned RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay and B-1 Local Business with an FB-2 Flexible Business Overlay; Designhaus Architecture, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[PUD Agreement Recd 102419.pdf](#)
[Email Staran 102419.pdf](#)
[Staff Report 101519.pdf](#)
[Minutes PC 101519.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Morita noted that Mr. Blair provided previous notice that he would recuse himself from any discussion or vote as he has a business relationship with one of the entities involved in this item.

Kristen Kapelanski, Planning Manager, noted that the applicant is proposing a mixed-use development at the northeast corner of Livernois and Auburn Roads

with 125 residential units and a two-story building for office and commercial uses. She noted that Council approved the preliminary Planned Unit Development (PUD) and Concept Plan at their August 12, 2019 meeting. She explained that a number of modifications were requested at that time that have been addressed and included in the PUD Agreement, including the height of the building, front yard arterial setback, parking setback, front yard landscaping, and building design and transparency. No plan changes are proposed, and the Planning Commission recommended approval on October 15, 2019.

Council Discussion

Dr. Bowyer noted that an email from City Attorney John Staran referred to a sentence in the PUD agreement regarding any internal roads to be conveyed to the City, and questioned whether there were any internal roads.

Ms. Kapelanski responded that there are no internal roads, and that sentence in the PUD Agreement was modified.

Mr. Hetrick expressed his thanks for the project. He noted that pathways would be added, and stressed the importance of continuous pathways.

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

Aye 6 - Deel, Morita, Hetrick, Walker, Bowyer and Munglioli

Abstain 1 - Blair

Enactment No: RES0312-2019

Resolved, that the Rochester Hills City Council hereby approves the PUD Agreement for Rochester Hills Trio, a mixed-use, residential and commercial development on 5.77 acres, located at the northeast corner of Auburn and Livernois, zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, based on the PUD Agreement dated received October 24, 2019 with the following findings and conditions:

Findings:

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City, and mixed-use was anticipated at this corner.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.
2. Address outstanding comments at building and construction plan permit review.
3. All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.

2019-0065 Request for Final Planned Unit Development (PUD) Site Plan Approval - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay; Designhaus Architecture, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[Review Comments PC.pdf](#)
[Updated Apology Letter.pdf](#)
[Response Letter 102219.pdf](#)
[PUD Qualification Letter.pdf](#)
[Letter Designhaus 100719.pdf](#)
[Site Plans Pt 1.pdf](#)
[Site Plans Pt 2.pdf](#)
[Renderings.pdf](#)
[081219 Agenda Summary.pdf](#)
[Staff Report 71619.pdf](#)
[Review Comments PC 71619.pdf](#)
[Supplemental Memo - Environmental Clean-up.pdf](#)
[EIS.pdf](#)
[Letter Designhaus 073119.pdf](#)
[Site Plans 061219.pdf](#)
[PowerPoint Presentation.pdf](#)
[A206 Garage D Elevation.pdf](#)
[A207 Garage E Elevation.pdf](#)
[A208 Garage F Elevation.pdf](#)
[Photometric Plan.pdf](#)
[Minutes PC 071619.pdf](#)
[Minutes PC 052119.pdf](#)
[Minutes PC 041619.pdf](#)
[Minutes PC 021919.pdf](#)
[081219 Resolution \(Draft\).pdf](#)
[Traffic Impact Study.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Morita noted that Mr. Blair provided previous notice that he would recuse himself from any discussion or vote as he has a business relationship with one of the entities involved in this item.

See Legislative File 2019-0444 for Council Discussion on this item.

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

Aye 6 - Deel, Morita, Hetrick, Walker, Bowyer and Mungoli

Abstain 1 - Blair

Enactment No: RES0313-2019

Resolved, that the Rochester Hills City Council hereby approves the Final Planned Unit Development (PUD) Approval for Rochester Hills Trio, a mixed-use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, based on plans dated received by the Planning and Economic Development Department on August 19, 2019, Designhaus Architecture, Applicant with the following findings and conditions:

Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of the driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonable detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Site Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option and mixed-use office and commercial.
6. The design and site layout modifications requested were approved with the Preliminary PUD and are included in the PUD Agreement.

Conditions:

1. Provide landscape bond in the amount of \$127,109.00, plus inspection fees, for landscaping and irrigation, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit by Engineering.
2. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.

2019-0447 Request for Approval of the Third Amendment to the PUD Agreement - City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD; Designhaus Architecture, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[Staff Report 102819.pdf](#)
[Letter Designhaus 102419.pdf](#)
[Third Amendment to PUD.pdf](#)
[Email Staran 072619.pdf](#)
[Minutes PC 101519.pdf](#)
[Minutes PC 102819.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Morita noted that Mr. Blair provided previous notice that he would recuse himself from any discussion or vote as he has a business relationship with one of the entities involved in this item.

Kristen Kapelanski, Planning Manager, indicated that the Applicant is requesting an amendment to the existing City Apartments Planned Unit Development Agreement originally approved in 2004 and amended twice since. She explained that the apartments are currently under construction, and noted that the Applicant would like to construct garageports instead of the previously-approved carports. She explained that the location of the garageports was adjusted slightly from the original carports. She pointed out that a hold harmless agreement was required as some of the garageports will be constructed over a City-owned watermain. She mentioned that the Planning Commission recommended approval on October 28, 2019.

Ms. Kapelanski also noted that in addition to the PUD Amendment, Legislative File 2019-0448 requests Council's approval of the Site Plan as well.

Vice President Morita noted that during the Approval of Agenda earlier in the meeting, the Agenda was amended to move only 2019-0447 ahead. She requested a motion to also amend the Agenda again to move 2019-0448 to follow this item.

Following the motion, discussion returned to the garageport item.

Council Discussion

Dr. Bowyer questioned the construction material and look of the garageports.

Ms. Kapelanski responded that there are limitations to the site including utility easements located in the area where the garageports are proposed. She noted that a brick structure would require a larger foundation and would be more difficult to construct in the area due to these easements. She added that an existing dense landscape buffer would also be impacted if a brick building were required. She noted that the applicant has proposed structures that will match and complement the building.

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

Aye 6 - Deel, Morita, Hetrick, Walker, Bowyer and Munglioli

Abstain 1 - Blair

Enactment No: RES0314-2019

Resolved, that the Rochester Hills City Council hereby approves the Third Amendment to the PUD Agreement for City Apartments, dated received by the Planning and Economic Development Department on July 3, 2019 to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD, Parcel No. 15-11-103-012, Designhaus Architecture, Applicant with the following findings:

Findings

The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.

The proposed amended PUD agreement is consistent with the approved Final PUD plan.

The amended PUD agreement will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.

The proposed amended PUD agreement promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.

The proposed agreement provides for an appropriate transition between the subject site and existing land uses to the east and south of the property.

A motion was made by Mungioli, seconded by Bowyer, to move Legislative File 2019-0448 Request for Site Plan Approval - City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD; Designhaus Architecture, Applicant to immediately follow Legislative File 2019-0447 Request for Approval of the Third Amendment to the PUD Agreement - City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD; Designhaus Architecture, Applicant. The motion carried by the following vote:

Aye 6 - Deel, Morita, Hetrick, Walker, Bowyer and Mungioli

Abstain 1 - Blair

2019-0448 Request for Site Plan Approval -City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD; Designhaus Architecture, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[Review Comments PC.pdf](#)
[Garageports Cover Letter.pdf](#)
[HHA 102219.pdf](#)
[Staran email - Hold Harmless.pdf](#)
[Site Plans 102419.pdf](#)
[Illustration Set.pdf](#)
[Resolution \(Draft\).pdf](#)

Vice President Morita noted that Mr. Blair provided previous notice that he would recuse himself from any discussion or vote as he has a business relationship with one of the entities involved in this item.

See Legislative File 2019-0447 for Council Discussion.

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

Aye 6 - Deel, Morita, Hetrick, Walker, Bowyer and Mungoli

Abstain 1 - Blair

Enactment No: RES0315-2019

Resolved, that the Rochester Hills City Council hereby approves the amended site plans for City Apartments Garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD, Parcel No. 15-11-103-012, based on plans dated received by the Planning and Economic Development Department on October 24, 2019, Designhaus Architecture, Applicant with the following findings and conditions:

Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the zoning ordinance, as well as other city ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed PUD plan promotes the goals and objectives of the Master Plan by offering a variety of housing.

Conditions:

1. Hold Harmless Agreement to be signed by the Mayor and applicant and recorded at Oakland County.
2. Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.

2019-0372 Request for Conditional Use Approval to add a drive-through to a new Lake Michigan Credit Union, located on the north side of Tienken, west of Rochester, zoned O-1 Office Business with an FB-1 Flexible Business Overlay; Lake Michigan Credit Union, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[Staff Report 101519.pdf](#)
[Review Comments PC.pdf](#)
[Updated EIS 100819.pdf](#)
[Response Letter 100819.pdf](#)
[Lake Michigan Credit Union Narrative.pdf](#)
[Temporary Office Narrative.pdf](#)
[Updated Plan Set 102119.pdf](#)
[Color Renderings.pdf](#)
[Minutes PC 82019.pdf](#)
[Minutes PC 101519.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Kristen Kapelanski, Planning Manager, noted that Lake Michigan Credit Union is proposing a 4,638 square foot building on the north side of Tienken, west of Bedford Square Drive. She explained that the site is 1.79 acres and is currently zoned O-1 with an FB-1 overlay. She noted that a drive-through is proposed, which is a Conditional Use in the O-1 District. She added that a temporary structure is proposed to be in operation while construction is ongoing, which will not have a drive-through. She noted that the Site Plan was approved and Conditional Use recommended for approval by the Planning Commission on October 15, 2019.

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

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

Enactment No: RES0316-2019

Resolved, that the Rochester Hills City Council hereby approves a Conditional Use to add a drive-through at a new 4,638 s.f. credit union for Lake Michigan Credit Union, located on the north side of Tienken, west of Rochester, zoned O-1 Office Business with an FB-1 Flexible Business Overlay, Parcel No. 15-03-451-029, based on plans dated received by the Planning and Economic Development Department on September 17, 2019, Lake Michigan Credit Union, Applicant with the following findings.

Findings:

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. 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. The site previously held a bank, which will be demolished.
3. The proposal will have a positive impact on the community as a whole and the surrounding area by further offering jobs and another financial institution.
4. 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.

5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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.

2019-0440 Request for Conditional Use Approval - to add 60 parking spaces at the Detroit Chinese Alliance Church, located on Auburn, east of Crooks, zoned R-4 One Family Residential; Congyue (James) Wang, Applicant

Attachments: [111819 Agenda Summary.pdf](#)
[Staff Report.pdf](#)
[Review Comments PC.pdf](#)
[EIS.pdf](#)
[Site Plans.pdf](#)
[Minutes PC 101519.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

*In attendance were **Kristen Kapelanski**, Planning Manager, and **Congyue (James) Wang**, representing the Applicant.*

***Kristen Kapelanski**, Planning Manager, stated that the Applicant is proposing the addition of 60 parking spaces at the existing Detroit Chinese Alliance Church located on Auburn Road between Crooks and Livernois. The property is zoned R-4, and places of worship are Conditional Use in that district. She pointed out that the plan generally meets the Ordinance requirements, and the Planning Commission approved the site plan and Tree Removal Permit on October 15, 2019. She noted that a Landscape Buffer D is required along the east and west property lines; and explained that in lieu of that buffer, the Applicant has proposed extending the privacy fence on the east property line, and maintaining the existing evergreen screen on the west property line where three new parking spaces would be added. She stated that the Planning Commission approved this modification.*

***Vice President Morita** noted that the Planning Commission was impressed with the way that the church reached out to the neighbors regarding this project and thanked Mr. Wang for their efforts.*

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

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

Enactment No: RES0317-2019

Resolved, that the Rochester Hills City Council hereby approves a Conditional Use for the Detroit Chinese Alliance Church to add 60 parking spaces, located at 1591 W. Auburn, east of Crooks, zoned R-4 One Family Residential, Parcel No. 15-33-128-010, based on plans dated received by the Planning and Economic Development Department on August 29, 2019, Congyue Wang, Applicant, with the following findings.

Findings:

1. The use will promote the intent and purpose of the Zoning Ordinance.

2. The parking lot 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.
3. The proposal will have a positive impact on the growing church community.
4. 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.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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.

2018-0129 Request for Purchase Authorization - PLANNING: Increase to blanket purchase order/contract for Wetland and Environmental Consulting Services in the amount of \$20,000.00 for a new not-to-exceed amount of \$98,200.00 through March 31, 2020; ASTI Environmental, Brighton, MI

Attachments: [111819 Agenda Summary.pdf](#)
[040918 Agenda Summary.pdf](#)
[040918 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Planning and Economic Development Director, stated that the City has been working with ASTI Environmental for some time. She explained that the Legacy project has required much intense environmental work, and noted that over \$50,000 in ASTI's fees have been billed directly to the Legacy Applicant by the City. She stated that these are pass-through costs to the projects, and are not out-of-pocket costs by the City. She pointed out that ASTI's contract will be expiring in March of next year, and the City will be going out for bid at that time.

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

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

Enactment No: RES0318-2019

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the blanket purchase order/contract for Wetland and Environmental Consulting Services to ASTI Environmental, Brighton, Michigan in the amount of \$20,000.00 for a new not-to-exceed amount of \$98,200.00 through March 31, 2020.

2019-0483 Request for acceptance of a .21-acre parcel of vacant located on the southwest corner of Adams and Forester Roads donated by Marketplace of Rochester Hills, LLC (Grand Sakwa)

Attachments: [111819 Agenda Summary.pdf](#)
[Adams Property Covenant Deed.pdf](#)
[Adams Property Maps.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Planning and Economic Development Director, explained that this small piece was the result of the Adams Road realignment in 2005, creating an orphan parcel that has zero value and should be road right-of-way.

Vice President Morita questioned whether the City is certain this parcel was not contaminated.

Ms. Roediger responded that in consultation with ASTI Environmental, the City's Environmental Consultant, it was determined that the cost of doing a Phase I environmental assessment on the project would be extremely high. In discussions with City Assessor Laurie Taylor, it was determined that there have never been any structures or activity on the site. Upon further discussion and consultation with the City Attorney, it was determined that there is no reason to believe there would be any contamination and no reason to conduct a Phase I on the site.

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

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

Enactment No: RES0319-2019

Resolved, that the City of Rochester Hills hereby accepts a .21-acre of vacant land located on the southwest corner of Adams and Forester Roads, Parcel No. 15-30-302-030, donated by Marketplace of Rochester Hills, LLC (Grand Sakwa).

Further Resolved, that the Mayor is authorized to undertake such actions and to execute and deliver any necessary and appropriate documents to consummate this transaction.

PUBLIC COMMENT for Items not on the Agenda

None.

(Mr. Hetrick exited at 9:24 p.m. and re-entered at 9:27 p.m.)

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.

2019-0473 Request for Acceptance of the Sanitary Sewer Easement granted by Gianna Investments LLC, a Michigan limited liability company, for Saddlebrook Orchards

Attachments: [111819 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0320-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Sanitary Sewer Easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under, through and across land more particularly described as Parcel #15-28-300-029, granted by Gianna Investments LLC, a Michigan limited liability company, whose address is 59227 Van Dyke Avenue, Washington, MI 48094, for Saddle Brook Orchards.

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

2019-0474 Request for Acceptance of the Watermain Easement granted by Gianna Investments LLC, a Michigan limited liability company, for Saddlebrook Orchards

Attachments: [111819 Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0321-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Watermain Easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under, through and across land more particularly described as Parcel #15-28-300-029, granted by Gianna Investments LLC, a Michigan limited liability company, whose address is 59227 Van Dyke Avenue, Washington, MI 48094, for Saddle Brook Orchards.

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

2019-0475 Request for Acceptance of the Warranty Deed for Auburn Road public road right-of-way granted by Gianna Investments LLC, a Michigan limited liability company, for Saddlebrook Orchards

Attachments: [111819 Agenda Summary.pdf](#)
[Warranty Deed Auburn Rd ROW.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0322-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Warranty Deed granted by Gianna Investments LLC, a Michigan limited liability company, whose address is 59227 Van Dyke Avenue, Washington, MI 48094, for Saddle Brook Orchards, Parcel #15-28-300-029.

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

2019-0476 Request for Acceptance of the Warranty Deed for Basil Drive and Sage Lane public road right-of-way granted by Gianna Investments LLC, a Michigan limited liability company, for Saddlebrook Orchards

Attachments: [111819 Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0323-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Warranty Deed granted by Gianna Investments LLC, a Michigan limited liability company, whose address is 59227 Van Dyke Avenue, Washington, MI 48094, for Saddle Brook Orchards, Parcel #15-28-300-029.

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

- 2019-0477** Request for Approval of a Storm Sewer System Maintenance Agreement between the City of Rochester Hills and Gianna Investments LLC, a Michigan limited liability company, for Saddlebrook Orchards

Attachments: [111819 Agenda Summary.pdf](#)
[Storm Sewer Mtnc Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0324-2019

Resolved, that the Rochester Hills City Council hereby approves the Storm Sewer System Maintenance Agreement between the City of Rochester Hills and Gianna Investments LLC, a Michigan limited liability company, whose address is 59227 Van Dyke Avenue, Washington, MI 48094, for Saddle Brook Orchards, Parcel #15-28-300-029.

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

- 2019-0491** Request for Adoption of a Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2019 Annual Rochester Hometown Christmas Parade scheduled for Sunday, December 8, 2019

Attachments: [111819 Agenda Summary.pdf](#)
[Approved RCOC Permit.pdf](#)
[2019 Parade Route.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0325-2019

Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Rochester Regional Chamber of Commerce; and

Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown

Rochester; and

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

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from E Second Street to Tienken Road.

Resolved, that the Rochester Hills City Council authorizes the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours; and

Further Resolved, that the parade detour routes be scheduled for Sunday, December 8, 2019, between the hours of 12:30 p.m. and 4:00 p.m. on Livernois, Avon, Rochester and Tienken Roads; and

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

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

2019-0428 Request for Purchase Authorization - DPS/FLEET: Amendment to the purchase authorization of a tractor with backhoe and trencher in the amount of \$52,859.35; Deere & Company, Cary, NC

Attachments: [111819 Agenda Summary.pdf](#)
[100719 Agenda Summary.pdf](#)
[Equipment Cost Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0326-2019

Resolved, that the Rochester Hills City Council hereby amends the purchase authorization of a tractor with backhoe and trencher from Rochester Lawn Equipment, Rochester Hills, Michigan to Deere & Company, Cary, North Carolina in the amount of \$52,859.35.

2019-0478 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for janitorial supplies, paper products, green cleaning products, and other related items in the amount not-to-exceed \$60,000.00 through December 31, 2020; Nichols Paper & Supply Co., Rochester Hills, MI

Attachments: [111819 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0327-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order for janitorial supplies, paper products, green cleaning products, and other related items to Nichols Paper & Supply Co., Rochester Hills, Michigan in the amount not-to-exceed \$60,000.00 through December 31, 2020.

Passed the Consent Agenda

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

The following Consent Agenda Item was discussed and adopted by a separate Motion:

2017-0573 Request for Purchase Authorization - PARKS: Increase to blanket purchase order/contract for Natural Features Stewardship Program Consulting Services for Green Space in the amount of \$57,000.00 for a new not-to-exceed amount of \$527,000.00 through December 31, 2019; Niswander Environmental, LLC., Brighton, MI

Attachments: [111819 Agenda Summary.pdf](#)
[121117 Agenda Summary.pdf](#)
[121717 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Matt Einheuser, Natural Resources Manager, explained that an increase is requested to the Niswander contract for natural features stewardship. He pointed out that the funds were budgeted and there was no requested increase in the budgeted amount.

Vice President Morita commented that stewardship activities are being conducted on City Parks properties in addition to Green Space properties, which were not a part of the original contract.

Public Comment

Lee Zendel, 1575 Dutton Road, stated that it should be noted that during the original discussions about acquiring green spaces, it was stated that the green spaces should remain pristine. He commented that many of the original properties were not suitable for development. He questioned why over half a million dollars has been spent on consulting services and why these services are needed.

Mr. Einheuser stated that approval to use Green Space funds toward stewardship was granted in 2005, to include addressing invasive species, promoting native plants, improving and restoring the habitat, and improving the natural features that exist on the properties. Funds used to improve access are limited to creating footpaths and not to develop the properties similar to parks or parking areas. He explained Niswander's work includes spraying and cutting invasive species and adding native plants to restore these properties to their

original condition.

Dr. Bowyer stated that she sits on the Green Space Advisory Committee, and explained that in order to have the properties support the natural habitats of the animals that live there, work had to be done on the properties to rid them of invasive species that were crowding out the food sources and habitat areas. She noted that Niswander came on board to eradicate invasive species. Once eradication is complete, a maintenance program will be instituted and costs will drop off substantially.

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 - Deel, Morita, Hetrick, Blair, Walker, Bowyer and Mungoli

Enactment No: RES0328-2019

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the blanket purchase order/contract for Natural Features Stewardship Program Consulting Services for Green Space to Niswander Environmental LLC., Brighton, Michigan in the amount of \$57,000.00 for a new not-to-exceed amount of \$527,000.00 through December 31, 2019.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Dr. Bowyer announced the following upcoming events:

- *Light the Village* will be held Friday, November 22, from 6:00 p.m. to 9:00 p.m.
- *The Rochester Hills Museum at Van Hoosen Farm* presents a *Visit With Santa and Mrs. Claus* on Saturday, December 7, from 9:00 a.m. to 4:00 p.m.
- *The Rochester Hills Museum at Van Hoosen Farm* will host an *Old-Fashioned Christmas* on Saturday, December 21 from noon to 3:00 p.m.
- *Outdoor Engagement activities for January* include:
 - * *Reptile Roundup* on Saturday, January 11, from 1:00 p.m. to 4:00 p.m.
 - * *Snowfort and Campfire* on Monday, January 20, from 1:00 p.m. to 2:30 p.m.

Mr. Hetrick noted that November 22 will be his 33rd wedding anniversary.

Mr. Walker noted that Aldi's held a ribbon-cutting on November 7, and Oakland Fieldhouse held their ribbon-cutting on November 12.

Tom Talbert made the following announcements on behalf of Mayor Barnett:

- *Veterans' Day Celebration* was held November 11.
- *Congratulations* go to the new Aldi's and the Oakland Fieldhouse for opening in the community.
- *The City* partnered with Rochester Community Schools for the *Paint the Plow* project.
- *Livernois Road* is projected to open November 21. *Auburn Road* is projected to open November 27.

ATTORNEY'S REPORT

City Attorney Dan Christ had nothing to report.

NOMINATIONS/APPOINTMENTS

2019-0462 Request to Confirm the Mayor's Reappointment of Werner Richard Braun III, James Nachtman and Del Stanley to the Brownfield Redevelopment Authority for a three (3) year term to expire November 13, 2022

Attachments: [111819 Agenda Summary.pdf](#)
[Braun III CQ.pdf](#)
[Nachtman CQ.pdf](#)
[Stanley CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

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

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

Enactment No: RES0329-2019

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointments of Werner Richard Braun III, James Nachtman and Del Stanley to the Brownfield Redevelopment Authority, each for a three (3) year term to expire November 13, 2022.

NEW BUSINESS

2019-0336 Request for Acceptance of the Draft Special Assessment Roll for Bolinger Street and to set the Public Hearing for December 2, 2019

Attachments: [120219 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[111819 Agenda Summary.pdf](#)
[Bolinger St SAD.pdf](#)
[100719 Agenda Summary.pdf](#)
[Rhodes Correspondence 091019.pdf](#)
[Assessor Report and Petition of Objections.pdf](#)
[072919 CC Minutes 2019-0336 Draft Excerpt.pdf](#)
[081219 CC Minutes 2019-0356 Draft Excerpt.pdf](#)
[072919 Agenda Summary.pdf](#)
[Engineer Report.pdf](#)
[Bolinger SAD District.pdf](#)
[Bolinger St SAD.pdf](#)
[Design Construction Cost Estimate.pdf](#)
[072919 Resolution \(Draft\).pdf](#)
[100719 Resolution \(Draft\).pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Laurie Taylor, Director of Assessing, stated that City Council passed a final determination of necessity resolution on October 7 that approved moving forward with the Special Assessment District (SAD) for Bolinger Street and to direct the Assessor to prepare a Special Assessment Roll. The City's SAD

policy requires a public hearing be held for a Draft Special Assessment Roll. City Council is requested to accept the Special Assessment Roll and set the Public Hearing for December 2, 2019. A final Special Assessment Roll will be presented to City Council after the project is bid out and costs are known.

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

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

Enactment No: RES0372-2019

Whereas, on October 7, 2019, the Rochester Hills City Council held the Public Hearing of Necessity and adopted a Resolution to proceed with Public Improvement and establish a Special Assessment District (SAD) for Bolinger Street.

Whereas, pursuant to the City's policy, a draft special assessment roll will be made based on the City Engineer's detailed estimate as approved by City Council and filed with the City Clerk for presentation to the City Council for review and confirmation.

Resolved, the Rochester Hills City Council hereby accepts the Draft Special Assessment Roll for Bolinger Street and directs the draft roll be filed with the City Clerk for public examination.

Further Resolved, the Rochester Hills City Council sets a Public Hearing for December 2, 2019 to consider objections to the draft roll, correction to the draft roll, or annulment of the draft roll.

2019-0337 Request for Acceptance of the Draft Special Assessment Roll for Michelson Road and to Set the Public Hearing for December 2, 2019

Attachments: [120219 Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)
[111819 Agenda Summary.pdf](#)
[Michelson SAD.pdf](#)
[100719 Agenda Summary.pdf](#)
[072919 CC Minutes 2019-0337 Draft Excerpt.pdf](#)
[081219 CC Minutes 2019-0355 Draft Excerpt.pdf](#)
[072919 Agenda Summary.pdf](#)
[Engineer Report.pdf](#)
[Michelson SAD District.pdf](#)
[Michelson SAD.pdf](#)
[Design Construction Cost Estimate.pdf](#)
[072919 Resolution \(Draft\).pdf](#)
[100719 Resolution \(Draft\).pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Laurie Taylor, Director of Assessing, stated that City Council passed a final determination of necessity resolution on October 7 that approved moving forward with the Special Assessment District (SAD) for Michelson Road and to direct the Assessor to prepare a Special Assessment Roll. The City's SAD policy requires a public hearing be held for a Draft Special Assessment Roll. City Council is requested to accept the Special Assessment Roll and set the

Public Hearing for December 2, 2019. A final Special Assessment Roll will be presented to City Council after the project is bid out and costs are known.

Council Discussion

Ms. Mungoli questioned how and when affected property owners will be notified of the Public Hearing.

Ms. Taylor responded that the affected individuals will be notified by mail. She mentioned that the notices are ready to mail and a notice will also be published in the newspaper. Agendas will be mailed once they are set and available.

Ms. Mungoli stated that she wanted to ensure that people have adequate notification so they can adjust their schedules.

Deputy Clerk Leanne Scott noted that the agendas go out of the Clerk's Office on a specific date; however, Post Office delivery is out of the City's control.

Ms. Taylor added that the individuals affected by the project are very aware and have kept very involved.

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 - Deel, Morita, Hetrick, Blair, Walker, Bowyer and Mungoli

Enactment No: RES0373-2019

Whereas, on October 7, 2019, the Rochester Hills City Council held the Public Hearing of Necessity and adopted a Resolution to proceed with Public Improvement and establish a Special Assessment District (SAD) for Michelson Road.

Whereas, pursuant to the City's policy, a draft special assessment roll will be made based on the City Engineer's detailed estimate as approved by City Council and filed with the City Clerk for presentation to the City Council for review and confirmation.

Resolved, the Rochester Hills City Council hereby accepts the Draft Special Assessment Roll for Michelson Road and directs the draft roll be filed with the City Clerk for public examination.

Further Resolved, the Rochester Hills City Council sets a Public hearing for December 2, 2019 to consider objections to the draft roll, correction to the draft roll, or annulment of the draft roll.

2019-0472 Request for Purchase Authorization - FLEET: Purchase Authorization of fifteen (15) new vehicles in the amount of \$454,444.00; Todd Wenzel Buick GMC, Westland, MI

Attachments: [111819 Agenda Summary \(Revised\).pdf](#)
[111119 Agenda Summary.pdf](#)
[Vehicle Purchase Summary.pdf](#)
[1500 4x4 Pickup 20.pdf](#)
[2500 4x4 Double Cab Pickup 20 \(1\).pdf](#)
[2500 4x4 Pickup 20docx.pdf](#)
[Resolution \(Draft\).pdf](#)
[Resolution \(Draft Revised\).pdf](#)

Allan Schneck, Public Services Director, requested City Council approve the purchase of 15 vehicles. He stated that all but one vehicle was budgeted for replacement. He explained that Battalion 1 was totaled in a crash and is included in the request.

Mr. Walker questioned where proceeds from the auction of the replaced vehicles appear in the budget, and if the funds received will offset the purchase.

Mr. Schneck responded that Mr. Snyder ensures that surplus funds are budgeted appropriately. He stated that he believed that funds go into a surplus account and then move back into Fleet. He mentioned that typically a 20 percent residual is attained; however, as the City takes very good care of their fleet, they often see a higher value up to as much as 30 percent.

Mr. Walker commented that the vehicles appear to have low mileage, although it is most likely hard mileage.

Mr. Schneck agreed, noting that the mileage is deceiving considering the work the vehicles are used for.

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

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

Enactment No: RES0332-2019

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of fifteen (15) new vehicles from Todd Wenzel Buick GMC, Westland Michigan in the amount of \$454,444.00.

2019-0484 Request for Purchase Authorization - FIRE: Purchase of two (2) 2000 GPM Pierce Enforcer Pumpers in the amount of \$551,346.00 with a project contingency in the amount of \$30,159.85 for Truck 1 and \$540,419.00 with a project contingency in the amount of \$29,613.50 for Truck 2, for a total purchase amount not-to-exceed \$1,151,538.35; Halt Fire, Wixom, MI

Attachments: [111819 Agenda Summary.pdf](#)
[Truck Purchase Summary Details.pdf](#)
[Resolution \(Draft\).pdf](#)

Sean Canto, Chief of Fire and Emergency Services, stated that in 2015, the City as lead agency went out for a Request for Proposal (RFP) process through the Michigan Intergovernmental Trade Network (MITN) purchasing cooperative to secure pricing. The award was given to Pierce Fire Apparatus. He noted that Engine 3 has already been sold, with money going back into the Capital

Apparatus fund. The other vehicle will be sold and money will go into reserve as well. He explained that the engine was having severe corrosion issues affecting the frame, and DPS maintenance suggested replacing that apparatus immediately as the weight and stress put upon the vehicle could represent a safety concern. He noted that with this cooperative contract, the City will have saved \$568,000 in total. He noted that the City saved \$103,000 in discounts with this purchase alone.

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

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

Enactment No: RES0333-2019

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of two (2) 2000 GPM Pierce Enforcer Pumpers to Halt Fire, Wixom, Michigan in the amount of \$551,346.00 with a project contingency in the amount of \$30,159.85 for Truck 1 and \$540,419.00 with a project contingency in the amount of \$29,613.50 for Truck 2, for a total purchase amount not-to-exceed \$1,151,538.35.

2019-0451 Request for Purchase Authorization - BUILDING: Project Budget for the City's Electronic Plan Review Software project covering software, hardware and training in the amount not-to-exceed \$110,000.00; Case Technologies, Carnegie, PA and other vendors as required

Attachments: [111819 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance/Facilities, stated that the Electronic Plan Review project has a total budget of \$110,000 encompassing software and hardware including scanners, larger monitors, and a number of Iplan tables. He reported that he has had the opportunity to review building departments throughout the country, and many have had electronic plan review software for a number of years. He noted that this software will benefit developers, architects, and the City as a whole and will improve the process immensely. He commented that contractors will be able to submit plans electronically and not be required to visit City Hall. He noted that City Staff visited Sterling Heights which is further along in the electronic review process, and noted they estimated a savings to developers of approximately \$5,000 in copies and time.

He explained that when plans are reviewed, comments and corrections will be noted on the plans. An email can then be sent to the applicant noting that the plans have been reviewed, and comments can be facilitated back and forth, streamlining the process. He commented that with any change, it will take time to incorporate the process through all City departments.

He mentioned that \$500,000 was originally included in the budget for the project; however, it was determined that the same standard could be achieved with less software and at less cost. He commented that the software requested tonight is around \$20,000 with Case Technologies as the low bidder.

Council Discussion

Mr. Hetrick commented that incorporating electronic review makes much sense.

Mr. Blair stated that he appreciates seeing one-quarter of the purchase price going toward training, given the vastness of the software. He commented that implementation should be very successful.

Mr. Walker noted that the savings to the contractors is quantified at \$5,000. He questioned whether the internal savings could be also quantified.

Mr. Cope stated that it would save time, and he noted that monetary savings will be difficult to quantify. He explained that the City typically bills approximately \$85 per hour for review time. He mentioned that the City has been doing electronic review in small scale on a pilot basis, and noted that something that typically took hours to do was accomplished in minutes.

Ms. Mungoli expressed her thanks to Mr. Cope for responding to her email questions. She commented that it appears the warranty is still in question and stated that she looks forward to information on how this will be incorporated to maintain the equipment long-term should the company servicing the equipment go out of business.

Mr. Cope responded that hardware warranties will be reviewed.

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 - Deel, Morita, Hetrick, Blair, Walker, Bowyer and Mungoli

Enactment No: RES0334-2019

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for the City's electronic plan review software project covering software, hardware and training to Case Technologies, Carnegie, Pennsylvania and other vendors as appropriate in the amount not-to-exceed \$110,000.00.

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

2019-0398 Request for Purchase Authorization - BUILDING/FACILITIES: Increase to the contract/blanket purchase order for construction management services for the City Hall Balcony, Masonry Screen Wall and Compound Gate Replacement Project in the amount of \$81,250.00 for a new not-to-exceed amount of \$464,359.00; The George W. Auch Company, Pontiac, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Cost Summary.pdf](#)
[111819 Agenda Summary.pdf](#)
[Auch Project Increase Request.pdf](#)
[090919 Agenda Summary.pdf](#)
[Auch GMP Proposal.pdf](#)
[090919 Resolution \(Draft\).pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance/Facilities explained that as the existing wall was being removed, 12-foot existing piers were being pulled. The engineering consultant determined that bad soils were present, and seven new piers of approximately 36-inches in diameter and 18-feet deep are required to support the wall.

Council Discussion

Dr. Bowyer questioned whether the wall is needed for this great expense.

Mr. Cope responded that it is a screen for the vehicles stored and where deliveries are taken. A gate secures the area as well for the safety and security of the City's items stored there.

Vice President Morita commented that the project was discussed during the Capital Improvement Project Process. She mentioned that an audit performed by the City's insurance company yielded several suggestions, including keeping the wall.

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

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

Enactment No: RES0067-2020

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the contract/blanket purchase order for construction management services for the City Hall Balcony, Masonry Screen Wall and Compound Gate Replacement Project to The George W. Auch Company, Pontiac, Michigan in the amount of \$81,250.00 for a new not-to-exceed amount of \$464,359.00 and further authorizes the Mayor to execute a contract addendum on behalf of the City.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- Regular Meeting - Monday, December 2, 2019 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Bowyer and seconded by Deel to adjourn the meeting at 10:03 p.m.

*RYAN DEEL, President
Rochester Hills City Council*

*TINA BARTON, MMC, Clerk
City of Rochester Hills*

*MARYJO PACHLA
Administrative Assistant II*

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