



# Rochester Hills Minutes - Draft City Council Regular Meeting

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

*David J. Blair, Jason Carlock, Ryan Deel, Carol Morlan, Theresa Mungiola, Marvie Neubauer and David Walker*

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

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

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Monday, April 8, 2024

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Deel called the Regular Rochester Hills City Council Meeting to order at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - David Blair, Jason Carlock, Ryan Deel, Carol Morlan, Marvie Neubauer and David Walker

**Absent** 1 - Theresa Mungiola

## Others Present:

*Bryan Barnett, Mayor  
Chief Sean Canto, Fire Chief/Emergency Services Director  
Dan Christ, City Attorney  
Ken Elwert, Parks and Natural Resources Director  
Bill Fritz, Public Services Director  
Tim Hollis, Deputy Building/Ordinance/Facilities Director  
Chris McLeod, Planning Manager  
Leanne Scott, City Clerk  
Jodi Welch, Manager of Ordinance Services*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

A motion was made by Blair, seconded by Carlock, that the Agenda be Approved as Amended to add a Legislative Update by United States Representative John James immediately following Legislative File 2024-0181, to move Legislative File 2024-0189 "Request for Michigan Liquor Control Commission approval of an application for a Transfer of a Class C License with Sunday Sales Permit (PM) and an Outdoor Service Permit submitted by LTF Club Operations Company, Inc., d/b/a Life Time Fitness" from New Business to Planning and Economic Development immediately following Legislative File 2024-0161, and to remove Legislative File 2024-0187 "Request for Acceptance of First Reading - An Ordinance to add Section 30-32 to Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to provide service charge in lieu of taxes and authorize provisions relating to DV Limited Dividend Housing Association Limited Partnership (a/k/a Danish Village) eligible under the State Housing Development Authority Act of 1966, and repeal conflicting ordinances, and prescribe a penalty for violations" from the Agenda. The motion carried by the following vote:

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Munglioli

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

*President Deel* introduced RHGYC Representative, Aryan Sinha.

*Mr. Sinha* shared that he is a Junior at Rochester High School and that he has been a part of the RHGYC for the past two years and serves on the Human Resources Technical Review Committee. He announced that the Cultural Fair will take place on May 11, 2024 in the Garth Pleasant Arena at Rochester University from 12:00 p.m. to 3:00 p.m. He added that the RHGYC has reached out to many businesses, restaurants, and cultural centers to create a special event. He stated that the next meeting will be a Cultural Fair Planning session on April 17, 2024.

### Planning Commission:

*Ms. Neubauer* shared that the Planning Department is passing out a Meeting Toolbox to the residents of the City to gather information for the Master Plan process. She added that inside the kit there are instructions on what residents need to do and that the kits are being tracked.

*Mr. McLeod* noted that they want the residents to conduct their own meetings with others within the City.

## RECOGNITIONS

2024-0181 Proclamation in Recognition of Judge Julie Nicholson

Attachments: [040824 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)

**Mayor Barnett** shared that Judge Julie Nicholson has been an active part of the community and was first elected in 1996. He explained that she has served as the Chief Judge for all the District Courts in the area for the past ten years. He presented a proclamation to Judge Julie Nicholson in recognition of her retirement.

**Ms. Nicholson** commented that it was not an easy decision to retire and that a lot of people have helped her get to this point in her career. She shared that she had the opportunity to be involved in her community and that Rochester Hills is an amazing City to live in.

Presented.

## PRESENTATIONS

### United States Representative John James - Legislative Update

**United States Representative John James** shared that he hosted a School Safety Roundtable and attended a Rochester School Safety Parent and Community Event at Rochester Adams High School. He added that he has a bipartisan Bill that would help to lock up and secure weapons in the home. He continued that they are also looking at social media platforms and protecting children's mental health. He stated that school security is national security and that he is looking to pass legislation that would require the President to include school safety in his State of the Union and his Security Plan for the year. He commented that \$118 million was able to be allocated back to the District from Washington D.C. He explained that seventeen percent of the Tenth District is Rochester and Rochester Hills. He shared that his family attends Lifetime Fitness and that it is important to connect people within the community. He thanked the City Council Members and Judge Nicholson for their service.

**Mayor Barnett** remarked that Representative James has always been available when they needed him and expressed that it is nice to have a partner in Washington D.C.

Presented.

**2024-0188** Presentation on the 2024 Memorial Day Parade of Heroes; Rochester Regional Chamber of Commerce and Chamber Foundation, Maggie Bobitz, President, presenter

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Presentation.pdf](#)

**Maggie Bobitz**, Rochester Regional Chamber of Commerce and Chamber Foundation President, presented the following information regarding the upcoming 2024 Memorial Day Parade of Heroes on Monday, May 27, 2024:

- Memorial Day Events
  - 8:00 a.m. City of Rochester Event at Mt. Avon Cemetery
  - 9:00 a.m. Memorial Day Parade of Heroes

- 10:30 a.m. City of Rochester Hills Event at Veterans Pointe
- Three City of Rochester Hills Council Members sit on the Memorial Day Parade of Heroes Committee along with three City of Rochester Council members, and various community members
  - Theresa Mungoli
  - David Blair
  - David Walker
- New Parade Route
  - Starts on First Street traveling to Castell (Left on Castell). Castell turns into Harding. Harding to Livernois. South on Livernois to Avon Road. Left on Avon Road at which time participants can enter Renovation by Design (Old Rivercrest) parking lot
- Road Closures
  - Livernois Road will need to be closed at Walton to Livernois from 9:00 a.m. to 10:00 a.m. or when the last parade participant has safely gone through the entire parade route
  - Side streets will need to be closed on Livernois from 9:00 a.m. to 10:00 a.m. or when the last participant has safely gone through the entire parade route

She requested \$1,000 from the City of Rochester Hills to help run the Parade and thanked the City for their support with the event.

**President Deel** remarked that it is important to have moments where the community can get together and honor those who have made sacrifices for our country.

**Vice President Walker** thanked Ms. Bobitz for her work with this event.

**Ms. Bobitz** noted that the event is held under the direction of the Chamber Foundation, which is the community arm of the organization.

Presented.

## ORDINANCE FOR INTRODUCTION

- 2024-0072** Request for Acceptance of First Reading - An Ordinance to amend Chapter 86, Solid Waste, Article III, Waste Haulers, Sections 86-62 - Application, 86-63 - Issuance or denial, 86-66 - Inspection of Solid Waste Transporting Units, and 86-70 - Regulations, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify application, issuance or denial, inspection of solid waste transporting units to license decals, and regulations; repeal conflicting ordinances, and prescribe a penalty for violations

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Tim Hollis**, Deputy Building/Ordinance/Facilities Director, and **Jodi Welch**, Manager of Ordinance Services, were present.

**Mr. Hollis** stated that this is a request to accept an Ordinance Amendment for First Reading in regards to the inspection of waste haulers. He explained that currently, waste haulers are required to obtain an inspection by the City, the Oakland County Sheriff's Office, and the Federal Motor Carrier Safety Administration. He shared that they are looking to eliminate the local inspections since the Federal inspection is much more thorough. He noted that it does not prevent the City from being able to perform inspections as needed.

**Mr. Blair** commented that the waste hauler trucks tend to leak hydraulic fluid and questioned if fewer inspections will result in longer delays for those issues to be resolved.

**Ms. Welch** responded that under the Federal inspection, there is a licensed mechanic that is performing the inspection. She added that over the last few years, the City has been more active in regards to resolving hydraulic leaks and that the Oakland County Sheriff's Office is also notified.

**Mr. Blair** questioned if there is an aesthetic portion of the Federal inspection process.

**Ms. Welch** responded that aesthetics are not part of the Federal inspection but that the City would address any aesthetic concerns directly with Green For Life.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0131-2024

**Resolved**, that an Ordinance to amend Chapter 86, Solid Waste, Article III, Waste Haulers, Sections 86-62 - Application, 86-63 - Issuance or denial, 86-66 - Inspection of Solid Waste Transporting Units, and 86-70 - Regulations, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify application, issuance or denial, inspection of solid waste transporting units to license decals, and regulations; repeal conflicting ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

**2024-0187** Request for Acceptance of First Reading - An Ordinance to add Section 30-32 to Chapter 30, Community Development, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to provide service charge in lieu of taxes and authorize provisions relating to DV Limited Dividend Housing

Association Limited Partnership (a/k/a Danish Village) eligible under the State Housing Development Authority Act of 1966, and repeal conflicting ordinances, and prescribe a penalty for violations

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Resolution \(Draft\).pdf](#)

Removed from Agenda.

## PLANNING AND ECONOMIC DEVELOPMENT

**2024-0160** Request for Conditional Use Approval for MI Premier Dance Co. LLC, a health, recreation and physical education facility, to occupy space in the EC Employment Center zoning district at 1866 Star Batt Dr., located east of Crooks; Candice Durham, MI Premier Dance Co LLC, Applicant

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Minutes PC 031924 \(Draft\).pdf](#)  
[Staff Report 031924.pdf](#)  
[Applicant Letter and Plans.pdf](#)  
[Development Application.pdf](#)  
[Environmental Impact Statement.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[Suppl Presentation.pdf](#)

**Chris McLeod**, Planning Manager, and **Candice Durham**, MI Premier Dance Co. LLC, were present.

**Mr. McLeod** presented the following information regarding the Conditional Use Approval Request:

- Current Site
  - East of Crooks Road, North of Star Batt Drive
  - MI Premier Dance Co. is current tenant
- Applicant
  - Candice Durham, MI Premier Dance Co.
- Surrounding Context
  - Site
    - Zoning: EC Employment Center
    - Existing Land Use: Puroclean, Moose Athletics, Expert Painting, Five Lakes Kitchen and Bath, Marshalls Auto Repair, Waste Equipment Service, Microtap, SOS Auto Service, Hamlin Pub Corporate Offices, Seasonal International

- Future Land Use: Workplace
- North
  - Zoning: EC Employment Center
  - Future Land Use: Workplace
- South
  - Zoning: EC Employment Center and HB Highway Business
  - Existing Land Use: Ascension/St. John
  - Future Land Use: Workplace and Interchange
- East
  - Zoning: EC Employment Center and RCD One Family Residential Cluster
- District
  - Existing Land Use: AG Innovation, various other industrial users
  - Future Land Use: Workplace and Residential 4
- West
  - Zoning: EC Employment Center
  - Existing Land Use: BSN Sports (uniforms), Boogie Babies, Clint Verran Sports Medicine, Achteck America, Phycological Services, Pawsitive Steps (animal rehab), Underpar (golf lessons), Royal Construction, Hidrorubber, etc.
- Request
  - Conditional Use Permit for Health, Recreation, and Physical Education Facility
    - Hours of Operation as stated in application materials:
      - Mondays: 5:30 p.m. to 9:45 p.m.
      - Tuesdays: 7:00 p.m. to 8:45 p.m.
      - Wednesdays: 5:30 p.m. to 9:15 p.m.
      - Thursdays: 5:15 p.m. to 9:00 p.m.
      - Several classes per night
    - Tenant Space: 2,000 square feet
    - Tenant space is located within larger multi-tenant/multi-building complex with several additional recreational uses
      - Tenant has been in operation since 2020 and City is not aware of any complaints
      - Students are typically dropped off due to extended class times limiting parking needs
- Review Criteria
  - Will promote the intent and purpose of (the Ordinance).
  - Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.
    - Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
    - Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
    - Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

**Ms. Durham** shared that this is a small boutique dance studio with no more than thirty students in attendance and that students have to audition to be a part of the studio. She noted that they are not going to be offering daytime hours and that a lot of the participants carpool to the studio. She added that classes typically run for two to three hours at a time.

**Vice President Walker** commented that she has been operating without a certificate of occupancy for four years and questioned how this is being policed.

**Mr. McLeod** explained that when the ordinance was changed, they knew there would uses that the City did not know about within the community. He continued that the applicant was referred to the Planning Department from the Building Department and that these will have to be addressed by a case-by-case basis.

**Vice President Walker** thanked the applicant for choosing Rochester Hills to set up their business.

**Ms. Neubauer** stated that the applicant came before the Planning Commission and gave a wonderful presentation. She noted that there is never more than 30 students at the same time, there are no daytime hours, and there are no parking issues, she supports this request.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Munglioli

Enactment No: RES0109-2024

**Resolved**, that the Rochester Hills City Council hereby approves the Conditional Use for MI Premier Dance Co. LLC, a health, recreation and physical education facility to occupy space in the EC Employment Center zoning district at 1866 Star Batt Dr. with the following findings and conditions:

#### Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have 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 proposed health, recreation and physical education facility should have a positive impact on the community as a whole and the surrounding area by providing additional recreation and educational opportunities within the EC Employment Center District.
4. The existing building and proposed use are 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 existing building and proposed use 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.

#### Conditions

1. The use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing.

2. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

**2024-0161** Request for Conditional Use Approval for alcoholic beverage sales for onsite consumption at Lifetime Fitness, located at 200 W. Avon Rd., located north of Avon Rd. and west of Rochester Rd., zoned I Industrial and NB Neighborhood Business with the FB Flex Business Overlay; LTF Club Operations Company, Inc., d/b/a Life Time Fitness, Applicant

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Minutes PC 031924 \(Draft\).pdf](#)  
[Staff Report 031924.pdf](#)  
[Applicant Submittal.pdf](#)  
[2024 Alcohol Standard.pdf](#)  
[Menu.pdf](#)  
[Signage.pdf](#)  
[Sublease Agreement.pdf](#)  
[Public Comment.pdf](#)  
[CC Min 010917.pdf](#)  
[Minutes PC 122016.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[Suppl Presentation.pdf](#)

**Chris McLeod**, Planning Manager, **Steven Cullen**, Lifetime Fitness, and **Kristy Carris**, Lifetime Fitness, were present.

**Mr. McLeod** presented the following information regarding the Conditional Use Request:

- Conditional Use
  - Current Site
    - West of North Rochester Road and North of Avon Road
    - Lifetime Fitness is current tenant
  - Applicant
    - LTF Club Operations Company, Inc.

- *Surrounding Context*
  - *Site*
    - *Zoning: NB Neighborhood Business District and I Industrial Zoning District with the FB Flex Business Overlay*
    - *Existing Land Use: Existing Lifetime Fitness*
    - *Future Land Use: Commercial Residential Flex 2*
  - *North*
    - *Zoning: I Industrial Zoning District with the FB Overlay*
    - *Existing Land Use: Vacant*
    - *Future Land Use: Commercial Residential Flex 2*
  - *South*
    - *Zoning: CB Community Business District and I Industrial District with the FB Overlay*
    - *Existing Land Use: Indoor Storage, Sanyo Industrial, Home Depot, Gardner White*
    - *Future Land Use: Commercial Residential Flex 3 and Residential Office Flex*
  - *East*
    - *Zoning: NB Neighborhood Business District and I Industrial District with the FB Overlay*
    - *Existing Land Use: Sanyo Industrial*
    - *Future Land Use: Commercial Residential Flex 2 and Residential Office Flex*
  - *West*
    - *Zoning: Special Purpose District (a portion has a PUD Overlay)*
    - *Existing Land Use: Rochester University and The Grove Multi Family development*
    - *Future Land Use: Special Purpose*
- *Site Plan*
  - *Request*
    - *Conditional Use Permit for On Premise Consumption of Alcohol*
      - *Hours of Operation as stated in application materials:*
        - *Sales 7 Days a week 10:00 a.m. to 10:00 p.m.*
        - *At the Planning Commission it was explained normal business hours for alcohol sales would likely be less since the pool and café areas typically close at 8:00 p.m.*
      - *Service Area: Indoor Café, Outdoor Bistro, Outdoor Pool Area, Outdoor Tennis and Pickleball (Indoor Seating: approximately 151 / Outdoor Seating: approximately 600)*
    - *Recommendation*
      - *Planning Commission Recommended Denial of the Conditional Use*
- *Review Criteria*
  - *Will promote the intent and purpose of (the Ordinance)*
  - *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole*

- Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service
- Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare
- Will not create additional requirements at public cost for the public facilities and services that will be detrimental to the economic welfare of the community

**Mr. Cullen** explained that the hours of operation listed in the application are 10:00 a.m. to 10:00 p.m. and provided the following additional information regarding the hours of operation:

- Indoor Café
  - Monday thru Thursday
    - Close at 9:00 p.m.
    - Stop service at 8:00 p.m.
  - Friday
    - Close at 8:00 p.m.
    - Stop service at 7:00 p.m.
  - Saturday
    - Close at 7:00 p.m.
    - Stop service at 6:00 p.m.
  - Sunday
    - Close at 5:00 p.m.
    - Stop service at 4:00 p.m.
- Outdoor Bistro
  - Monday thru Saturday
    - 10:00 a.m. to 8:00 p.m.
    - Stop service at 7:00 p.m.
  - Sunday
    - 10:00 a.m. to 6:00 p.m.
    - Stop service at 5:00 p.m.

He added that there were 20 to 25 times last year that the Outdoor Bistro was shut down early due to lack of traffic. He provided a statement regarding their request for a Conditional Use Permit for On Premise Consumption of Alcohol at Lifetime Fitness that included the following points:

- They desire to grow into a high-end athletic country club.
- There are 70 Lifetime Clubs nationwide in 30 different states that have approved liquor licenses.
- Membership dues have gone up 53 percent over the last four years.
- There is a Beach Club Fee that has been added for any seasonal members, which has cut the seasonal traffic in half.
- The main parking lot and secondary parking lot are no less dangerous than the Village of Rochester Hills Mall, which features five businesses with liquor licenses.
- The liquor license application being submitted is requesting a 10 p.m. cutoff time for alcohol sales, although earlier will be the standard.

- Event Centers, CJ Barrymores, The Hub, Top Golf, Sports Stadiums, and Chuck E. Cheese all serve alcohol and pose more danger than Lifetime Fitness.
- The Indoor Café Restaurant is a closed-in space with one entrance and exit.
- The Outdoor Space and Pool Deck is completely gated off and the only entrance and exit is through a heavily monitored doorway.
- All serving staff is required to be ServSafe certified.
- All music is set at a corporate-controlled volume and does not rise or fall.

**Public Comment:**

**Beth Markel**, 245 Birch Hill Drive, read a letter that she provided to City Council and the Mayor outlining the concerns of dehydration from the consumption of alcohol, and shared that the fire exits have been blocked at Lifetime Fitness.

**Ben Herrick**, 420 Timberlea Drive, Apt. 60, stated that he is in full support of Lifetime Fitness and that he is a member of the gym and wants to help keep the dues down. He commented that he believes they will do a fine job adding alcohol sales to their business.

**Sandra Shargabian**, 3124 Kenwood Drive, shared that she has been a member at Lifetime Fitness since 2006 and that she supports this endeavor for Lifetime Fitness. She added that it is an athletic country club and that the liquor license would add to the spirit of community.

**Council Discussion:**

**President Deel** stated that there are five pieces of criteria that must be evaluated when Council makes their decision and that the review is based on a City's perspective rather than trying to instruct a business how they must operate. He commented that they are considering whether the Conditional Use will promote the health, welfare, and safety of the residents, whether it is harmonious with the City's Master Plan and Zoning Ordinances, and whether the City can accommodate the City's services under the Conditional Use. He added that the Conditional Use must also not be detrimental or hazardous to surrounding properties and that it must not cause additional costs to be incurred on the City.

**Ms. Neubauer** noted that the applicant received a denial for the Conditional Use from the Planning Commission by a seven to one vote. She commented that the Liquor Licenses have been suspended three times at Lifetime Fitness facilities with two of those times having been during the Covid-19 Pandemic and Lifetime Fitness refused to shut down their cafes, defying the Governor's orders. She added that the third time a Liquor License was suspended was at White Bear Lake and minors were served alcohol on three different locations in a span of 18 months. She noted that the City Council has received several emails against this Conditional Use from residents and Lifetime Fitness members. She continued that this matter came before City Council in 2017 and the motion did not receive a second, therefore a vote was not conducted. She remarked that when the applicant was asked at the Planning Commission what has changed since 2017, the applicant responded that nothing had changed and that it is the

same plan. She shared that she went into the community after the Planning Commission meeting and polled some of the residents and found that no one she polled was in support of alcohol being served at the facility. She stated that she has been on the Planning Commission for over four years and that during that time they have never recommended something for denial to the City Council. She added that they tend to work with the applicant to craft something that addresses some of the concerns and that they did not receive that same cooperation from Lifetime Fitness. She noted that members have told her they will cancel their memberships if this passes because it will no longer be the family-friendly environment that they paid for. She stated that she cannot support this Conditional Use.

**Vice President Walker** questioned why the Rochester Hills Lifetime Fitness location is so unique and why it is considered the flagship location in the area.

**Mr. Cullen** responded that it is the only club in the State with a separate pickleball facility, that it is the only club in the State with tennis courts, and that it is the only club in the State with more than one outdoor pool. He shared that their pricing strategies have changed in order to lower their membership base and increase the experience for those members. He added that their current rates are \$180.00 a month per person, while other clubs are opening up at \$299.00 a month per person.

**Vice President Walker** pointed out a discrepancy in the letter they received regarding the specific areas in the facility where alcohol can be served and consumed. He questioned if they would agree to limiting service and consumption to only specific areas.

**Mr. Cullen** stated that he has no interest in serving alcohol club-wide and that there will be designated serving and consumption areas. He added that they would agree to limiting service and consumption to the Indoor Café and Outdoor Bistro areas.

**Vice President Walker** commented that this is an objective Conditional Use request and that Lifetime Fitness has evolved over the last seven years into a membership-based organization. He added that it is not within the purview of the City to change the business models of businesses within the community. He remarked that it is the State that provides the oversight of how the facility handles the serving of alcohol, not the City. He shared that he respects the Planning Commission but that he respectfully disagrees with them regarding this specific case.

**Ms. Morlan** questioned if they will be doing the TIPS training and questioned if there is a limit on the number of total members they hope to have.

**Mr. Cullen** stated that they are Serve-Safe certified and that they are not having any conversations currently about a limit on the total number of members. He added that there are capacity limits on the pool deck and the interior areas.

**Ms. Morlan** inquired whether Lifetime Fitness plans to raise their prices to match the higher rates of other Lifetime Fitness facilities.

**Mr. Cullen** responded that they do not have plans to do that and the rates are dependent on the area, the facility, and the amenities offered. He continued that the vision for Lifetime Fitness is to move toward a country-club-like atmosphere and the pricing is the strategy to do that. He added that the increase in pickleball and tennis brings the right demographic of member to their club.

**Ms. Morlan** questioned if they will have facilities for events like wedding and banquets in the future.

**Mr. Cullen** stated that could potentially be an option in the future but they are not planning on conducting events like that yet. He noted that they do hold mixers and events for their members.

**Ms. Morlan** noted that they have had events with alcohol at the facility in the past and questioned how the license was obtained.

**Mr. Cullen** responded that the license was provided through a rented wine social company who has a liquor liability license.

**Ms. Morlan** inquired whether a survey was presented to the members gauging their interest in serving alcohol at the facility.

**Mr. Cullen** commented that he learned of the interest through word of mouth and that it is a consistent desire from most of the members that he speaks with to move the facility into a social club atmosphere.

**Ms. Morlan** clarified that the areas where alcohol will be served and consumed are the tennis area, the Indoor Café, the Outdoor Bistro, and the Pickleball dome. She noted that they have not discussed the hours of service for the tennis area and the Pickleball dome area.

**Mr. Cullen** responded that tennis area and the Pickleball dome will be utilized for special events and mixers, and that they will still adhere to the hours of service listed on the application.

**Ms. Morlan** noted that there are a lot of children's programs in the Summer and expressed her concern for having children without their parents around alcohol.

**Mr. Cullen** responded that the mall has restaurants that serve alcohol in a controlled environment where there are children around. He added that the Indoor Café is a closed-in space with an entrance that is only ten feet in width.

**Ms. Morlan** questioned if a parent would be able to order a drink inside and take it to the pool.

**Mr. Cullen** responded that they would not be able to order it from the Indoor Café, but that they would be able to order it from the Outdoor Bistro.

**Ms. Carris** added that they are not serving alcohol to cause members to become intoxicated, they are serving to enhance the experience.

**Ms. Morlan** remarked that she would like to pinpoint the exact times of service and consumption of alcohol.

**Mr. Cullen** provide the following information regarding the times of service and consumption of alcohol:

Indoor Café

- Monday thru Thursday:
  - Open 6 a.m. to 9:00 p.m.
  - Serving 10 a.m. to 8:00 p.m.
- Friday:
  - Open 6 a.m. to 8:00 p.m.
  - Serving 10 a.m. to 7:00 p.m.
- Saturday:
  - Open 8 a.m. to 7:00 p.m.
  - Serving 10 a.m. to 6:00 p.m.
- Sunday:
  - Open 8 a.m. to 5:00 p.m.
  - Serving 10 a.m. to 4:00 p.m.

Outdoor Bistro

- Monday thru Saturday:
  - Open 10 a.m. to 8:00 p.m.
  - Serving 10 a.m. to 7:00 p.m.
- Sunday:
  - Open 10 a.m. to 6:00 p.m.
  - Serving 10 a.m. to 5:00 p.m.

The Tennis Areas and Pickleball Dome

- Dependent upon scheduled events

**Vice President Walker** amended his motion to restrict the service of alcohol to reflect the times stated.

**Ms. Morlan** questioned how they will notify members that alcohol will now be served if this approved. She added that every member she has talked to was not aware that alcohol would be served.

**Mr. Cullen** shared that he is not advertising the service of alcohol but that they can put a notification out on their website and phone app.

**Mr. Carlock** stated that he is a current member at Lifetime Fitness and that pool staff is quite young and questioned if there is a plan to bring more senior workers into the pool area where the alcohol will be served.

**Mr. Cullen** responded that there is a difference between their Aquatics Team and their Restaurant Team and that the Aquatics Team tend to be around 18-33 years of age.

**Ms. Carris** added that there some members of the staff that are under 18 and

*that the staff is always looking out for unwanted behavior.*

**Mr. Cullen** remarked that hiring a more mature Café Team Member is the way to go.

**Mr. Carlock** explained that he is mainly talking about the pool area and that there will need to be some type of enforcement. He questioned if their staff will be trained if an issue happens or if someone will be available to help the younger workers.

**Mr. Cullen** responded that he does management sweeps throughout the day, as well as Ms. Carris and her assistant. He added that there is also a large number of operations staff that are monitoring the area and doing sweeps through the area.

**Mr. Carlock** questioned how often the events will be at the tennis area and pickleball dome.

**Mr. Cullen** responded that there may be one every two or three months as a seasonal endeavor and that he is requesting 9:00 p.m. to be the ending time for alcohol service for those events.

**Mr. Blair** shared that they discussed a lot of these issues at the Liquor License Technical Review Committee and that he has received feedback from residents on both sides of this issue, with the majority pushing for a denial of this request. He continued that he has been presented with fire code violations and violations at other Lifetime Fitness locations. He expressed that the fire code violations are shameful, but they should not influence the decision made on this request. He noted that it is unfair to deny the request of this Lifetime Fitness facility based on previous violations of other locations. He reviewed the five pieces of Review Criteria that were presented and stated that he is in support of this request. He questioned if their point-of-sale system can be programmed to block the sale of certain items at certain times.

**Ms. Carris** responded that she believes so and added that the Outdoor Bistro would stop serving food and alcohol at the same time. She noted that there are supervisors on duty that will have the key that unlocks the alcohol sales.

**Mayor Barnett** commented that this is what good governance looks like with comments and opinions on both sides. He stated that the two things everyone can agree on are that they want a safe operation for the City residents and guests and that they want a vibrant business in the community. He shared that the sale of alcohol in a community is always a concern but that there has to be trust in the organizations that are selling the alcohol. He provided examples of the City's Museum and the Emagine Theater that began serving alcohol to improve their business models. He stated that the price points of the memberships help to monitor the alcohol consumption in the facility. He expressed that he and the Administration are comfortable with this request.

**President Deel** discussed that this request did come up in 2017 and that the Planning Commission moved to approve the request and that City Council had



*an opinion that alcohol in a gym did not make sense. He added that for the most part, the Planning Commission takes its cues from the City Council and he believes that this is why the Planning Commission denied the request this time. He shared that by the time a request gets through the Planning Commission to City Council, it is sometimes remarkably different. He noted that one thing he looks at during the review process is whether or not the applicant is a good community partner and that this applicant has been agreeable to their requests. He continued that one of the recurring themes from the letters he received regarding this request is that people are concerned about whether or not Lifetime Fitness can police alcohol sales. He stated that he cannot base a decision based on a subjective feeling and that the rules will be set and expected to be followed. He continued that 18-year-olds are allowed to sell alcohol based on State law. He added that the past violations at other Lifetime Fitness facilities are under the control of the Liquor Control Commission and that they are the better suited body to investigate those issues rather than the City. He disagreed with the analogy that this Lifetime Fitness is similar to a shopping mall because anybody can access a shopping mall, while only members can access Lifetime Fitness. He explained that a more appropriate analogy would be to compare Lifetime Fitness to a country club. He encouraged his fellow Council Members to strongly consider the request and to give the applicant the option to add any conditions they may have to the request.*

**Ms. Neubauer** read the three Findings listed in the resolution for denial and stated that they should be addressed as well. She shared that a vote to deny this request is not based on feelings, it is based on these facts that are presented. She added that the facility was zoned and designed for fitness and that alcohol does not go hand in hand with fitness. She noted that it would have been better if the applicant polled their members and shown their interest, however, that was not done. She stated that she is voting based on her conscience, not her own personal beliefs and that she has received communication from community members that they do not want alcohol in the facility. She noted that the reason there are many reviews during this process from the Planning Commission and City Council is that it creates a system of checks and balances. She expressed her love of the Lifetime Fitness facility and shared that is why she is fighting against this request. She commented that the alcohol is not going to change the demand for membership at Lifetime Fitness and that they don't need the alcohol sales to survive. She stated that she would like to submit a second motion to deny the request based on the Findings that she listed. She recommended that they come back to Council in the future after talking to their members.

**Mr. Christ** stated that the first motion made by Vice President Walker has already been seconded, so there must be a vote taken on it. He added that if the motion were to fail, another motion can be brought up for a vote.

**Ms. Morlan** questioned if the Outdoor Bistro will only be operational seasonally and what the adult to children ratio is for the Summer camps.

**Mr. Cullen** responded that the Outdoor Bistro will only operate seasonally and that the State law states a 7:1 student to adult ratio.

*Ms. Morlan inquired how soon this will be implemented if it is approved.*

*Mr. Cullen responded that it will be implemented by the start of the pools being open.*

*Ms. Morlan questioned when the notice to the membership will be sent if this were to be approved.*

*Mr. Cullen stated that he can post a notification on the app and website whenever he wants. He added that if they are looking to start sales at the end of May, they will target sending out the notification by May 1st.*

*Ms. Carris noted that they will also have to notify the members that they will be carded if they want to purchase alcohol.*

**A motion was made by Walker, seconded by Blair, that the Rochester Hills City Council hereby approves the Conditional Use to allow sales for on premises alcoholic beverage consumption associated with a restaurant use at 200 W. Avon Rd. with the conditions that the alcohol sales are limited to the four designated areas and agreed-upon hours of service. The motion carried by the following vote:**

**Aye** 5 - Blair, Carlock, Deel, Morlan and Walker

**Nay** 1 - Neubauer

**Absent** 1 - Mungioli

Enactment No: RES0110-2024

**Resolved**, that the Rochester Hills City Council hereby approves the Conditional Use to allow sales for on premises alcoholic beverage consumption associated with a restaurant use at 200 W. Avon Rd., with the following conditions:

Conditions

1. The service of alcoholic beverage sales is limited to the four identified areas included in the application.
2. The service of alcoholic beverage sales is limited to the following hours:
  - Indoor Cafe: Monday - Thursday (10 a.m. to 8 p.m.), Friday (10 a.m. to 7 p.m.), Saturday (10 a.m. to 6 p.m.), Sunday (10 a.m. to 4 p.m.)
  - Outdoor Bistro: Monday - Saturday (10 a.m. to 7 p.m.), Sunday (10 a.m. to 5 p.m.)
  - The additional two identified areas included in the application: (Hours subject to special events, not to exceed 9 p.m.)

**2024-0189** Request for Michigan Liquor Control Commission approval of an application for a Transfer of a Class C License with Sunday Sales Permit (PM) and an Outdoor Service Permit submitted by LTF Club Operations Company, Inc., d/b/a Life Time Fitness

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Application.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Clerk Scott** shared that the Liquor License Technical Review Committee met on February 20, 2024 and voted unanimously to approve the consideration of the Liquor License by the Michigan Liquor Control Commission.

**Mr. Blair** noted that at the Liquor License Technical Review Committee meeting, the application was reviewed and all of their questions were answered satisfactorily.

**Mr. Carlock** commented that they have applied for a Class C Liquor License, and that the State website shows that alcohol sales start at noon. He questioned if they should revisit the times previously voted upon to address this.

**President Deel** stated that State law preempts anything the City Council were to approve, so the hours would be noon on Sundays if that is what the State requires.

**Mr. Christ** also stated that was correct.

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

**Aye** 5 - Blair, Carlock, Deel, Morlan and Walker

**Nay** 1 - Neubauer

**Absent** 1 - Mungoli

Enactment No: RES0111-2024

**Resolved**, that the Rochester Hills City Council recommends that the application for a Transfer of a Class C License with Sunday Sales Permit (PM) and an Outdoor Service Permit submitted by LTF Club Operations Company, Inc., d/b/a Life Time Fitness located at 200 W Avon Road be considered for approval by the Michigan Liquor Control Commission.

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

*None.*

## **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.

**2023-0640** Approval of Minutes - City Council Regular Meeting - December 11, 2023

**Attachments:** [CC Min 121123.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0112-2024

**Resolved**, that the Minutes of the Rochester Hills City Council Regular Meeting held on December 11, 2023 be approved as presented.

**2024-0173** Approval of Minutes - City Council Regular Meeting - January 8, 2024

**Attachments:** [CC Min 010824.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0113-2024

**Resolved**, that the Minutes of the Rochester Hills City Council Regular Meeting held on January 8, 2024 be approved as presented.

**2024-0200** Approval of Minutes - City Council Special Meeting - January 22, 2024

**Attachments:** [CC Special Min 012224.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0114-2024

**Resolved**, that the Minutes of the Rochester Hills City Council Special Meeting held on January 22, 2024 be approved as presented.

**2024-0201** Approval of Minutes - City Council Regular Meeting - January 22, 2024

**Attachments:** [CC Min 012224.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0115-2024

**Resolved**, that the Minutes of the Rochester Hills City Council Regular Meeting held on January 22, 2024 be approved as presented.

**2024-0107** Approval of Minutes - Joint Planning Commission/City Council Meeting - January 29, 2024

**Attachments:** [PC-CC Min 012924.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0116-2024

**Resolved**, that the Minutes of the Rochester Hills Joint Planning Commission/City Council Meeting held on January 29, 2024 be approved as presented/amended.

**2024-0177** Request for Adoption of a Resolution in Support of the Rochester Hills Fire Department's Membership Renewal into the OAKWAY Mutual Aid Pact

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0117-2024

**Whereas**, renewal is required every five years for the State EMS provider renewal.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council hereby approves the Rochester Hills Fire Department's membership renewal in the OAKWAY Mutual Aid Pact beginning April 8, 2024.

**2024-0178** Resolution of Support for the Implementation of the Ground Emergency Medical Transportation Program in Michigan

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0118-2024

**Whereas**, the City of Rochester Hills provides Ground Emergency Medical Transportation (GEMT) services for City residents, which includes many Medicaid beneficiaries; and,

**Whereas**, the GEMT program available through the United States Centers for Medicare & Medicaid Services provides reimbursement to public providers for services provided to Medicaid patients; and,

**Whereas**, the State of Michigan is not currently participating in the GEMT program, which is a voluntary enrollment program at both the state and local levels; and,

**Whereas**, implementation of the GEMT program in the State of Michigan may yield hundreds of thousands of federal reimbursement for Ground Emergency Medical Transport providers annually; and,

**Whereas**, the emergency services sector has struggled with workforce retention and recruiting in the wake of the COVID-19 pandemic; and,

**Whereas**, the GEMT program will help Michigan public agencies including the City of Rochester Hills retain and hire employees; and,

**Whereas**, the GEMT program has shown to expand access, quality, and sustainability of emergency services for Medicaid recipients for public providers; and,

**Whereas**, the MI-GEMT coalition is advocating for the passage of legislation directing the Michigan Department of Health and Human Services to enroll in the GEMT program; and,

**Whereas**, the MI-GEMT coalition includes the Michigan Association of Fire Chiefs, Michigan Municipal League, Michigan Townships Association; and,

**Now, Therefore, Be It Resolved**, that the City Council of the City of Rochester Hills hereby conveys its support for efforts of the MI-GEMT coalition; and,

**Be It Further Resolved** that the City of Rochester Hills urges the Michigan State Legislature to adopt legislation directing the Michigan Department of Health and Human Services to enroll in the GEMT program through the Centers for Medicare and Medicaid Services State Plan Amendment process.

- 2024-0172** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for as-needed miscellaneous concrete work services for a one-year term to expire April 30, 2025 in the amount not-to-exceed \$90,000.00; Carlo Construction, Inc., Rochester Hills, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0119-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for as-needed miscellaneous concrete work services to Carlo Construction, Inc., Rochester Hills, Michigan for a one-year term to expire April 30, 2025 in the amount not-to-exceed \$90,000.00 and further authorizes the Procurement Manager to execute a contract on behalf of the City.

- 2024-0184** Request for Acceptance of the Water Main Easement granted by L & R Homes, Inc., a Michigan corporation, for PRV 9 Relocation Project

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Location Map.pdf](#)  
[Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0120-2024

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Water Main Easement for the construction, operation, maintenance, repair, and/or replacement of a water main on, under, through, and across land more particularly described as Parcel #15-08-451-047, granted by L & R Homes, Inc., a Michigan corporation, whose address is 2490 Walton Blvd., Suite 103, Rochester Hills, MI 48309, for PRV 9 Relocation Project.

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

- 2024-0185** Request for Acceptance of the Water Main Easement granted by EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability company, for Primrose School

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Location Map 031534.pdf](#)  
[Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0121-2024

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Water Main Easement for the construction, operation, maintenance, repair, and/or replacement of a water main on, under, through, and across land more particularly described as Parcel #15-23-301-018, granted by EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability company, whose address is 1695 Twelve Mile Road, Suite 100, Berkley, MI 48072, for Primrose School.

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

**2024-0186** Request for Approval of a Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability company, for Primrose School

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0122-2024

**Resolved**, that the Rochester Hills City Council hereby approves the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability company, whose address is 1695 Twelve Mile Road, Suite 100, Berkley, MI 48072, for Primrose School, Parcel #15-23-301-018.

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

## Passed the Consent Agenda

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mr. Walker** shared that he attended Ribbon Cutting Ceremonies for Eastlake Cardiovascular (March 21, 2024), Savvy Sliders (March 27, 2024), and Total Trailer (March 28, 2024).

**Mayor Barnett** provided the following City Updates:

- Employees at City Hall and residents in City Parks viewed the Total Eclipse earlier today.
- Construction will begin on Walton Boulevard between Adams Road and Livernois Road one week from today.
- The City's Finance Team received the Award for Outstanding Achievement in

*Popular Annual Financial Reporting.*

*- Oakland University had the groundbreaking for a new Visitor's Center by Meadowbrook Hall.*

*- The City's three high school cheerleading coaches from Rochester High School, Rochester Adams High School, and Stoney Creek High School were on the Right Down The Street Podcast with the Mayor.*

*Mr. Blair commented that Mario Iafrate is the City's new Cemetery Sexton and has been doing an excellent job.*

*Ms. Morlan remarked that the City's trash company, Green For Life, has gone above and beyond on two different occasions.*

## ATTORNEY'S REPORT

*City Attorney Dan Christ had nothing to report.*

## NEW BUSINESS

**2024-0140** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for HVAC Preventative Maintenance and On-Call Services in the amount not-to-exceed \$380,000.00 for a two-year term to expire April 30, 2026; K & S Ventures, Inc. (Primary), Rochester Hills, MI; W.J. O'Neil Company (Secondary), Livonia, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Tim Hollis, Deputy Building/Ordinance/Facilities Director, stated that this is a two-year contract for preventative HVAC maintenance and repair. He added that they were able to secure a primary and secondary vendor.*

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0123-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for HVAC Preventative Maintenance and On-Call Services to K & S Ventures, Inc., Rochester Hills, Michigan as the primary vendor and W.J. O'Neil Company, Livonia, Michigan as the secondary vendor in the amount not-to-exceed \$380,000.00 for a two-year term to expire April 30, 2026 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

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



**2024-0169** Request for Purchase Authorization - PARKS: Contract/Blanket Purchase Order for Spencer Park and Avondale Park Parking Lot Reconstruction and Improvements Project in the amount of \$5,091,375.00 with a 10% project contingency in the amount of \$509,137.50 for a total not-to-exceed amount of \$5,600,512.50; Asphalt Specialists, Inc., Pontiac, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, discussed that this is a request to pave the Spencer Park parking lot and the Avondale Park Parking lot. He explained that they received six bids for the project and that this is the lowest bidder.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0124-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for the Spencer Park and Avondale Park Parking Lot Reconstruction and Improvements Project to Asphalt Specialists, Inc., Pontiac, Michigan in the amount of \$5,091,375.00 with a 10% project contingency in the amount of \$509,137.50 for a total not-to-exceed contract amount of \$5,600,512.50 and further authorize the Mayor to execute an agreement on behalf of the City.

**2024-0170** Request for Purchase Authorization - PARKS: Contract/Blanket Purchase Order for Construction Engineering Services for Spencer Park and Avondale Park Parking Lot Reconstruction and Improvements Project in the amount of \$700,130.00; Nowak and Fraus Engineers, Pontiac, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Proposal for Services.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, stated this is for the supporting engineering services that are necessary to construct the Spencer Park and Avondale Park parking lots. He noted that overall they under budget \$450,000 by combining these projects.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0125-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Construction Engineering Services for Spencer Park and Avondale

Park Parking Lot Reconstruction and Improvements Project to Nowak and Fraus Engineers, Pontiac, Michigan in the amount of \$700,130.00 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

- 2024-0171** Request for Purchase Authorization - PARKS: Contract/Blanket Purchase Order for Architectural Design Services for Brooklands Plaza Improvements Project in the amount of \$148,300.00; Niagara Murano, Rochester, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, shared that the designs were presented to Council at the City Council/Planning Commission Joint Meeting and that they are not in the current budget right now. He explained that they are requesting to move forward with the designs this year and that they are proposing to use some of the under-budget funds from the Spencer Park and Avondale Park parking lot project.

**President Deel** remarked that he is excited for this project.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0126-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Architectural Services for Brooklands Plaza Improvements Project to Niagara Murano, Rochester, Michigan in the amount of \$148,300.00 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

- 2024-0165** Request for Acceptance of Agreement - DPS/ENG: Approval of the Cost Participation Agreement between the Board of County Road Commissioners for the County of Oakland (BOARD) and the City of Rochester Hills for the resurfacing of Dutton Road from Brewster to Approximately 4,200-feet East and authorize the expenditure and payment to the BOARD for the City's share of the project in the amount of \$38,333.00; County Road Commissioners for the County of Oakland, Waterford, MI

**Attachments:** [040824 Agenda Summary \(Revised\).pdf](#)  
[Agreement.pdf](#)  
[040824 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[Resolution \(Revised Draft\).pdf](#)

**Bill Fritz**, Public Services Director, explained that this is an unplanned project that was presented to the City to resurface an unpaved portion of Dutton Road through a tri-party agreement.

**Mayor Barnett** noted that the Oakland Township Supervisor, Robin Buxar,

*deserves the credit for getting this project done.*

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0127-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes approval of the Cost Participation Agreement between the Board of County Road Commissioners for the County of Oakland (BOARD) and the City of Rochester Hills for the resurfacing of Dutton Road from Brewster to Approximately 4,200-feet East and authorize the expenditure and payment to the BOARD for the City's share of the project in the amount of \$38,333.00 and further authorizes the Mayor to execute the agreement on behalf of the City.

**2024-0167** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Phase I - Pre-Construction Design-Build Services for the City's SCADA System in the amount of \$211,800.00; ICS Integration Services, LLC., Auburn Hills, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Technical Requirements.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Bill Fritz**, Public Services Director, shared that SCADA stands for Supervisory Control And Data Acquisition and controls all of the City's water and sewer sites. He added that the system is several years old and they are looking to do some design and needs assessments.

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0128-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Phase I - Pre-Construction Design-Build Services for the City's SCADA System to ICS Integration Services, LLC., Auburn Hills, Michigan in the amount of \$211,800.00 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

**2024-0179** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Avon Industrial Drive Paving Project in the amount of \$1,726,045.87 with a 10% contingency in the amount of \$172,604.59 for a total not-to-exceed amount of \$1,898,650.46; Florence Cement Company, Shelby Township, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Location Map.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Bill Fritz, Public Services Director, stated that they are requesting a contract be granted to Florence Cement Company to repave Avon Industrial Drive, which is in mid-to-poor condition.*

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0129-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Avon Industrial Drive Paving Project to Florence Cement Company, Shelby Township, Michigan in the amount of \$1,726,045.87 with a 10% contingency in the amount of \$172,604.59 for a total not-to-exceed amount of \$1,898,650.46 and further authorizes the Mayor to execute an agreement on behalf of the City.

**2024-0180** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for Construction Engineering Services for Avon Industrial Drive Paving Project in the amount of \$256,122.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

**Attachments:** [040824 Agenda Summary.pdf](#)  
[Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Bill Fritz, Public Services Director, commented that this is for the engineering portion of the Avon Industrial Drive paving project.*

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

**Aye** 6 - Blair, Carlock, Deel, Morlan, Neubauer and Walker

**Absent** 1 - Mungioli

Enactment No: RES0130-2024

**Resolved**, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for Construction Engineering Services for Avon Industrial Drive Paving Project to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the amount of \$256,122.00 and further authorizes the Mayor to execute an agreement on behalf of the City.

## ANY OTHER BUSINESS

**NEXT MEETING DATE - City Council Regular Meeting - April 22, 2024 - 7:00 p.m.**

## ADJOURNMENT

*There being no further business before Council, it was moved by Morlan and seconded by Carlock to adjourn the meeting at 9:43 p.m.*

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*RYAN DEEL, President  
Rochester Hills City Council*

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

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*AARON GEER  
Administrative Coordinator  
City Clerk's Office*

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