



# Rochester Hills

## Minutes

### City Council Regular Meeting

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

*David J. Blair, Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, Stephanie Morita,  
Theresa Mungoli and David Walker*

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

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

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Monday, December 9, 2019

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

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

**Absent** 1 - Stephanie Morita

## Others Present:

*Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Hayden Bearre, RHGYC Representative  
Scott Cope, Building/Ordinance/Facilities Director  
Paul Davis, Deputy Public Service Director/City Engineer  
Matt Einheuser, Natural Resources Manager  
Ken Elwert, Parks & Natural Resources Director  
Kristen Kapelanski, Planning Manager  
Jerry Pink, Lead Arborist  
Allan Schneck, Public Services Director  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Tom Talbert, Strategic Innovations Specialist*

*Ms. Morita provided notice that she would be running late.*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Hetrick, seconded by Blair, that this matter be Approve the Agenda as Presented. The motion carried by the following vote:**

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

**Absent** 1 - Morita

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

**President Deel** introduced **Hayden Bearre**, RHGYC Representative.

**Mr. Bearre** stated that he attends Rochester High School and is a Senior. He reported that the RHGYC is currently planning three projects, and would like to wish everyone a happy holiday season.

### Paint Creek Trailways Commission:

**Dr. Bowyer** reported that the resurfacing and bridge project are complete and the trail is now fully open from Rochester to Lake Orion. She mentioned that the Commission is working to determine the best way to correct the new bridge's slippery surface.

## PUBLIC HEARINGS

**2019-0510** FY 2019 4th Quarter Budget Amendments

**Attachments:** [120919 Agenda Summary.pdf](#)  
[4th Qtr BA Overview.pdf](#)  
[2019 4th Qtr Budget Adjust Backup.pdf](#)  
[2019 4th Qtr Budget Amend Backup.pdf](#)  
[Resolution \(Draft\).pdf](#)  
[SUPPL 2019 - 4th Qtr Budget Amendment.pdf](#)

**Joe Snyder**, Chief Financial Officer, presented the 4th Quarter Budget Amendments, noting the following financial highlights for FY 2019:

- Total Revenues are proposed to increase by \$810,920 (+1%)
- Total Expenditures are proposed to decrease by \$13,318,920 (-7%), encompassing
  - \* \$6,097,420 decrease in Operating Expenditures (-6%)
  - \* \$8,965,740 decrease in Capital Expenditures; \$8.1 million will be requested to be carried over to 2020 (-21%)
  - \* Increase of \$1,744,240 in transfer-out expenditures (+4%)
- \$14,129,840 positive impact to Fund Balances City-wide

He mentioned that \$34,117,320 was undertaken in Capital Projects this year, with only \$15,268,170 coming from Fund Balance. He noted that the \$18.8 million difference represents the City's structural surplus for the year.

He explained that approximately 70 percent of the City's capital outlay was in road projects, with 45 percent in Major Roads and 26 percent in Local Streets encompassing approximately \$24 million. Major Road projects (\$15.4 million)

include the Auburn Road Corridor, Livernois from Avon Road to north of Walton, and the Star-Batt Industrial Park. For Local Streets (\$8.8 million), projects include the 2019 Asphalt and Concrete programs, a portion of School Road, and the alleyways that go along with the Auburn Road Corridor Project.

Facilities projects (\$6.5 million) included Innovation Hills, the parking lots, and other features for the Auburn Road Corridor Project. He compared 2019 to previous years, noting it was a record year; and pointed out that no debt was issued to undertake these projects. He stated \$120 million in capital improvements were undertaken over the last five years. He mentioned that \$38 million in infrastructure projects is scheduled for 2020.

He noted the following regarding the City's individual funds:

- General Fund - Revenues are anticipated to be \$595,000 higher than anticipated. Corresponding expenditures are expected to balance out at also \$595,000 higher. Of special note is a decrease in operating expenditures of \$618,000, and an increase of \$1.2 million in transfers out contributed to the Capital Improvement Fund. No change in Fund Balance is anticipated. General Fund is kept at 70 to 80 percent of general operating expenses. Any overage is transferred to the Capital Improvement Fund.
- Capital Improvement Fund - Revenues are anticipated to be \$1.3 million higher due to the transfer-in from the General Fund. Expenditures are anticipated to be \$512,000 lower as less funding is needed for Capital Projects. Fund Balance for the Capital Improvement Fund is anticipated to be \$1.8 million higher, increasing the overall Capital Improvement Fund Fund Balance by \$8.9 million; for a total in the Fund Balance of \$9.9 million at year's end.
- Major Road Fund - Revenues are anticipated to be \$610,000 higher; Expenditures are anticipated to be \$600,000 lower, and Major Road Fund Fund Balance is anticipated to be \$1.6 million higher. \$255,000 is anticipated to be carried over to FY 2020. He pointed out that only \$3.5 million was needed from Fund Balance to accomplish \$15.4 million in Capital Expenditures. He stated that it was a big year for Major Roads.
- Local Street Fund - Revenues are anticipated to be \$14,000 lower; Expenditures are anticipated to be \$14,000 lower. No need for funding from Fund Balance. He stated that it was another record year in Local Streets. Over \$35 million has been expended over the past six years in improving the Local Street infrastructure.
- Fire Department - Revenues are anticipated to be \$361,000 higher; Expenditures are anticipated to be \$361,000 higher, consisting of a decrease of \$550,000 in operating expenditures and an increase of \$911,000 in transfers-out to the Fire Capital Fund.
- Fire Capital Fund - He noted that the Fire Operating Fund Balance will be set at 20 to 25 percent of operating expenditures and anything over that is transferred to Fire Capital. He stated that Revenues are anticipated to be \$1 million higher due to the transfer-in; and Expenditures are anticipated to be \$209,000 lower. \$273,000 is anticipated to be carried over to FY 2020 to complete some capital projects. Fund Balance is anticipated to be \$1.2 million higher, for an anticipated balance of \$12.2 million.
- Special Police - Revenues are anticipated to be \$159,000 higher; Expenditures are anticipated to be \$357,000 lower; with a net positive change to

*Fund Balance.*

*He listed the projects to be carried over to 2020 by fund, and noted that they would be included in the 1st Quarter Budget Amendment in February of 2020.*

*He summarized by saying that it was one of the most successful years that the City had seen, and was structurally sound. Long-strategic planning will keep the City structurally sound into the future, with surpluses directed to the City's capital needs. He thanked Council for its support.*

**President Deel Opened the Public Hearing at 7:16 p.m.**

**Seeing No Public Comment, President Deel Closed the Public Hearing at 7:17 p.m.**

**Council Discussion:**

**President Deel** expressed his thanks to Mr. Snyder and the City's Directors for their efforts in ensuring the City's financial position.

**Vice President Bowyer** commented that enacting the Fund Balance Policy has made Council's job much easier in determining what monies should be going into Fund Balance. She pointed out that Innovation Hills and the Auburn Road Project funding was made easier by the Fund Balance transfers. She mentioned that the City will have to make expenditures to replace its aging infrastructure. She thanked Fiscal staff and the Directors for their efforts.

**Mr. Snyder** thanked those Council Members, past and present, who were instrumental in putting together a comprehensive Fund Balance Policy.

**Mr. Hetrick** stated that the City has a very solid foundation. He commented that the Fund Balance Policy puts the City in a very good position; and the infrastructure expenditures are important to the City's residents.

**Ms. Mungiola** expressed her thanks to the Department heads for their efforts. She questioned where the Major Road projects would be focused for next year, to better be able to advise the residents of the projects and potential detours. She commented that with improvements come pain; however, there will be no financial pain.

**Mayor Barnett** commented that the City has done an excellent job under the leadership of Mr. Snyder and the Department directors in fiscally managing the residents' tax dollars and investing in infrastructure. He stressed that the City has the second lowest tax rate in Oakland County, and noted that it is unlikely that there is a city in Michigan in a better financial position than Rochester Hills.

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

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

**Absent** 1 - Morita

Enactment No: RES0410-2019

**Whereas**, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

**Whereas**, the Public Hearing for the proposed FY 2019 4th Quarter Budget Amendments was noticed on November 22, 2019; and

**Whereas**, the proposed FY 2019 4th Quarter Budget Amendments were available for public viewing beginning on November 27, 2019; and

**Whereas**, at its December 9, 2019 meeting City Council held a Public Hearing on the proposed FY 2019 4th Quarter Budget Amendments.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council hereby adopts the following FY 2019 fund totals as amended:

TOTAL BUDGET SUMMARY	Current Budget	Change	Amended Budget
Fund 101 - General Fund	38,426,580	595,930	39,022,510
Fund 202 - Major Road Fund	18,486,400	(1,019,400)	17,467,000
Fund 203 - Local Street Fund	13,702,980	(14,560)	13,688,420
Fund 206 - Fire Department Fund	14,472,590	361,890	14,834,480
Fund 207 - Special Police Fund	10,003,360	(357,060)	9,646,300
Fund 213 - RARA Millage Fund	668,130	1,000	669,130
Fund 214 - Pathway Millage Fund	829,430	19,150	848,580
Fund 226 - Solid Waste Fund	464,700	-	464,700
Fund 232 - Tree Fund	545,000	(9,000)	536,000
Fund 244 - Water Resources Fund	743,020	113,450	856,470
Fund 265 - OPC Millage Fund	1,166,450	1,250	1,167,700
Fund 299 - Green Space Millage Fund	307,560	(23,600)	283,900
Fund 331 - Drain Debt Fund	202,480	-	202,480
Fund 369 - Older Persons Building			
Bond Refunding Fund	777,060	-	777,060
Fund 393 - City Hall Building Bond Fund	867,150	-	867,150
Fund 402 - Fire Capital Fund	611,500	(209,750)	401,750
Fund 403 - Pathway Construction Fund	195,000	(94,380)	100,620
Fund 420 - Capital Improvement Fund	11,567,620	(512,390)	11,055,230
Fund 510 - Sewer Operations	16,643,780	(1,084,770)	15,559,010
Fund 530 - Water Operations	20,622,410	(491,790)	20,130,620
Fund 593 - Water & Sewer Capital Fund	8,809,720	(2,666,000)	6,143,720
Fund 595 - Water & Sewer Debt Fund	1,388,160	200	1,388,360
Fund 631 - Facilities Fund	17,173,390	(3,940,540)	13,232,850
Fund 636 - MIS Fund	5,025,130	(2,289,010)	2,736,120
Fund 661 - Fleet Fund	4,530,380	(1,239,560)	3,290,820
Fund 677 - Insurance Fund	405,000	-	405,000
Fund 736 - Retiree Healthcare Trust	186,610	(21,340)	165,270
Fund 752 - Cemetery Perpetual Care Fund	-	2,400	2,400

Approved as presented at the May 18, 2020 Regular City Council Meeting.

Fund 761 - Green Space			
Perpetual Care Trust	298,500	(13,490)	285,010
Fund 843 - Brownfield Redevelopment			
Fund - Madison Park	539,490	-	539,490
Fund 844 - Brownfield Redevelopment			
Fund - Legacy	97,430	-	97,430
Fund 848 - LDFA Fund	516,070	(427,490)	516,070
Fund 870 - Museum Foundation			
Trust Fund	100	-	100
<b>GRAND TOTAL - ALL FUNDS</b>	<b>190,273,180</b>	<b>(13,318,920)</b>	<b>176,954,260</b>

**2019-0574** Rochester Avon Recreation Authority (RARA) BY 2019 4th Quarter Amendment

**Attachments:** [120919 Agenda Summary.pdf](#)  
[4th Qtr BA Overview.pdf](#)  
[4th Qtr BA Detail.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, and **Ron Jewell**, Rochester Avon Recreation Authority (RARA) Executive Director, were in attendance to present RARA's 4th Quarter Budget Amendments.

**Mr. Snyder** stated that RARA's proposed budget amendments propose to increase revenues by \$18,703; and increase expenditures by \$970 for a net positive impact on Fund Balance of \$17,733 at the end of the year. He pointed out that this will increase the amount contributed into Fund Balance for FY 2019 from \$149,000 to \$167,000. He noted that this is year two of three of RARA's Fund Balance restoration process. He stated that the Amendments were adopted by RARA's Board at their November 13, 2019 meeting. He mentioned that at year end FY 2019 RARA's Fund Balance is estimated to be \$375,000, representing approximately 15 percent of RARA's operating expenditures. He noted that the minimum targeted Fund Balance percentage is 20 percent, and stated that RARA is on their way. He commented that this time next year RARA's Fund Balance should be well over the 20 percent operational goal.

Mr. Snyder stated that it has been a pleasure to work with the RARA Board over the past two years.

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

**Council Discussion:**

**Mr. Deel** noted that up until last week he served as Council Representative to the RARA Board, and he wanted to commend everyone for the excellent work that was done over the last two years. He commented that since joining the Board he saw RARA enact a Fund Balance Policy that will ensure its Fund Balance will be on track to be fully-funded by the middle of 2020, ahead of the three-year target set.

**Mr. Hetrick** commented that it is great news that the Fund Balance of \$375,000 will be 15 percent and nearing the 20 percent targeted for Operating Expenditures. He stated that it is a testament to Mr. Snyder and Mr. Jewell for their hard work.

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

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

**Absent** 1 - Morita

Enactment No: RES0411-2019

**Whereas**, the Public Hearing for the proposed RARA FY 2019 4th Quarter Budget Amendments was noticed on November 27, 2019; and

**Whereas**, the proposed RARA FY 2019 4th Quarter Budget Amendments were available for public viewing beginning on November 27, 2019; and

**Whereas**, at its December 9, 2019 meeting City Council held a Public Hearing on the proposed RARA FY 2019 4th Quarter Budget Amendments.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council hereby approves the RARA FY 2019 fund total as amended in the amount of \$2,502,760.

## ORDINANCE FOR ADOPTION

**2019-0530** Request for Acceptance of Second Reading - an Ordinance to Amend Section 86-70 of Chapter 86, Solid Waste, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify commercial and industrial waste hauler collection hours; repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [120919 Agenda Summary.pdf](#)  
[120219 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[120219 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**Scott Cope**, Planning/Ordinance/Facilities Director, stated that tonight Council is requested to Accept for Second Reading and Adoption of the Ordinance to change the start time for commercial trash collection from 6:00 a.m. to 7:00 a.m. He noted that the change will hopefully satisfy the concerns expressed by a number of residents.

**Mr. Walker** questioned an email regarding the penalty for early arrival of a trash hauling truck and proof required in order to enforce the penalty.

**Mr. Cope** responded that the penalty is outlined in the Ordinance and would be a civil infraction, with different stages of penalties assessed for the first, second, and subsequent offenses. The City can go to court to force compliance. He stated that those wishing to report a violation would be asked to call the Building Department and note the date and time of the violation. Ordinance inspectors would monitor the situation in the future and follow the complaint through the

*process.*

**Mr. Blair** questioned whether the first, second or third infraction would be considered on a per-year basis. He questioned whether a different driver a year or so later would still be considered a second offense.

**Mr. Cope** responded that it would depend on how often the offenses were happening. He noted that the civil infraction ordinance process is based on the frequency of the violation; and he explained that if there was a company that was simply not complying the civil infraction process could be skipped and the complaint could move straight to the courts. He stated that if offenses only occur at long intervals, they would likely be considered first offenses.

**Mayor Barnett** stated that those haulers serving commercial customers previously had different times than residential haulers. He pointed out that all trucks must be certified; and the haulers will be made aware of the new rules.

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

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

**Absent** 1 - Morita

Enactment No: RES0412-2019

**Resolved**, that an Ordinance to Amend Section 86-70 of Chapter 86, Solid Waste, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify commercial and industrial waste hauler collection hours; repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

## PLANNING AND ECONOMIC DEVELOPMENT

**(Ms. Morita arrived at 8:05 p.m.)**

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

**2018-0426** Request for Preliminary Planned Unit Development and Site Plan Approval - City File No. 18-022 - Redwood at Rochester Hills, 121 single-story, ranch style rental units with attached garages on 29.96 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with a MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood



**Attachments:** [120919 Agenda Summary.pdf](#)  
[Staff Report 111919.pdf](#)  
[Planning Review #6 111319.pdf](#)  
[Cover Letter 110619.pdf](#)  
[Review Comments PC.pdf](#)  
[Updated EIS.pdf](#)  
[Response Letter 100419.pdf](#)  
[Updated Site Plans.pdf](#)  
[RH Redwood - Traffic Memo 032219.pdf](#)  
[Plans for 101519 PC Meeting.pdf](#)  
[Minutes PC 111919.pdf](#)  
[Minutes PC 101519.pdf](#)  
[Minutes PC 101618.pdf](#)  
[Information packet.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Kristen Kapelanski**, Planning Manager, explained that the project proposes 121 single story units on 29.95 acres on the corner of Avon and Dequindre Roads. She noted that the property is currently zoned R-3 with a Mixed Residential overlay. She stated that the Applicant is proposing a Planned Unit Development (PUD) on the site, with a number of modifications proposed from the Ordinance standards, including a slight increase in density over Ordinance standards, a smaller rear yard perimeter setback, smaller front porch, lesser percentage of proposed design features, and greater amount of siding than allowable. She stressed that this submission is greatly improved over the original submission.

She explained that the public benefit proposed will be a contribution of \$100,000 toward a public improvement in the vicinity of Avon and Dequindre. She stated that currently a roundabout is in the design phase by the Road Commission for Oakland County (RCOC), along with major watermain improvements in the area as well, which may require the relocation of a pressure reducing valve. She added that the applicant was also open to the possibility of the completion of the pathway at that corner. She commented that given the ambiguity of the watermain work, it was difficult to pinpoint what the optimal benefit would be at this time, and Staff worked with the Applicant to determine a figure that would cover those improvements.

She explained that staff recommends approval, and the Planning Commission recommended approval at their November meeting.

**Paul Davis**, City Engineer, provided additional detail on the infrastructure projects proposed for the area and how the public benefit was reviewed differently for this particular proposal. He explained that the City was notified a couple of years ago that the Great Lakes Water Authority (GLWA) was planning on relocating the 96-inch watermain that runs up Dequindre Road to Avon, and then north through Avon and further up Dequindre. He noted that the RCOC is working with the GLWA to coordinate the road work along with the watermain relocation project, which is expected to impact the area for a number of years. He added that in addition, work on the Avon Road Bridge is funded for 2021, and a roundabout design is under consideration. The impact of the roundabout construction is expected to have an effect on a pressure reducing valve in the area, and it was suggested that moving the pressure reducing valve could be

considered a public benefit as a part of the Redwood development. In addition, pathway was considered to be a possible public benefit in filling in the gap. He mentioned that a fourth project within the City of Rochester on Parkdale could affect detours and coordination with these projects. He commented that all projects could stretch into 2024. He stated that the City would consider all these projects moving forward in determining the appropriate public benefit.

**Richard Batt**, Redwood Living USA, stated that his company is a single-story ranch apartment developer, with a primary market of empty-nesters. He explained that they believe that their development is a good fit for the demographics of Rochester Hills and will attract residents who want peace and quiet. He stressed that upgrades were made to proposed elevations, stone and siding variations added, roof elevations stepped between buildings, various pergolas added in the rear, and additional landscaping added to screen headlights. He noted that neighboring residents were engaged in the process.

**President Deel** questioned whether the area was reviewed as a part of the new R-5 Zoning District, and whether the development would fit in with what the City would be looking for in this area.

**Ms. Kapelanski** responded that the property meets the standards for the new R-5 District and is noted as such on the Future Land Use Development map; however, it is not zoned R-5 and the development is not proposed under R-5. She commented that the development would fit in with what the City would be looking for in that area.

**Public Comment:**

**Christine Stuhlsatz**, 51170 Dequindre Rd., Shelby Township, questioned whether rear elevations were also changed, if the density of the residential units will add to traffic congestion, and if runoff will affect their properties.

**Ms. Kapelanski** responded that rear elevations were altered and brick was added. She noted that the density proposed is 3.97 units per acre, while 3.45 units (or 103 total units) is permitted under the current density. She explained that they did add two units after the elimination of some of the stormwater ponds.

**Mr. Davis** responded that the RCOC has jurisdiction of both Avon and Dequindre Roads and have been reviewing the plans. He explained a center left turn lane along Dequindre will be required along with a tapered intersection at the Dequindre entrance, and a right-in and right-out only connection to Avon Road. He commented that the improvements proposed for the intersection will offset some of the increased traffic. He mentioned that this project will be required to have on-site runoff detention and the existing wetlands will provide much of that detention. He commented that the water drainage issues across the road are likely a separate issue, and he would work to address those problems.

**Council Discussion:**

**Mr. Walker** questioned whether there was a precedence in accepting a monetary contribution in lieu of requiring a public benefit.

**Ms. Kapelanski** stated that typically an applicant will offer a specific public benefit. She explained that when the applicant first proposed the project, the pathway at the intersection of Avon and Dequindre was discussed. She commented that once the watermain and roundabout projects came to light, it was not clear how much pathway the RCOC would be providing as a part of that project, and they did not want the applicant to pay for pathway that would be disrupted. She added that as the project evolved, it was determined that there could be a need for relocation of the pressure reducing valve, which the applicant was also willing to provide. She stated that given the timetable of the applicant's project, the City wanted to ensure that they were not holding the project up when the applicant was willing to accommodate either request. She stated that having the money in lieu and naming the benefits that the funds could be allocated to, allows the project to move forward regardless of the ambiguity of the public projects in the area.

**Mr. Walker** questioned whether these were the only two possible benefits.

**Ms. Kapelanski** responded in the event that the public project does not move forward or the pathway or relocation of the pressure reducing valve are not needed or are funded by other means, a condition within the proposed approval language will allow the City to identify a benefit at a later date where funds can be allocated. She mentioned that there are other possible benefits that could be considered should these funds not be needed.

**Mr. Walker** questioned how much pathway \$100,000 could construct.

**Mr. Davis** responded that the City's consultant was asked to estimate the cost of a new pressure reducing valve, and the City's pathway budget was reviewed. He commented that \$100,000 was the estimate for either item.

**Mr. Walker** questioned how the project compares to Cider Mill Village, near the proposed development, what age demographic was anticipated, and what income level would be required to afford the rent.

**Mr. Batt** responded that they have completely different constituency than Cider Mill Village. He explained that their communities are leased to 65 to 75 percent empty-nesters, and the three-story garden communities typically have other amenities such as pools and health clubs. He stated that their company does not provide those amenities and they are not expected. He stated that the majority of their residents will be coming out of single-family homes and are typically age 40 and up. He added that while the income level anticipated would be around \$75,000, many of their empty-nesters will be selling their homes and using their equity.

**John Staran**, City Attorney, stated that while it is unusual and atypical to get a cash payment for a public benefit, it is not unprecedented, and is not a cash payment to gain approval. He noted that there are instances where projects were anticipated but not in process. He stated that it was thoroughly vetted at the Planning Commission and it was important to identify some of the public improvement infrastructure considerations in mind. He added that the payment

*will be earmarked for that type of public improvement that relates to this specific project.*

**Ms. Mungiola** mentioned the development going in on Brewster, which is also a PUD, offered cash in lieu of putting in a left turn lane. She questioned whether the upcoming road and watermain project would take up the area where the left turn lane is proposed, and whether the developer would still pay toward installation of the left turn lane, or would be coming back to indicate that they could not install the lane due to the pipe relocation.

**Mr. Davis** responded that the left turn lane proposed is farther south of the intersection and will be paid by the developer. He explained that negotiations are currently underway for the installation of the new pipe to be installed through the Yates Cider Mill property; however, the location has not been finalized. He stressed that the left turn lane will still be necessary for the development in the interim. He noted that the GLWA's design process could take in excess of a year or two, and this development will be constructed before the infrastructure project begins. He commented that this could be an instance where the lane could be torn out during the GLWA and RCOC projects.

**Mr. Batt** stated that there has been discussion between his company and the RCOC regarding the waste of building the lane and tearing it out. He explained that he has offered the RCOC an amount based on an engineer's estimate of cost to put toward the lane at a later date if deemed appropriate so as not to waste the public and RCOC's money.

**Ms. Mungiola** questioned how the project will ensure that the neighbors will not be flooded and whether affected neighbors will have additional opportunities to comment.

**Mr. Davis** responded that with the project's close proximity to the Clinton River, water runoff will be closely monitored by the RCOC and the City. He pointed out that construction plans have not yet been reviewed, and explained that this phase will come subsequent to the PUD approval process. He stated that the developer is proposing several manufactured treatment devices that will remove sediment. He stressed that there will be several reviews prior to construction.

**Ms. Kapelanski** explained that if approved for preliminary PUD, the final plans will be drawn and the PUD Agreement drafted, with an opportunity for comment at the Planning Commission as a part of a Public Hearing. Subsequent to that approval, plans will be further defined and developed as they move toward the construction design process. She stressed that the applicant is required to detain stormwater on site and it is not allowed to run off to adjacent properties.

**Ms. Mungiola** questioned how long the process will take.

**Ms. Kapelanski** responded that timeline somewhat depends on the applicant. She stated that it is possible that the Planning Commission could see the project move to the Final PUD phase in the first quarter of 2020. The applicant would be eligible to submit for construction review at any point after that.

**Mr. Hetrick** questioned whether the detention will be reviewed as a part of the Final PUD approval process.

**Ms. Kapelanski** responded that staff will look at the detention to determine whether it is feasible; however, the details will come as a part of the construction plan.

**Mr. Hetrick** stated that he would recommend language within the PUD Agreement that the City would be prioritizing where the public benefit funding would be used.

**Mr. Staran** responded that it would be addressed in the PUD Agreement.

**Mr. Davis** stated that with the Clinton River in close proximity, he will be addressing the details on any flooding concerns. He noted that the flood plain includes the Yates Cider Mill parking lot and areas to the north. He commented that the development cannot be expected to cure all flood plain issues in the area, and stated that this development is not in the flood plain.

**Mr. Blair** questioned how long the leases would be for and what utilities if any would be included. He pointed out that these units will be built on slab foundations and would not have much storage.

**Mr. Batt** responded that leases are typically for one year. Utilities will not be included.

**Vice President Bowyer** questioned whether two roundabouts are proposed and if the bridge will be widened.

**Mr. Davis** responded that two roundabouts are proposed. He noted that he believes that the bridge will be designed as a three-lane road bridge; however, the City has requested that pedestrian accommodations also be incorporated on each side of the bridge.

**Vice President Bowyer** questioned whether sidewalks will be included within the development, and whether any subsequent phase might encroach on the wetlands.

**Mr. Batt** responded that sidewalks are proposed on one side of the street. He stated that any additional development phase would require approval.

**Vice President Bowyer** questioned what outdoor amenities would be incorporated and if wetlands or woodlands would be fenced off.

**Mr. Batt** responded that a walking path on Dequindre is adjacent to a park. He commented that nothing would fence off the wetlands and woodlands within the development.

**Vice President Bowyer** questioned whether a drop in the number of units would allow the units to be larger while taking up the same footprint.

*Mr. Batt* responded that his company has roughly 13,000 of these units and has a formula for their success. He noted that some units have sunrooms, and unit sizes are 1,200, 1,300 and 1,400 square feet. He commented that larger units would require an increased rental rate and their model for their developments does not show that to be effective. He noted that all units are two bedroom and two baths with larger masters, pantries, and closets, and are intended to be house replacements.

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

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungiolli and Walker

Enactment No: RES0413-2019

**Resolved**, that the Rochester Hills City Council hereby approves the Preliminary Planned Unit Development and Site Plan Approval - Redwood at Rochester Hills, 121 single-story, ranch style rental units with attached garages on 29.96 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005 based on plans dated received by the Planning and Economic Development Department on November 6, 2019, Redwood USA, LLC, Applicant, with the following findings and conditions.

#### Findings

1. The proposed PUD Concept Plan meets the criteria for use of the PUD option.
2. The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
5. The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option and flexible uses.
6. The density, minimum perimeter rear yard setbacks, porch square-footages, design features, and the exterior finishes percentage of wood or vinyl are modified as part of the PUD to allow flexibility and quality development.

#### Conditions

1. Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.
2. The site plans, including but not limited to landscaping, engineering, tree removal and setback modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.
3. The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with

the PUD Concept plan.

4. Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney.
5. Approval of a Wetland Use Permit, Tree Removal Permit and Steep Slope Permit at Final PUD review.
6. Provide landscape and irrigation bond in an amount to be determined at Final PUD, plus inspection fees, as adjusted as necessary, prior to issuance of a Land Improvement Permit.
7. Provide a public benefit in the amount of \$100,000, and the Planning Commission's preferences for use of the money shall be improving the pathway, installing the PRV, and/or any other such improvements that staff determines, prior to obtaining a Land Improvement Permit.
8. Address applicable comments from City Staff memos, prior to Final PUD submittal.
9. Add landscaping for Mr. Stuhlsatz at 51170 Dequindre, Shelby Township to block headlights, prior to final approval by staff.

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

### **CONSENT AGENDA**

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

**2019-0511** Designation of City Depositories for Fiscal Year 2020

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0414-2019

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

**Now, Therefore, Be It Resolved**, that the following financial institution(s) be added as depository institutions for City funds and other public monies coming into the hands of said Treasurer during the Fiscal Year beginning January 1, 2020 and ending December 31, 2020:

Broker/Dealers/Safekeeping:  
Bank of America Merrill Lynch  
Comerica Securities  
Fifth Third Bank

J.P. Morgan Securities LLC/J.P. Morgan Clearing Corp.  
Morgan Stanley  
Multi-Bank Securities Inc.  
PNC Financial Services Group  
Raymond James & Associates, Inc.  
SunTrust Robinson Humphrey, Inc.  
UBS Financial Services, Inc.

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

Banks:  
Bank of America  
Chief Financial Credit Union  
CIBC Bank  
Citizens Bank  
Clarkston State Bank  
Comerica Bank  
Fifth Third Bank  
Flagstar Bank  
Huntington Bank  
In Touch Credit Union  
JP Morgan Chase Bank  
Level One Bank  
Michigan State University Federal Credit Union  
Northstar Bank  
PNC Bank, N.A.  
The State Bank  
TCF Bank

***Be It Further Resolved***, that each of the above depositories designated are hereby requested, directed, and authorized to honor all checks for payment of monies drawn on the various accounts when bearing the actual or facsimile signature of persons authorized by the City of Rochester Hills to sign said checks and orders.

- 2019-0516** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for the purchase of various maintenance, hardware, and building supplies in the not-to-exceed amount of \$80,000.00 through December 31, 2020; The Home Depot, Rochester Hills, MI

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0415-2019

***Resolved***, that Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the purchase of various maintenance, hardware, and building supplies to The Home Depot, Rochester Hills, Michigan in the not-to-exceed amount of \$80,000.00 through December 31, 2020.

- 2019-0517** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for office supplies and equipment in the amount not-to-exceed \$55,000.00 through



December 31, 2020; Office Depot, Inc., Boca Raton, FL

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0416-2019

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for the purchase of office supplies and equipment to Office Depot Inc., Boca Raton, Florida and other office supply vendors as appropriate for the purchase of office supplies and equipment in the amount not-to-exceed \$55,000.00 through December 31, 2020.

## Passed the Consent Agenda

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

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

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Vice President Bowyer** expressed her appreciation to Ms. Morita for her mentorship over the past four years as Vice President of City Council and thanked Council for giving her the opportunity to serve as Vice President for the coming year.

**Mr. Walker** reported that he attended the Grand Marshal Gala for the Rochester Area Hometown Christmas Parade, which celebrated Grand Marshals George and Betty Siefert. The 68th Annual Parade was held on Main Street this past Sunday with beautiful weather. He noted that a video of the parade will be shown all month on Rochester Hills TV.

**Mr. Hetrick** stated that the Older Persons' Commission's annual giving campaign is underway. He mentioned that Meals on Wheels, the Adult Daycare Program, and a number of fitness options benefit from the donation program.

**President Deel** expressed his thanks to Ms. Morita for her time as Vice President. He commented that he appreciated her advice and leadership over the past several years.

**Mayor Barnett** stated that the City does many things to celebrate the holiday season. He mentioned the following:

- He thanked the sponsors of the Greater Rochester Area Hometown Christmas Parade including Rochester University and Chief Financial Credit Union. He stated that a number of City employees and their families participated. The DPS crew highlighted their Paint the Plow program, and the Museum's float was piloted by Jim Rogers driving one of his antique tractors.
- The City's employees participated in Thirty Days of Giving. Each Department donated their time with various charitable organizations.

- He had the opportunity to host an event at a Democratic Presidential Debate in Iowa as a part of his duties with the US Conference of Mayors.
- He wished everyone a happy holiday season.

## ATTORNEY'S REPORT

*City Attorney John Staran had nothing to report.*

## NOMINATIONS/APPOINTMENTS

**2019-0520** Nomination/Appointment of three (3) Citizen Representatives to the Green Space Advisory Board, each for a three-year term to expire December 31, 2022

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Bruce CQ.pdf](#)  
[Duperon CQ.pdf](#)  
[Ivanaj CQ.pdf](#)  
[Merritt CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[120219 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Bagley CQ.pdf](#)  
[Calderwood CQ.pdf](#)  
[Frederiksen CQ.pdf](#)  
[Granader CQ.pdf](#)  
[Harris CQ.pdf](#)  
[Long CQ.pdf](#)  
[Lyons CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Mendez CQ.pdf](#)  
[Minton CQ.pdf](#)  
[Moore CQ.pdf](#)  
[Nachtman CQ.pdf](#)  
[Tillison CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

***President Deel*** noted that five individuals were nominated at the December 2, 2019 meeting.

### **Public Comment:**

***Jeff Duperon***, 2737 Long Meadow Ln., stated that he wanted to express his interest in the appointment and convey his passion for green space. He explained that as he went door-to-door he spoke with almost 6,000 individuals and learned that the number one issue was deer, and the number two issue was green space. He stated that as the available space to develop gets smaller, this becomes more and more important to the citizens, and a major point on his platform.

***Vice President Bowyer*** thanked everyone who expressed an interest in being appointed to Boards, Commissions and Committees. She encouraged anyone

*not selected to continue to apply, noting that there were many different skill sets out there.*

**President Deel** requested Council Members vote for three of the nominees. The nominees received the following votes:

**Joe Bruce** - Bowyer, Deel, Hetrick, Morita, Mungioli, Walker

**Jeff Duperon** - Blair, Morita, Walker

**Zef Ivanaj** - Blair

**Andrea Merritt** - Bowyer, Blair, Deel, Hetrick, Mungioli

**Terry Stephens** - Bowyer, Deel, Hetrick, Morita, Mungioli, Walker

**President Deel** noted that Joe Bruce, Andrea Merritt, and Terry Stephens are appointed to the Green Space Advisory Board.

**A motion was made by Hetrick, seconded by Bowyer, that this matter be Adopted by Resolution to appoint Joe Bruce, Andrea Merritt and Terry Stephens to the Green Space Advisory Board, each to serve a three-year term to expire December 31, 2022. The motion carried by the following vote:**

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

Enactment No: RES0417-2019

**Resolved**, that the Rochester Hills City Council hereby appoints Joe Bruce, Andrea Merritt and Terry Stephens to the Green Space Advisory Board, each to serve a three-year term to expire December 31, 2022.

**2019-0521** Nomination/Appointment of four (4) Citizen Representatives to the Historic Districts Commission, each for a three-year term to expire December 31, 2022

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Calderwood CQ.pdf](#)  
[Lyons CQ.pdf](#)  
[Altherr-Rogers CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[Tischer CQ.pdf](#)  
[120219 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[HDC Appt Memo.pdf](#)  
[Frederiksen CQ.pdf](#)  
[Long CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Zimmerman CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Deel** noted that five individuals were nominated at the December 2, 2019 meeting.

*He instructed Council Members to vote for four of the nominees. The nominees received the following votes:*

**Christina Calderwood** - Hetrick, Morita, Mungioli

**Kelly Lyons** - Bowyer, Blair, Deel, Hetrick, Morita, Walker  
**Katherine Altherr-Rogers** - Bowyer, Blair, Deel, Mungoli, Walker  
**Tom Stephens** - Bowyer, Blair, Deel, Hetrick, Morita, Mungoli, Walker  
**Charles Tischer** - Bowyer, Blair, Deel, Hetrick, Morita, Mungoli, Walker

**President Deel** announced that Kelly Lyons, Katherine Altherr-Rogers, Tom Stephens, and Charles Tischer are appointed to the Historic Districts Commission.

A motion was made by Bowyer, seconded by Mungoli, that this matter be Adopted by Resolution to appoint Kelly Lyons, Katherine Altherr-Rogers, Tom Stephens and Charles Tischer to the Historic Districts Commission, each for a three-year term to expire December 31, 2022. The motion carried by the following vote:

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

Enactment No: RES0418-2019

**Resolved**, that the Rochester Hills City Council hereby appoints Kelly Lyons, Katherine Altherr-Rogers, Tom Stephens and Charles Tischer to the Historic Districts Commission, each to serve a three-year term to expire December 31, 2022.

**2019-0524** Nomination/Appointment of two (2) Citizen Representatives to the Liquor License Technical Review Committee, each for a one-year term to expire December 31, 2020

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Blackstone CQ.pdf](#)  
[Ivanaj CQ.pdf](#)  
[Pixley CQ.pdf](#)  
[120219 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Dorris CQ.pdf](#)  
[Hooper CQ.pdf](#)  
[Lewis CQ.pdf](#)  
[Lopez CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Deel** noted that three individuals were nominated at the December 2, 2019 meeting. He instructed Council Members to vote for two of the nominees. The nominees received the following votes:

**Thomas Blackstone** - Blair, Deel, Hetrick, Walker  
**Zef Ivanaj** - Bowyer, Morita, Mungoli  
**Vern Pixley** - Bowyer, Blair, Deel, Hetrick, Morita, Mungoli, Walker

**President Deel** announced that Thomas Blackstone and Vern Pixley are appointed to the Liquor License Technical Review Committee.

**A motion was made by Hetrick, seconded by Walker, that this matter be Adopted by Resolution to appoint Thomas Blackstone and Vern Pixley to the Liquor License Technical Review Committee, each for a one-year term to expire December 31, 2020. The motion carried by the following vote:**

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungiolli and Walker

Enactment No: RES0419-2019

**Resolved**, that the Rochester Hills City Council hereby appoints Thomas Blackstone and Vern Pixley to the Liquor License Technical Review Committee, each to serve a one-year term to expire December 31, 2020.

**2019-0526** Nomination/Appointment of seven (7) Citizen Representatives to the Public Safety and Infrastructure Technical Review Committee for one-year terms to expire December 31, 2020

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Chalmers CQ.pdf](#)  
[Duperon CQ.pdf](#)  
[Graves CQ.pdf](#)  
[Hooper CQ.pdf](#)  
[Smith CQ.pdf](#)  
[Stephens CQ.pdf](#)  
[Struzik CQ.pdf](#)  
[Tokarski CQ.pdf](#)  
[120219 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Blackstone CQ.pdf](#)  
[Boulanger CQ.pdf](#)  
[Dorris CQ.pdf](#)  
[Harris CQ.pdf](#)  
[Hokschi CQ.pdf](#)  
[Holmes CQ.pdf](#)  
[Lopez CQ.pdf](#)  
[McCracken CQ.pdf](#)  
[Moore CQ.pdf](#)  
[Neubauer CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Deel** noted that eight individuals were nominated at the December 2, 2019 meeting.

**Public Comment:**

**Thomas Satkiewicz**, 116 Stonetree Circle, recommended Council select James Tokarski, stated that Mr. Tokarski has been involved in the city for a number of years.

**James Tokarski**, 2560 Eastern Avenue, requested Council's consideration for appointment to this committee. He stated that he has a desire to give back to the community, and noted that his experience in the Air Force in Active and Reserve Duty, work as a police officer at the Selfridge ANG Base, in Public

*Safety at Henry Ford Hospital, in Management at Arbor Drugs, self-employment for over 20 years, and membership in his Congressional District Committee and Oakland County Executive Committee would suit his appointment to this Committee.*

**Ryan Smith**, 1475 Dawes Ave., stated that he would request reappointment to the committee. He stated that he has a background in criminal justice and is a first-responder at Beaumont.

**Jeff Duperon**, 2737 Long Meadow Ln., requested reappointment to the committee. He noted that he was a volunteer firefighter for years, and recently did ride-along shifts with the Fire Department and Oakland County Sheriff's Substation. He noted that it will be an interesting year for infrastructure, and stated that he has taken on a leadership role with respect to stormwater. He added that Rochester Hills could provide much leadership in Regional Transit and what would work for the city.

**President Deel** instructed Council Members to vote for seven of the nominees. The nominees received the following votes:

Vote #1

**Bill Chalmers** - Bowyer, Hetrick, Morita, Mungioli, Walker  
**Jeffrey Duperon** - Bowyer, Blair, Deel, Mungioli, Walker  
**Jayson Graves** - Bowyer, Blair, Deel, Hetrick, Morita, Mungioli, Walker  
**Greg Hooper** - Bowyer, Blair, Deel, Hetrick, Morita, Walker  
**Ryan Smith** - Bowyer, Blair, Deel, Hetrick, Morita, Mungioli, Walker  
**Tom Stephens** - Blair, Deel, Hetrick, Morita, Mungioli, Walker  
**Scott Struzik** - Bowyer, Blair, Deel, Hetrick, Morita, Mungioli, Walker  
**James Tokarski** - Bowyer, Blair, Deel, Hetrick, Morita, Mungioli

**President Deel** noted that Mr. Chalmers and Mr. Duperon each received five votes. He requested Council vote for either Mr. Chalmers or Mr. Duperon.

Vote #2

**Bill Chalmers** - Morita  
**Jeffrey Duperon** - Bowyer, Blair, Deel, Hetrick, Mungioli, Walker

**Ms. Mungioli** stated that she has expressed that Council should have new members on these committees and is glad to see that one new member will be appointed. She commented that she would hope that Council would create a subcommittee to address the appointment process.

**President Deel** announced that Jeff Duperon, Jayson Graves, Greg Hooper, Ryan Smith, Tom Stephens, Scott Struzik, and James Tokarski are appointed to the Public Safety and Infrastructure Technical Review Committee.

**A motion was made by Mungioli, seconded by Blair, that this matter be Adopted by Resolution to appoint Jeff Duperon, Jayson Graves, Greg Hooper, Ryan Smith, Tom Stephens, Scott Struzik and James Tokarski to the Public Safety and Infrastructure Technical Review Committee, each for a one-year term to expire December 31, 2020. The motion carried by the following vote:**

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

Enactment No: RES0420-2019

**Resolved**, that the Rochester Hills City Council hereby appoints Jeff Duperon, Jayson Graves, Greg Hooper, Ryan Smith, Tom Stephens, Scott Struzik and James Tokarski to the Public Safety and Infrastructure Technical Review Committee, each to serve a one-year term to expire December 31, 2020.

**2019-0538** Request to Confirm the Mayor's Appointment of Ryan Price to the Local Development Finance Authority (LDFA) to fill the vacated seat of Michael Damone, Sr., term expiring March 31, 2023.

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Michael Damone Obituary.pdf](#)  
[Ryan Price CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** stated that this vacancy would not be available if it had not been for the untimely passing of Michael Damone, Sr., who was a long-time member of the Local Development Finance Authority and a tremendous contributor to the committee for many years.

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

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

Enactment No: RES0421-2019

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Ryan Price to the Local Development Finance Authority (LDFA) to fill the vacated seat of Michael Damone, Sr., term expiring March 31, 2023.

**2019-0576** Request to Confirm the Mayor's Reappointment of Chris McCracken to the Construction/Fire Prevention Board of Appeals for a three (3) year term to expire December 31, 2022

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Chris McCracken CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** urged Council's support of Mr. McCracken for reappointment.

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

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

Enactment No: RES0422-2019

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Chris McCracken to the Construction/Fire Prevention Board of Appeals

for a three (3) year term to expire December 31, 2022.

- 2019-0577** Request to Confirm the Mayor's Reappointment of Kristin Bull, Michele Gage, Garry Gilbert and Darlene Janulis to the Naming Standing Committee, each for a one (1) year term to expire December 31, 2020

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Kristin Bull CQ.pdf](#)  
[Michele Gage CQ.pdf](#)  
[Garry Gilbert CQ.pdf](#)  
[Darlene Janulis CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

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

Enactment No: RES0423-2019

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Kristin Bull, Michele Gage, Garry Gilbert and Darlene Janulis to the Naming Standing Committee, each for a one (1) year term to expire December 31, 2020.

- 2019-0578** Request to Confirm the Mayor's Reappointment of Penny Brady, Anne Dieters-Williams, Chad Gietzen, Samantha Phillips and Dr. Tate Vo to the Citizens Pathway Review Committee, each for a one (1) year term to expire December 31, 2020

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Penny Brady CQ.pdf](#)  
[Anne Dieters-Williams CQ.pdf](#)  
[Chad Gietzen CQ.pdf](#)  
[Samantha Phillips CQ.pdf](#)  
[Tate Vo CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** noted that Dr. Tate Vo was in attendance this evening. He urged Council's support of the reappointment of these committee members.

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

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

Enactment No: RES0424-2019

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Penny Brady, Anne Dieters-Williams, Chad Gietzen, Samantha Phillips and Dr. Tate Vo to the Citizens Pathway Review Committee, each for a one (1) year term to expire December 31, 2020.

- 2019-0581** Request to Confirm the Mayor's Reappointment of Kathleen Fitzgerald and Anna Percy to the Board of Review, each for a three (3) year term to expire December 31, 2022 and to reappoint Eugene Mroz for a one (1) year term to expire December 31, 2020



**Attachments:** [120919 Agenda Summary.pdf](#)  
[Anna Percy CQ.pdf](#)  
[Kathleen Fitzgerald CQ.pdf](#)  
[Eugene Mroz CQ.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ms. Mungoli** noted that for most of these appointments, this was the only committee that these residents were sitting on. She thanked Mayor Barnett for broader representation and inclusion in these appointments.

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

Enactment No: RES0425-2019

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Kathleen Fitzgerald and Anna Percy to the Board of Review, each for a three (3) year term to expire December 31, 2022 and to reappoint Eugene Mroz for a one (1) year term to expire December 31, 2020.

## NEW BUSINESS

**2019-0537** Consider and decide an appeal of a Tree Removal Permit approval by the Department of Parks & Natural Resources by two adjacent property owners in regard to a home being built at 1691 W. Auburn Road

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Plot Plan-Tree Removal Plan.pdf](#)  
[1691 W Auburn Rd Opposition Ltr.pdf](#)  
[1691 W Auburn Rd Opposition Ltr 2.pdf](#)  
[1691 West Auburn Notice TRP 450.pdf](#)  
[Tree Cons Ordinance-Relevant Sections.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, **Matt Einheuser**, Natural Resources Manager, and **Paul Davis**, City Engineer, were in attendance.

**Mr. Elwert** noted that an appeal was filed for a Tree Removal Permit approval for a home being built at 1691 W. Auburn Road. He explained that a Tree Removal Permit Application was filed for a home to be built on the 1.7 acre unplatted residential parcel zoned R-4. He pointed out that the process began under the previous Tree Conservation Ordinance and all conditions of that Ordinance had been met. He noted two appellants were in attendance, **David Serafino**, and **Bob Traskal**, along with applicant **Fred Hotaj**.

### **Public Comment:**

**Mr. Serafino**, 3057 Wilmington Blvd., stated that he lives in the property adjacent to where the trees would be removed, and commented that he purchased his home 4-1/2 years ago in part because the trees behind made it beautiful. He noted that at that time he was informed that the area was protected and a part of the River Rouge Watershed and the trees would remain. He stated in 2018 someone from the City decided this was a low-quality watershed

area and development could occur on the property and he noted that he was unaware of the change until he received a notice from the City regarding the permit. He commented that removing the trees will decrease his home's value and will take value away from the community. He cited City Ordinance 612, which states that trees should be protected for their economic benefit to property values, beauty, and historical significance. He questioned where the water will go from this area. He requested Council deny the permit.

**Wolfgang Uhl**, 1733 June Avenue, stated that his northern property line adjoins the subject property; and he stated that when he purchased his property 13 years ago, he was assured that the wetland was designated and would not be built on. He stated that it was a shock to find out that the property could be developed. He pointed out that many nice mature trees are on the lot, and if removed, there will be no large trees left. He mentioned that the wetland comes and goes with the rainfall, and stated that he has a retention pond on his property that fills and drains.

#### **Council Discussion:**

**President Deel** questioned the wetlands on the property and questioned how they relate to the Tree Ordinance.

**Mr. Elwert** responded that the process is a Tree Removal Permit Appeal. He noted that his department has no part in any appeal process for wetlands, and stated that Mr. Davis was in attendance should Council have any questions regarding wetlands issues.

**President Deel** stated that as he reads the Ordinance he does not see how consideration of wetlands is applied. He commented that it appears that the only trees that are being removed are where the residence is being built.

**Mr. Elwert** responded that it is his understanding that the home is not being built in the currently defined wetlands. He stressed that the trees being removed are only within the building envelope, and noted that the applicant is trying to not remove trees outside of that building envelope.

**Vice President Bowyer** displayed various aerial photographs over the years that showed the property was once farmland. She commented that as development progressed, at one point the property had a visible wetland area, and over time it became less and less, and is now not visible on the photographs.

**Mr. Davis** responded that the City has aerial photographs that go back to 1940, and noted that in superimposing current parcel lines, some of the homes that now exist were at one time within wetland areas. He explained that the wetlands have changed quite a bit over the years and mentioned that two ASTI reviews have been completed. In 2001 the wetland was indicated to be larger in size and at that time it was deemed regulated as it was hydrologically connected to a larger wetland south of this property. He explained that the City regulates wetlands greater than two acres in size. He noted that a recent review by ASTI indicated that the wetland is now approximately one-half acre in size, is low

quality, is not hydrologically connected to the south wetland, and as a result, is unregulated by the City. He stated that it has evolved over the years due to land use and possibly some altering of the wetland limits by property owners in the past.

**Vice President Bowyer** questioned where the house would be constructed on the property and whether any trees would be removed from the wetland area.

**Mr. Davis** responded that the plot plan depicting the proposed location of the house is farther in and away from the currently-identified wetland limits. He confirmed that no trees would be removed from the wetland area.

**Mr. Walker** questioned what defines the building footprint.

**Mr. Einheuser** responded that the building footprint is defined as the building placement plus 30 feet, plus any area where a site improvement is required plus ten feet, such as the driveway.

**Mr. Walker** quoted from the governing Ordinance, noting that the Ordinance contains language regarding an alternate location providing for fewer trees to be removed. He questioned whether the City has the authority to require the dwelling be moved to a less dense area.

**Mr. Elwert** stated that while it could be explored whether the authority exists to suggest moving the dwelling, he stressed that as it stands, the request falls within the Ordinance tolerances. He stated that asking them to refine their plans to remove fewer trees would go above and beyond the definition of the Ordinance.

**Mr. Einheuser** added that shifting the building envelope forward would have more impact to the wetland area.

**Ms. Mungoli** commented that this is under the previous Tree Ordinance. She questioned what would have occurred if the request came in under the new Ordinance and why it fell under the old Ordinance.

**Mr. Einheuser** responded that under the new Ordinance, the application would be required to replace all of the trees removed, and would be required to preserve 40 percent of the trees outside of the building envelope. Under the old Ordinance, there was no preservation requirement percentage and no replacement requirement within the building envelope. He noted that the request was submitted in September, prior to the new Ordinance taking effect.

**Ms. Mungoli** questioned whether the water runoff would go to the neighbor's yards and how to ensure that it does not impact the neighbors.

**Mr. Davis** responded that this will be the construction of a single home; and while there will be some impervious impact due to paving a driveway and constructing the home it would not be much. He commented that it would be very easy to dry up this wetland. He explained that the 30-inch Lueder's Storm Drain owned by the Oakland County Water Resource Commission runs along

*Auburn Road and would be easily connected to drain the wetland; however, he noted that comments this evening were made toward preserving the wetland. He stated that he did not see a problem occurring from stormwater on this site; however, if one occurred, there is a direct outlet available to take the stormwater.*

**Ms. Mungoli** stated that while the gentleman owns the property and falls within the Ordinance at the time of his application he must be a good neighbor going forward. She suggested that the applicant review his plans. She stated that in its current format, she is not likely to support this and would like to see the applicant come back with something more in line with what the neighbors would like that would be in alignment with the City's current Ordinance.

**Mr. Elwert** stated that other than paying the costs, the tree plan as proposed actually meets both the current Ordinance and previous Ordinance. He stated that 100 percent of the trees will be saved outside of the building envelope and 46 percent of the trees on the entire site, substantially above the City's standards. He pointed out that the only change considering the new Ordinance would be a requirement for additional funds into the Tree Fund or look toward whether there were additional places to replace trees.

**Ms. Mungoli** stressed that she would like to see the applicant be a good neighbor and look to see what could be done to modify the plan.

**President Deel** questioned whether there would be any concerns in applying the new Ordinance standards.

**City Attorney John Staran** responded that there would be concerns, as the old Ordinance applies. He stated that if the applicant is voluntarily willing to comply with the additional suggestions that would be fine; however, he noted that this is an appeal of a permitting decision made by the City's Administration pursuant to the Ordinance in place at the time of the application.

**Mr. Hetrick** stated that Mr. Davis indicated water runoff from the house would be detained on site and commented that this is a requirement for any construction.

**Mr. Davis** responded that would be correct unless the preexisting condition of the property had tributary runoff leaving the site. He stated that it would be required that no runoff from the development would leave the site. He noted that the property is high at the south end and low at the north end and drains toward Auburn Road. He explained that this would be a part of the review by the Building Department and is no different for any single family home.

**Mr. Hetrick** stated that the percentage of trees saved is above the standards of both Ordinances, and the applicant is doing what they can to maintain whatever trees possible

**Mr. Elwert** responded that the Administration concurs with this analysis.

**Ms. Morita** stated that while she is sympathetic to the appellants, the City

*cannot stop someone from developing a property in a way that is permitted, specifically satisfying both the Ordinance at the time and the new Ordinance. She stated that the Tree Removal Permit meets the requirements.*

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

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

**Nay** 1 - Mungioli

Enactment No: RES0426-2019

**Resolved**, that the Rochester Hills City Council denies the appeals, and affirms the determination by the Department of Parks & Natural Resources that the Tree Removal Permit application meets the requirements and restrictions of the Tree Conservation Ordinance and that the permit process should continue and a permit ultimately granted.

**2019-0575** Request for Purchase Authorization - PARKS/NATURAL RESOURCES: Blanket Purchase Order/Contract for Green Space and Natural Features Stewardship Program Services in the amount not-to-exceed \$800,000.00 through December 31, 2022; Cardno, Inc., Brighton, MI

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Ken Elwert**, Parks and Natural Resources Director, and **Matt Einheuser**, Natural Resources Manager, were in attendance.

**Mr. Elwert** noted that Cardno, Inc., is recommended for a three-year contract for stewardship on the City's Green Space properties and other natural features areas. He explained that the in-depth interviews were conducted and the Administration was very impressed with Cardno's analysis. He added that Cardno will be the lowest-cost bid alternative and while the City has had successful work done by previous contractor Niswander, the Administration is excited to recommend a new set of eyes as it moves toward maintenance mode.

**Council Discussion:**

**Ms. Morita** commented that she found it difficult to compare the bid proposals. She questioned the following:

- Niswander's bid included unit costs on materials to be used and questioned why that information was not included for Cardno.
- If Cardno was competitive regarding wetland flagging.
- What lodging and meals would be required, as Cardno's offices are in Brighton and on the west side of the state. Whether the Brighton office had appropriate personnel.
- Why the mileage reimbursement exceeded standard mileage rates.

**Mr. Einheuser** noted that staff worked with the Purchasing Department to allow a comparison between the bids. He stated that the bids were reviewed in terms of larger equipment required and staff hourly time as this is where the bulk of the

costs will be. He explained that wetland flagging was not anticipated and would be considered a special project. He stated that the field technicians providing the services are located in Brighton, and if others were required from the west side of the state they would be mobilized from the Brighton office.

**Mr. Elwert** noted that pre-construction meetings would identify Cardno's strategy for completing a specific project, and explained that the City would have the ability to require management of the project from the Brighton office. He stated that mileage reimbursements differed for larger equipment and pointed out that Niswander's mileage costs were \$1.00 for their larger equipment. He stated that hourly rates for the various classifications were vastly different per bid, noting that Niswander's bid included \$180 per hour for a senior classification that was not included in the Cardno bid. He stated that Niswander charged administrative fees per project.

**Ms. Morita** stated that she would move the resolution; however, she stressed that she would hope that all these issues will be resolved prior to the contract devolving into something that would become more expensive than what the City is currently paying.

**Mr. Blair** questioned the three-year contract, noting that Niswander's contract was for two years.

**Mr. Elwert** responded that Niswander was in place prior to his coming to the City, and he believed that the two-year contract was an extension of a previous contract. He noted that the typical contract is for three years.

**Vice President Bowyer** noted that Cardno is a large national firm and has 17 full-time employees in Michigan that could mobilize to Rochester Hills. She commented that the City should be moving more into a maintenance mode and the contract should be for substantially less work. She questioned why the contract price was as if the full project mode would continue.

**Mr. Elwert** responded that the contract will allow work to shift into other areas, such as the river. He stated that there is nothing that would require the City to spend the full contract amount; and as the projects move into maintenance mode, resources can be potentially shifted to other areas.

**Vice President Bowyer** questioned whether the contract could be terminated prior to the three-year period if the City finds that it is much more expensive.

**Mr. Elwert** responded that if the project management and pricing is not found to meet expectations and the City were dissatisfied with their performance, the City would consult the City Attorney regarding terminating the contract.

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

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

Enactment No: RES0427-2019

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

order/contract for Green Space and Natural Features Stewardship Program Services to Cardno, Inc., Brighton, Michigan in the amount not-to-exceed \$800,000.00 through December 31, 2022 and further authorizes the Mayor to execute a contract on behalf of the City.

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

**2019-0515** Request for Purchase Authorization - DPS/GAR: Purchase of one (1) Water Meter Test Bench with a gravimetric measurement system in the amount of \$204,962.00; OW Investors, LLC dba MARS Company, Ocala, FL 34474

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Proposal Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, explained that the gravimetric measurement system is more accurate than the volumetric measurement system, and pricing for the gravimetric equipment came within budget.

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

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

Enactment No: RES0428-2019

Resolved, that the Rochester Hills City Council hereby waives Section 2-273(b), the requirements for long term contracts, under Section 2-281, which allows City Council the authority to waive any regulation or procedure pertaining to purchasing, deeming it to be in the best interest of the City.

Further Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) water meter test bench with a gravimetric measurement system to OW Investors, LLC dba MARS Company, Ocala, Florida in the amount of \$204,962.00 and further authorizes the Mayor to execute a contract on behalf of the City.

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

**2019-0573** Request for Purchase Authorization - DPS/GAR: Blanket Purchase Order for water meters and equipment in the amount not-to-exceed \$310,000.00 through December 31, 2020; ETNA Supply Company, Grand Rapids, MI

**Attachments:** [120919 Agenda Summary.pdf](#)  
[ETNA Pricing.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that the City has approximately 35,000 water meters in the system and some of those meters along with the MXU technology on the outside of each house require replacement. In addition, the City needs an inventory of meters ready for installation into new developments. He pointed out that Ms. Mungioli expressed

concern regarding the budget and he explained that a contingency is included in consideration for a couple of the new developments that might require larger meters. He noted that the City would be reimbursed by the developments for the purchase. He added that the City is not the only company that uses SENSUS meters, and ETNA Supply is the only authorized representative for the region for the meters. He commented that the City has had SENSUS meters, previously Rockwell, for the last 30 years, and the City's relationship with the supplier is very strong. He added that the meters are warranted for 20 years.

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

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

Enactment No: RES0429-2019

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order for water meters and equipment to ETNA Supply Company, Grand Rapids, Michigan in the amount not-to-exceed \$310,000.00 through December 31, 2020.

**2019-0536** Request for Purchase Authorization - MAYORS: Blanket purchase order for 2020 City Attorney services in the amount not-to-exceed \$250,000.00; Hafeli, Staran & Christ, P.C., Sylvan Lake, MI

**Attachments:** [120919 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, noted that there are no proposed rate changes for Mr. Staran or any associates for the new one-year contract.

**Ms. Morita** stated that she has known Mr. Staran for 20 years and has had the pleasure of working with him in a number of capacities. She commented that he is well-regarded and well-respected and she is grateful to have him at the City with his institutional knowledge.

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

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

Enactment No: RES0430-2019

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order for 2020 City Attorney services to Hafeli, Staran & Christ, P.C., Sylvan Lake, Michigan in the amount not-to-exceed \$250,000.00.

## ANY OTHER BUSINESS

### NEXT MEETING DATE

*Regular Meeting - Monday, January 13, 2020 - 7:00 p.m.*

### ADJOURNMENT

*There being no further business before Council, it was moved by Mungioli and seconded by Hetrick to adjourn the meeting at 9:58 p.m.*



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*RYAN DEEL, President  
Rochester Hills City Council*

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

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*MARY JO PACHLA  
Administrative Assistant II*

*Approved as presented at the May 18, 2020 Regular City Council Meeting.*