



Rochester Hills Minutes

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City Council Regular Meeting

*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,
Jenny McCardell, Stephanie Morita and Mark A. Tisdel*

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

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

Monday, April 9, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdel

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Ken Elwert, Parks and Natural Resources Director
Kristen Kapelanski, Planning Manager
Zoe Pizzuti, Rochester Hills Government Youth Council Representative
Sara Roediger, Planning and Economic Development Director
Allan Schneck, Public Services Director
Leanne Scott, Deputy Clerk
Tom Talbert, Strategic Innovations Specialist*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Hetrick, seconded by Kubicina, that the Agenda be Approved as Presented. The motion carried by the following vote:

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdel

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Mr. Deel introduced **Zoe Pizzuti**, RHGYC Representative, and stated that she is a sophomore at Adams High School, and is a figure skater.

Ms. Pizzuti reported that the RHGYC members are planning their upcoming Youth Summit for Saturday, May 5, 2018, from 10:00 a.m. to 1:00 p.m. She stated that this is a great event for those in eighth grade and in high school with a complimentary lunch and free prizes, including a gift card giveaway. She announced that the 5K is set for Saturday, June 16, 2018 at Bloomer Park, with race information and online registration available through the RHGYC website.

Paint Creek Trailways Commission (PCTC):

Dr. Bowyer reported that the Paint Creek Trail will be closed during the summer months for a bridge replacement between Silverbell and Dutton Roads.

Deer Management Advisory Committee (DMAC):

Dr. Bowyer urged residents not to rescue baby fawns. She noted that the mother deer is probably nearby and hides the fawn while she is out foraging and will return later. She stated that if someone feels that a rescue is needed, they should call Parks and Natural Resources Director Ken Elwert or Naturalist Lance DeVoe, who will determine whether anything needs to be done.

Green Space Advisory Board (GSAB):

Dr. Bowyer announced that the GSAB has scheduled its Discovery Hike for Saturday, May 5, 2018 at the Harding Green Space property. Access the property behind the River Crest Professional Building parking lot off Avon Road just east of Livernois via the Clinton River Trail. Tours of the property will begin at 10:00 a.m. The property contains bluffs and ponds and is a beautiful parcel. She noted that the GSAB will announce guided hikes through Green Space parcels throughout the summer on various Saturdays.

Older Persons' Commission (OPC):

Mr. Kubicina announced the following upcoming OPC events:

- Savvy Seniors, set for April 18, 2018 from 10:00 a.m. to 11:00 a.m., with this month's topic on Alzheimer's and Dementia Care. Open to the Public.
- Night at Monte Carlo, set for Saturday, April 28, 2018, will benefit Meals on Wheels. Doors open at 5:30 p.m.
- Music Madness and a Mix of Motown, a series of weekly events starting May 9, 2018, 12:00 noon to 3:00 p.m. Tickets are \$17.00. One evening event is scheduled for May 18, 2018.
- Earth Day is April 22, 2018. OPC is having a contest to construct a project at least 50 percent out of recycled materials. Paula is the OPC's contact for that activity at 248-608-0253 for more information.

Rochester-Auburn Hills Community Coalition (RAHCC):

Ms. McCardell reported that the Vaping 101 seminar is set for Tuesday, May 29, 2018. The event is sponsored by the RAHCC and the Rochester Community Schools PTA Council, as well as St. Joseph Mercy Hospital System. The venue has changed for this event and will now be at West Middle School.

She noted that the RAHCC is partnering with Red Lotus Yoga for a Yoga at City Hall community event fund raiser for the Coalition. She stated that the event is tentatively scheduled for May 19, 2018. Details will be forthcoming.

ORDINANCE FOR ADOPTION

2018-0113 Acceptance for Second Reading and Adoption - An Ordinance to Add New Section 74-113 to Division 3 of Article II, City Parks, of Chapter 74, Parks and Recreation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit smoking in Thelma G. Spencer Park, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations

Attachments: [040918 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[032618 Agenda Summary.pdf](#)
[032618 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks and Natural Resources Director, noted that the Ordinance before Council for consideration for Second Reading and Adoption is to prohibit smoking at Spencer Park as a trial program for this year. He stated that a report will be given to Council at the end of the year. He pointed out that all smoking items will be prohibited. He stated that a plan is in place to communicate with residents along with a signage plan for notification. He explained that should Council adopt the Ordinance this evening, it would become effective April 16, 2018 after publication in the newspaper on April 15, 2018.

Dr. Bowyer reiterated her comments from the previous meeting that she is not in favor of an all-inclusive ban. She stated that she is glad to hear that Council will be given a report after the trial period as to how enforcement activities were undertaken and whether additional staffing and extra work was required.

Mr. Deel noted that a sunset date was not included in the Ordinance, and as written will remain effective in perpetuity unless other action is taken. He questioned how the report will be presented to Council.

Mr. Elwert responded that a report will be presented to Council on any demands for staffing that the Ordinance represented as well as customer interactions during the summer. He noted that it will be up to Council to determine whether it wishes to take action to eliminate the Ordinance. Should Council not wish to take action, the Ordinance will stay in place in perpetuity.

A motion was made by Bowyer, seconded by Kubicina, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion carried by the following vote:

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0090-2018

Resolved, that an Ordinance to Add New Section 74-113 to Division 3 of Article II, City Parks, of Chapter 74, Parks and Recreation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit smoking in Thelma G. Spencer Park, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, April 16, 2018, following its publication in the Oakland Press on Sunday, April 15, 2018.

PLANNING AND ECONOMIC DEVELOPMENT

2018-0092 Request for Planned Unit Development Agreement Approval - Crestwyk Estates PUD, a proposed 16-unit attached and detached condominium development on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential; M2J1, LLC, Applicant

Attachments: [040918 Agenda Summary.pdf](#)
[PUD Agreement Crestwyk 032218.pdf](#)
[Email Revised J. Staran 032618.pdf](#)
[Final PUD Staff Report 032018.pdf](#)
[Minutes PC 032018.pdf](#)
[PUD Agreement 121817.pdf](#)
[Email Staran 122817 PUD Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Kristen Kapelanski, Planning Manager, stated that the Crestwyk Estates Planned Unit Development (PUD) was preliminarily approved by Council on December 11, 2017. She noted that the property is zoned R-4 One Family Residential and the Applicant is proposing a combination of attached and detached units, with 16 units total being constructed split evenly between attached and detached. She stated that the Planning Commission reviewed this item and recommended approval on March 20, 2018. She explained that two minor changes to the PUD plan were made, including Unit 7 which was shifted five feet further away from John R Road to accommodate utilities and landscape requirements, and one duplex entrance on each unit was moved to a side entrance. She stated that the Applicant is also requesting approval of a Wetland Use Permit. She explained that there are two wetlands on the site, with lower quality Wetland B closer to John R Road to be completely filled in. Impacts to Wetland A, the higher quality wetland traversing the middle of the site, were minimized as much as possible. She noted that ASTI Environmental is comfortable with what is being proposed.

Dr. Bowyer noted that the plans show a community garden.

Ralph Nunez, Nunez Design, responded that a community garden for the residents will be located in the lower western portion of the property where a number of the existing trees will be preserved.

Dr. Bowyer commented that she thought that was a great idea to have a community garden located there. She questioned whether the wetland flow will go under the road via a culvert.

Mr. Nunez responded that a continuous feed will be available for the wetlands from the north through the south via a culvert as well as low buffer walls to keep the lawns from encroaching into the wetland areas.

Dr. Bowyer commented that it is good that the wetlands will be kept separate and maintained. She questioned whether a Michigan Department of Environmental Quality permit will be needed.

Mr. Nunez responded that the amount of fill is considered minimal for a wetland permit. He noted that a meeting and discussion with the MDEQ has already occurred and permit activities are moving forward.

Mr. Hetrick commented that it appears that the change from the preliminary site plan to today's site plan is minimal, encompassing only moving a building five feet and changing one door on each duplex to the side.

Ms. Kapelanski confirmed that was correct.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0091-2018

Resolved, that the Rochester Hills City Council hereby approves the PUD Agreement for Crestwyk Estates, a 16-unit attached and detached condominium development on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential, Parcel Nos. 15-24-301-077 to -080, M2J1, LLC Applicant, based on the PUD Agreement dated received on March 22, 2018 by the Planning and Economic Development Department with the following findings and conditions.

Findings:

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

Conditions:

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

- 2018-0093** Request for Approval of a Wetland Use Permit - Crestwyk Estates PUD, for impacts up to approximately 12,000 square feet for a proposed 16-unit condominium development on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential; M2J1, LLC, Applicant

Attachments: [040918 Agenda Summary.pdf](#)
[Email Kyle Hottinger 020518.pdf](#)
[ASTI Letter 101817.pdf](#)
[Site Plans 031518.pdf](#)
[PHN WUP OP.pdf](#)
[Resolution \(Draft\).pdf](#)

Kristen Kapelanski, Planning Manager, noted that as mentioned in the previous Agenda Item, impacts to Wetland A have been minimized with Wetland B filled in. She stated that there have been no changes to the wetland impacts from the preliminary to final Planned Unit Development.

Dr. Bowyer stated that ASTI Environmental did a great job in describing the wetlands, and the Applicant's design did a great job to protect the wetlands.

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 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0092-2018

Resolved, that the Rochester Hills City Council hereby approves a Wetland Use Permit for Crestwyk Estates PUD for impacts up to approximately 12,000 square feet for a proposed 16-unit condominium development on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential, Parcel Nos. 15-24-301-077 to -080, M2J1, LLC, Applicant, based on plans dated received by the Planning and Economic Development Department on January 30, 2018 with the following findings and conditions.

Findings:

1. Of the approximately 18,000 square feet of City-regulated wetlands on site, the applicant is proposing to impact approximately 12,000 square feet, which is mostly for Wetland B.
2. Wetland B is of low quality and function, and should not be considered a vital natural resource to the City.

Conditions:

1. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.

- 2017-0521** Request for Final Planned Unit Development (PUD) Site Plan Approval - Crestwyk Estates, a proposed 16-unit attached and detached condominium development

on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential; Jim Polyzois, M2J1, LLC, Applicant

Attachments: [040918 Agenda Summary.pdf](#)
[Suppl Presentation.pdf](#)
[Map aerial.pdf](#)
[Review Comments.pdf](#)
[Site Plans 031518.pdf](#)
[Revised elevations & floor plans 022018.pdf](#)
[First Floor Plan.pdf](#)
[Minutes PC 112117.pdf](#)
[121117 Agenda Summary.pdf](#)
[Suppl Presentation 121117.pdf](#)
[Staff Report 112117.pdf](#)
[EIS 081517.pdf](#)
[Review Comments 102417.pdf](#)
[Crestwyk Estates Duplex .pdf](#)
[Public Hearing Notice.pdf](#)
[Site Plans.pdf](#)
[121117 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

See Legislative Files 2018-0092 and 2018-0093 for discussion.

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 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0093-2018

Resolved, that the Rochester Hills City Council hereby approves the Final Site Plans for Crestwyk Estates PUD, a 16-unit attached and detached condominium development on 4.4 acres, located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential, Parcel Nos. 15-24-301-077 to -080, M2J1, LLC, Applicant, based on plans dated received by the Planning and Economic Development Department on January 30, 2018 with the following findings and conditions.

Findings:

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

5. The proposed Final Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option.

Conditions:

1. Provide a landscape bond in the amount of \$119,029.00, plus inspection fees, for landscaping and irrigation, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit by Engineering.
2. Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.
3. Payment of \$3,200 into the tree fund for street trees prior to issuance of a Land Improvement Permit by Engineering.
4. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.

PUBLIC COMMENT for Items not on the Agenda

Ed Baron, 3310 Greenspring Lane, noted that on September 15, 2017, the Rochester Hills City Council approved a motion that Hamlin Road would be reconstructed from the City's western border to 500 feet past Adams Road in 2018, along with a \$287,000 contract for engineering services at the same meeting. He stated that the City of Auburn Hills is also planning on reconstruction of Hamlin and Squirrel Road. He pointed out that Hamlin Road is the gateway to the city's technology center and the gateway to Chrysler headquarters. He questioned whether activity on the former landfill of thousands of trips by large trucks could damage any new concrete surface, and whether there is a way to mitigate any potential damage.

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.

2018-0133 Approval of Minutes - City Council Special Meeting - March 26, 2018

Attachments: [CC Special Mtg Min 040918.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0094-2018

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on March 26, 2018 be approved as presented.

2018-0134 Approval of Minutes - City Council Regular Meeting - March 26, 2018

Attachments: [CC Min 032618.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0095-2018

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 26, 2018 be approved as presented.

- 2018-0125** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for Shoulder Right-of-Way and Pathway Mowing Services in the amount not-to-exceed \$55,000.00 through December 31, 2018; Brantley Development, LLC., Inkster, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0096-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for shoulder right-of-way and pathway mowing services to Brantley Development, LLC., in the amount not-to-exceed \$55,000.00 through December 31, 2018 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2018-0129** Request for Purchase Authorization - PLANNING: Blanket Purchase Order/Contract for wetland and environmental consulting services in the amount not-to-exceed \$78,200.00 through March 31, 2020; ASTI Environmental, Brighton, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0097-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for wetland and environmental consulting services to ASTI Environmental, Brighton, Michigan in the amount not-to-exceed \$78,200.00 through March 31, 2020 and further authorizes the Mayor to execute a contract on behalf of the City.

Passed the Consent Agenda

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

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

- 2018-0077** Request to schedule a Public Hearing regarding the approval of a Brownfield Plan for Legacy Rochester Hills, for the remediation of property for a proposed

residential apartment development on 28 acres located at the northeast corner of Hamlin and Adams Roads, zoned by Consent Judgment, Parcel Nos. 15-29-101-022 and -023; Goldberg Companies, Applicant

Attachments: [040918 Agenda Summary.pdf](#)
[Hamlin Adams Brownfield Application.pdf](#)
[Memo Roediger 041018 Mtg..pdf](#)
[Letter Wackerman 040218.pdf](#)
[Hamlin Adams Act 381 Work Plan DRAFT 032718.pdf](#)
[Hamlin-Adams Brownfield Plan Final 02 20 2018.pdf](#)
[Rochester IRR.pdf](#)
[TIF & Interest.pdf](#)
[Memo Roediger 030618 Mtg..pdf](#)
[Brownfield Policy Final CC.pdf](#)
[Minutes BRA 030618.pdf](#)
[031218 Agenda Summary.pdf](#)
[Agenda Summary Rescind 013118.pdf](#)
[Hamlin Adams Brownfield Application.pdf](#)
[Memo ASTI 022718.pdf](#)
[Minutes CC 020518.pdf](#)
[031218 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Public Comment:

Laura Cunningham, 3335 Kenwood, stated that as a resident of Quail Ridge Subdivision, she has extreme concerns about the development at Adams and Hamlin Roads. She noted that her subdivision has the following concerns:

- Documentation regarding the full work plan for cleanup.
- Protection of the Clinton River.
- Potential methane migration.
- Truck traffic.
- Concerns that portions of the site will be encapsulated rather than fully cleaned up.
- Groundwater contamination by chromium and lead.
- The timeline for cleanup.
- Electrical capacity.
- Increased traffic due to development density.

She stated that she did not believe that landscaping proposed was sufficient to screen the site.

President Tisdell stated that what is requested of Council this evening is to approve a request to schedule a Public Hearing where many of these details would be presented.

Ed Baron, 3310 Greenspring Lane, stated that he reviewed the ASTI Environmental report and commented that there were questions that were not addressed, including a lack of information on the reimbursement dollars and interest expense. He stressed that individuals who provide technical and environmental data should be available at the Public Hearing to address questions and suggested that the consultant, City Attorney and Engineering staff be present.

He expressed appreciation to President Tisdell for handling this item the right way this evening.

Joan Love, 3186 Greenspring Lane, expressed concern regarding the removal of hazardous and non-hazardous materials. She stated that she has a compromised immune system and lives two streets in from Hamlin Road.

William Mann, 3301 Quail Ridge Circle, stated that he shares the concerns of the previous speakers this evening. He noted that he only recently learned of the project and stated that it appears to be a major undertaking with severely contaminated soil posing a threat to those living in Rookery Woods and Quail Ridge Subdivisions. He expressed concern that the developer is not planning to conduct any soil analyses to determine the hot spots for remediation. He stated that it is his opinion that the development is much too dense for the area and will add to the traffic issues.

Lawrence Schloss, 2851 Current Drive, stated that his home is approximately 200 yards north of where the barrels were discovered in Parcel B. He commented that he would like to see current studies on the contamination prior to the next Council Meeting. He mentioned that there were some conflicts observed in the information presented by ASTI Environmental and staff. He stated that while complying with the minimum required notice for those who border the property, notice should also be provided to all of River Valley, Quail Ridge and Rookery Woods residents.

President Tisdell stated that he would reiterate that this item is a request to establish a Public Hearing where much of the information will be delivered and discussed. He pointed out that the property under question is currently managed by a Consent Judgment that has been changed from a commercial development to this residential development. He stated that the land will be reclaimed to a residential standard by which it would receive Michigan Department of Environmental Quality (MDEQ) status of no further action monitoring. He noted that it will be cleaned up to residential standards, and that would not be the requirement under the Consent Judgment that was originally governing this piece of property. He stated that as a residential property with approximately 360 units planned, one-quarter of the traffic volume is anticipated over what would have been allowed under the earlier commercial Consent Judgment ruling this piece of property. He noted that the City will rely heavily on its environmental consultant. He stated that ASTI Environmental has been in the business for over 30 years and uses techniques in place for decades across the state for property remediation.

Mayor Barnett expressed his thanks to the residents who spoke this evening, stating that he is aware that this is a passionate issue. He commented that the intent is to provide as much information as possible. He mentioned that staff would be meeting with Mr. Baron and Mr. Schloss tomorrow and pointed out that Vice President Morita met with the 13 adjoining homeowners individually. He stated that notices have been sent out to all of the homeowners associations mentioned, and commented that the City has been reaching out the best that it can. He noted that the property is under Consent Judgment and a development would occur there starting this month or next month. He stated that it would either

be as previously approved in the Consent Judgment as mostly a retail and office/retail/technology development, or they would allow the City to consider the possibility of a residential development. He stressed that the office and commercial development does not need any further approvals and site plans currently exist as to parking and density. He noted that the City was interested as residents generally prefer residential over commercial and prefer more cleanup over less cleanup. He stated that the proposal presented met those two criteria, offering residential over commercial and significantly more cleanup over less. He noted that the previous amount of cleanup encompassed a cost of approximately \$3.5 million and the proposed cleanup will be in the range of \$11 or \$12 million.

He commented that it is important to consider that the property is currently an untamed site. He stated that he is sympathetic to the nearby residents and their concerns of living near a site that is not clean. He commented that the nearby land has all been developed and the reason that this parcel has remained is that it has a significant amount of contamination. He noted that the City has met with nearby residents to review the proposal and has decided to move forward with the option of residential as opposed to commercial. He commented that something will be happening in the near future.

He noted that the incremental traffic increase is lower for the residential development than the commercial development. He stated that the challenge is that this is a complicated site. He mentioned questions presented in an email from Mr. Windschief, Mr. Baron and Mr. Schloss regarding the environmental cleanup were answered by the team and the environmental consultant and the responses were available for distribution to those attending this evening. He stressed that while the City is not an expert in decontaminating property, it has access to those who are. He noted that the MDEQ will be the oversight organization as the authority on decontamination.

He listed the number of reports and plans that are required to be submitted and approved by not only the City but the environmental consultant, MDEQ and all other organizations associated with State-mandated cleanup of sites considered contaminated. He noted that the Brownfield Redevelopment Authority's activity concerns the financing component of the project.

- *The Applicant has submitted a rough draft of the Brownfield Development Plan. This must be approved by the MDEQ .*
- *A 381 Work Plan.*
- *Report on the results of the proposed additional soil and groundwater samplings, including background calculations for metals.*
- *Soil erosion and sedimentation control plan.*
- *Health and safety plan.*
- *Fugitive dust and emission and control contingency plan.*
- *Environmental Construction Management Plan and Construction Summary Report.*
- *Operation and Maintenance Plan for Engineered Controls for Parcel B.*
- *Operation and Maintenance Plan for venting system along Hamlin Road.*
- *No Further Action request for Parcel A.*
- *Documentation for Due Care and Compliance for Parcel B.*

- As part of the 381 Work Plan, the City has requested the additional plans of specifications for engineered controls, truck cleaning plans and spill contingency plans.

He noted that there is a long list of people who have an incredible amount of education and experience in this activity who will be part of every single part of this process. He stressed that residents with rightful concerns regarding contamination removal should note that the contamination for 80 percent of the site will be moving away from their houses to a landfill where it can be properly maintained. The result will be a residentially-cleaned site which has never been proposed in the history of this topic. He stated that Council has been adamant that the Administration work closely with experts in this field and Council and the associations be kept informed.

He commented that the property is changing and when Council considered cleanup levels, safety, traffic counts and residential impact, this particular development was generally considered far better than the proposed development already approved. He stressed that the process is ongoing and residents with questions can contact staff and will be provided information.

Council Discussion:

Ms. McCardell reiterated that the residents concerns are being taken very seriously. She stated that Council asked many hard questions specifically regarding excavating and transporting materials and the possible impacts on health. She commented that she is glad to hear that the Administration always does an excellent job responding to Council questions. She noted that she has a Bachelor's Degree in Environmental Science and understands the dangers of these materials; however, she also understands the value of a cleanup of this level. She commented that it could be a great opportunity, and she would agree that vigilance is needed during the process. She stated that she has faith in the City and the MDEQ that the process will be monitored. She expressed her thanks to those residents in attendance, noting that the best ideas come forward through a diverse partnership with residents and professionals.

President Tisdell noted a public comment regarding the reconstruction of Hamlin Road and how it could be affected by trucks. He noted that he would assume that Hamlin Road would be replaced with concrete which would take up to two weeks to cure properly. He stated that the roadway weight limit would be observed.

Mayor Barnett stated that the City is in communication with those who are involved in that project, and he noted that the public is demanding that this stretch of roadway be completed as quickly as possible. He commented that the DPS team is working closely with Planning Staff on the construction challenges and timeframe alignments.

Mr. Deel noted that questions were raised regarding the proper delineation of the contaminated areas. He displayed a map from the Brownfield Plan, noting the hot spot areas of contamination were identified. He reiterated the need to address the site.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0098-2018

Whereas, Act 381 of 1998, the Brownfield Redevelopment Financing Act, requires the City's Brownfield Redevelopment Authority to recommend to City Council approval of a Brownfield Plan; and

Whereas, Act 381 of 1996, the Brownfield Redevelopment Financing Act, Title 125.2663, Section 13(10) requires a Public Hearing to consider the request for approval of a Brownfield Plan; and

Whereas, the Public Hearing will be held conditioned upon the approval of the Brownfield Plan by the Brownfield Redevelopment Authority at its April 10, 2018 meeting.

Resolved, that the Rochester Hills City Council hereby sets a Public Hearing on April 23, 2018 to consider the request for approval of a Brownfield Plan for Legacy Rochester Hills.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Deel expressed his hopes that everyone enjoyed the Spring Break time.

Mr. Hetrick encouraged those residents in attendance speaking on the proposed Legacy development to attend the April 23, 2018 meeting or seek answers to any questions before that meeting occurs. He noted that the meeting will be designed to provide answers in order for Council to decide whether to move forward. He mentioned that he has received emails from individuals both in favor of or opposed to public transportation. He commented that as the Public Safety and Infrastructure Technical Review Committee prepares to meet on the subject, he would ask individuals to be specific in any emails to the Committee as to their stance for or against public transportation along with reasons for their opinion. He stated that this data will be critical for the Committee to use in its work toward a recommendation on this item.

Mr. Kubicina thanked the residents in attendance, noting that this is how government is supposed to work. He complimented Mayor Barnett for his State of the City address. He commented that this was the best that he has seen in representing the good things going on in the city. He urged anyone not in attendance to visit the City's website for a link to the video.

Ms. McCardell commented that the State of the City was an awesome performance. She announced that on April 26, 2018 at 6:30 p.m. the Building Department will be hosting a Homeowners' Association Meeting at City Hall. She noted that changes to Ordinances and other items of interest to the associations will be discussed. During that meeting, the Public Safety and Infrastructure Technical Review Committee will be giving a presentation on stormwater infrastructure.

Mayor Barnett made the following announcements:

- The City's Fire Department has improved from a Level 4 to a Level 2. Only eight departments in Michigan have a Level 2 rating and no departments have attained Level 1. The improved rating goes into effect July 1 and may result in decreased insurance rates for homeowners. Recognition goes to the Fire Department and DPS members who have made this possible.
- The Homeowners' Association Meeting is upcoming on April 26.
- While Michigan does not typically have severe weather on the scale of other parts of communities, tornadoes are possible and have occurred in the community. This is Severe Weather Warning Week. The City will test sirens on Wednesday.
- Thanks go to all those individuals helping with the State of the City Address. Thanks also go to Council for the relationships they have with the Administration. Thanks go to Corrin Barnett and those other talented individuals who helped the City tell its story in a unique and fun way.

President Tisdell stated that he remembers when the City achieved a Level 4 Fire Rating, noting that at that time only 15 percent of the cities nationally were rated Class 4. He credited Chief Sean Canto and Scott Cope, Building/Ordinance/Facilities Director. He noted that all of the rating considerations occurred while the Fire Stations were undergoing renovations. He pointed out that not only did response times decrease, but the ISO rating improved as well during this time of controlled chaos.

Vice President Morita commented that the State of the City is always a good time. She mentioned that she drives by the Fire Station on Walton daily and acknowledged that work is progressing. She questioned when it would be complete and ready for a ribbon-cutting.

Mayor Barnett responded that it would be on time for a fall ribbon cutting. He commented that he would get an updated schedule to Council Members.

Dr. Bowyer commented that the State of the City was entertaining and presented much information. She noted that thanks go to Chief Canto, Mr. Cope, Mr. Schneck and the City's team for improving the City's fire rating. She commented that she began her 5K runs for the year in Ann Arbor this past weekend and encouraged everyone to come out to the City's upcoming events, noting the following:

- The Hometown Hustle on May 12, 2018.
- The OPC 5K set for June 2, 2018.
- The Rochester Hills Government Youth Council 5K will be at Bloomer Park on June 16, with proceeds to benefit Innovation Hills.
- The Paint Creek Trail Labor Day Bridge Walk will start at the Rochester Municipal Park, and participants can go all the way up to Lake Orion if they wish.
- The Brooksie Way is set for September 23, 2018. Events will begin at Meadow Brook Music Festival.

She noted that she attended Neighborhood House's dedication of its donor wall. She stated that she gives to Neighborhood House because they were there to support her with clothing and food when she needed help as a poor student.

She commented that Neighborhood House will be the beneficiary of a Beer and Wine Tasting Event to be held at Bordine's sponsored by the Rochester Rotary Club on April 20, 2018.

- *Arbor Day events will be held on April 27, 2018 at Meadow Brook Hall. The ceremony will begin at 3:30 p.m.*
- *Outdoor engagement activities include the following:*
 - * *A Night Hike and Campfire on May 4, 2018.*
 - * *Fly Fishing on June 11, 2018.*
 - * *Kayaking 101 on July 14, 2018.*
 - * *River Float on July 15, 2018.*
 - * *Campfire Cookout on July 12, 2018.*
- *The HOA Leadership Forum is on April 26, 2018 at City Hall at 6:30 p.m.*

ATTORNEY'S REPORT

None.

NEW BUSINESS

- 2017-0237** Request for Purchase Authorization - ENG: Increase to Blanket Purchase Order/Contract for construction engineering services for the paving portion of the Belle Cone Gardens, Homestead Acres & Sunnysdale Gardens Subdivisions Water Main Replacement & Road Resurfacing Project in the amount of \$9,500.00 for a new not-to-exceed amount of \$50,700.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [040918 Agenda Summary.pdf](#)
[011317 Agenda Summary.pdf](#)
[051517 Agenda Summary.pdf](#)
[Services Agreement.pdf](#)
[051517 Resolution \(Draft\).pdf](#)
[111317 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that last year the City took on a sizeable watermain replacement program in Section 33. He explained that two of the streets had only two inches of asphalt covering an aggregate base which is not to a City standard. This spring that entire cross-section of asphalt will be removed and replaced with six inches of asphalt. He noted that with the change in scope, Spalding DeDecker will be required to provide more inspection services than would normally be required for a simple mill-and-fill road overlay. The increase in the Blanket Purchase Order requested will provide the inspection services on this resurfacing/repaving project.

Dr. Bowyer questioned whether this overlay was deferred from last year because of the insufficient base discovered.

Mr. Schneck responded that was correct. He noted that work will begin around June 17, 2018 after school is out for the summer.

Dr. Bowyer commented that those residents have been in transition over the winter and look forward to having their roads and yards repaired.

Mr. Schneck noted that part of the acceptance phase of the project will be to ensure turf establishment. He stated that the contractor will revisit the area to ensure restoration is maintained and is complete.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0099-2018

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the Blanket Purchase Order/Contract for construction engineering services for the paving portion of the Belle Cone Gardens, Homestead Acres & Sunnysdale Gardens Subdivisions Water Main Replacement & Road Resurfacing Project to Spalding DeDecker, Rochester Hills, Michigan in the amount of \$9,500.00 for a new not-to-exceed amount of \$50,700.00.

2018-0123 Request for Purchase Authorization - DPS/ENG: Request for approval of the Cost Participation Agreement between the City of Rochester Hills, Board of Road Commissioners (BOARD) for the County of Oakland, and Oakland University for preliminary engineering services for the widening of Adams Road from Hamlin Road to Walton Boulevard in the amount of \$26,505.00; Road Commission for Oakland County, Beverly Hills, MI

Attachments: [040918 Agenda Summary.pdf](#)
[Cost Participation Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that the Mayor had a conversation with Oakland University regarding exploration of the widening of Adams Road from Hamlin to Walton Boulevard. He noted that while it presents many challenges, cooperation in securing the proper road right-of-way from Oakland University (OU) will be necessary. He commented that it was discussed that the Road Commission for Oakland County (RCOC) would take the lead on the project as Adams Road is under their jurisdiction; however, the expense for the conceptual study would be shared by all three stakeholders in equal parts.

Mr. Kubicina noted that the preliminary engineering services would total approximately \$79,000.

Mr. Schneck responded that it would be more than that as the services will study possible geometrics as to whether it could be a five-lane section or boulevard, and whether a roundabout might be warranted rather than a signalized intersection. He stated that the work requested here is more conceptual and includes the impact of utilities, topography changes and addressing box culverts in existence. He noted that the services would not be for the generation of plans and specifications ready for bidding out and would encompass early preliminary engineering.

Mr. Kubicina questioned how much Adams could be widened in a given area.

Mr. Schneck responded that this would be contingent on road right-of-way. He commented that provided with appropriate road right-of-way, a boulevard section or

roundabout at Adams and Avon could be possible. He noted that the possibilities would be driven with the amount of property available to be secured.

Vice President Morita thanked Mr. Schneck for bringing this item forward. She noted that issues on Adams Road were at the top of the list of concerns expressed to her when she first began campaigning five years ago and have remained so. She noted homeowners associations have expressed frustration in trying to traverse from the north to south side of town. She commented that she has had her own discussions with leadership at OU and is grateful that the Mayor has taken leadership of the issue to continue the conversation. She stated that the City is at the point where OU is at the table, and commented that this is a momentous feat. She pointed out that the City would be able to talk about putting in a safety path along Adams Road north of Avon where one currently does not exist. She stated that she is happy to put one-third of the funding toward a preliminary study, noting that bridges and historic areas must be dealt with. She expressed her appreciation to OU for continuing the conversation.

Ms. McCardell noted that while she was campaigning for office she was approached by people who did not want Adams Road to change, particularly in the section between Avon Road and Walton Boulevard. She stated that residents feel it is a historic place and want it to remain serene. She noted that when she drives that portion of the road it feels like the Rochester Hills she remembers growing up in. She commented that she has fears that it could be changed to the point where it moves away from the city's foundation as a community. She questioned what the City's commitment would be following the preliminary engineering.

Mr. Schneck responded that the City wishes to find out what is feasible. He noted that it would be a grand project based on the topography, bridges in the section and signalized intersections. He pointed out that the agreement does not state that there is any commitment after the study is complete. He commented that the engineering world describes it as context-sensitive design which take amenities and aesthetics within a corridor into consideration and incorporates them into the design in order to not change the character or feel of an area. He noted that these areas will be worked through in the study. He stated that non-motorized access will be a part of the study as that area does not have non-motorized facilities.

Ms. McCardell commented that she would concur that Rochester Hills should become a more walkable place to live and some type of path should connect all areas of the city. She stated that she grapples with changing the past and the character of that area.

Mr. Deel stated that one of the primary issues mentioned is traffic. He commented that while he does not live on that side of the City, he drives Adams Road quite a bit and it is definitely in need of widening. He congratulated Mr. Schneck for putting together the cost participation agreement that shares the cost with OU and the RCOC. He noted that having that buy-in by the three quasi-governmental agencies will be necessary to make this possibility come together. He stated that it is not only

important that there will be a cost sharing of the project, the fact that these parties are at the table as a part of the agreement will make it easier to acquire the right-of-ways to complete the project in its entirety.

Mr. Schneck noted that while the DPS staff are facilitating the agreement, much credit goes to Mayor Barnett.

Mr. Hetrick stated that he would hope that the possible progress to improve Adams Road would be pleasing to those who commented earlier on traffic. He stressed that these three organizations have not gotten together in the past on this issue. He noted that the feasibility study reminds him of the project undertaken to redevelop the Auburn Road Corridor area into a more walkable neighborhood. He stated that that concept appears similar to what this study should accomplish.

Mayor Barnett stated that it is a good thing to have OU at the table. He noted that when OU and Auburn Hills were looking to widen Squirrel Road, OU viewed the right-of-way acquisition as a revenue opportunity. He commented that OU has a unique interest in this side of campus. He commented that OU ultimately hopes to develop the corner of Adams and Walton Boulevard at some point and cannot support any sort of substantial development on a two-lane road. He pointed out that OU owns all of the property on both sides of the road almost from the light at Hillendale south for some distance. He stated OU came to the City as a partner and talked about a mutual interest in the possibility. He noted that completing this segment is probably impossible without OU as a partner. He stressed that the City is not committing to anything except for understanding what the possibilities are, and OU's participation as a partner could make something that is not currently feasible from a right-of-way standpoint potentially feasible. He mentioned that the RCOC commented that this could be a \$30 million project from M-59 to Walton Boulevard and would require some substantial work due to bridges, elevation changes, and historic features. He stated that this is not a done-deal at all; however, the residents can be told that the City has engaged new partners to potentially pursue and evaluate the options. He mentioned that Sandy Steiner, the resident who ran every street in the city, commented that the most dangerous road in the City was Adams Road by OU. He expressed his thanks to OU President Dr. Ora Pescovitz and Chief Operating Officer Scott Kunselman.

Dr. Bowyer stated that she knows OU will be developing the corner of Walton and Adams. She questioned why the City is involved if OU owns both sides of the RCOC's road.

Mr. Schneck responded that the City has a vested interest as its utilities, water and sanitary sewer will be impacted by a project. The City has interest in a non-motorized pathway as well. He commented that having a seat at the table will require the City to be engaged. He noted that there will be amenities beyond the roadway. He mentioned that whether the City is financially involved or not, the RCOC typically asks the City's opinion as to what the City would like to see as a project. He stated that the feasibility study would encompass more than the road and will include utilities under the City's jurisdiction, pathway that may eventually be under the City's jurisdiction and other amenities along that corridor.

Mayor Barnett added that the City sought a creative solution for advance-funding Livernois and Hamlin Road projects as the City has residents who have a great interest in these projects. He commented that the number one issue in the City is traffic and infrastructure, and the City's participation at the table allows the project to jump ahead of other community's issues. He noted that this is a big-budget item that will require many partners and much leverage to find funding.

Dr. Bowyer stated that she would like to see OU provide the land without requiring a purchase of any easements.

Ms. McCardell questioned how the right-of-ways might be secured easier.

Mr. Schneck responded that the existing road right-of-way does not allow for reconstruction or expansion of the existing Adams Road. Having those strategic partners involved and with OU owning all of the land north of Avon to Walton on both sides makes the negotiation that much easier.

Ms. McCardell questioned whether payment for the right-of-way would be required through the study.

Mr. Schneck responded that the study will encompass only the feasibility and what could be built in that corridor, reviewing the possibilities of a three-lane, five-lane or boulevard section, and if a roundabout might be feasible. He stated that the study will vet the process of what could be constructed.

Ms. McCardell questioned whether the City would be reimbursed any of this money, and if the City would be reimbursed for Livernois or Hamlin Road work by the RCOC.

Mr. Schneck responded that with this particular project there would be no reimbursement. He stated that the City would be a strategic partner and one of three. He noted that Hamlin Road is different than Livernois, and explained that Livernois is an advance-construct project where the City will fund the Federal portion of that project and be reimbursed in 2021, via a fiscal year starting in October 2020. He stated that Hamlin Road is a true partnership with a half-and-half split of the costs. He noted that Hamlin Road is currently under the jurisdiction of the RCOC; and once completed, that portion of roadway will be conveyed to the City.

Ms. McCardell stated that the City would gain a synopsis of that portion of roadway and does not own the road or the property on either side of that road.

Mr. Schneck responded this was correct.

Mr. Deel stated that by having the landowner of the right-of-way to be acquired at the table and having an interest in the project makes that right-of-way acquisition easier. With the partners at the table having a vested interest in the project, the negotiations will be easier.

Mayor Barnett noted that the City can take partnership toward the project at any time; however, without partnership with the RCOC, the City would not have been able to advance these other road projects. He stated that his strategy has always been that more partners are better. He noted that the City will come to the table with the intent of looking at all the solutions possible.

Ms. McCardell stated that while she is not the resident-conservative on Council, Council always stresses financial conservancy. She commented that while she understands the value of knowledge, she questions why the City wishes to spend \$26,000 on a project for a road it does not own. She stated that it is as if the City is buying a seat at the table, and she does not know whether she agrees with that idea.

Mr. Schneck responded that oftentimes things are viewed as a quality of life issue. He stated that there are roads that are not under the City's jurisdiction yet the City will receive calls from residents urging the City to do something to better these roads. He pointed out that the City invested money in the gravel roads under the jurisdiction of the RCOC and improved ride quality for a longer period of time.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Tisdell

Nay 1 - McCardell

Enactment No: RES0100-2018

Resolved, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills, Board of Road Commissioners (BOARD) for the County of Oakland, and Oakland University for preliminary engineering services for the widening of Adams Road from Hamlin Road to Walton Boulevard and authorizes payment to the BOARD in the amount of \$26,505.00 and further authorizes the Mayor to execute the contract on behalf of the City.

2018-0131 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for the 2018 Asphalt Road Rehabilitation Program in the amount of \$1,476,809.25 with a 10% project contingency in the amount of \$147,680.93 for a total not-to-exceed project amount of \$1,624,490.18; Pro-Line Asphalt Paving Corp., Washington, MI

Attachments: [040918 Agenda Summary.pdf](#)
[Asphalt Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that Council provided funding in the Budget for the annual Local Road Rehabilitation Program. He noted that plans and specifications have been prepared for the Asphalt Rehabilitation Program. He explained that a list of streets to be undertaken was provided, with work based on the pavement management system rating the streets.

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 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0101-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for the 2018 Asphalt Road Rehabilitation Program to Pro-Line Asphalt Paving Corp., Washington, Michigan in the amount of \$1,476,809.25 with a 10% project contingency in the amount of \$147,680.93 for a total not-to-exceed project amount of \$1,624,490.18 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.

2018-0136 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for the proposed 2018 Asphalt Road Rehabilitation Program in the not-to-exceed amount of \$206,700.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [040918 Agenda Summary.pdf](#)
[2018 Asphalt Rd Rehab CE Services Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, explained that DPS staff members are very busy and are seeking assistance from Spalding DeDecker to oversee the construction engineering services for the Asphalt Rehabilitation program on behalf of the City. He noted that they are a retained vendor through a quality-based selection process.

Public Comment:

Lee Zendel, 1575 Dutton Road, questioned what is undertaken when rehabilitating an existing asphalt road, and why engineering services are necessary if only laying asphalt over existing asphalt.

Mr. Schneck responded that two inches of asphalt is milled. Assurance is needed that the appropriate cross-slope is attained after the milling. At that point, the street is walked to observe whether any distressed areas within the pavement exist; and if found, they are sawn out and replaced with appropriate material at appropriate compaction rates. He noted that before the contractor is ready to pave, the area will be swept, a bond coat applied, and the asphalt placed. He stated that during placement, the compaction process is supervised. He explained that a 20-ton vibratory roller compacts the asphalt, and proper rolling patterns and densities are necessary, along with assurance that the appropriate thickness is applied. He commented that in the asphalt industry, two methods are used to determine price, either based on the square yard or on tonnage. He mentioned that if by the square yard, the contractor will typically want to skimp on materials; and if by tonnage, the contractor will typically want to apply more than is required. He stated that the inspectors are on site to ensure that the process is undertaken appropriately and the workmanship is according to plans, specifications, and industry standards. He added that the inspector maintains an accounting of what was placed in order to generate a progress estimate; and inspector daily reports

are completed to provide what equipment was in place, weather conditions, and what activities went on in the event that might be a future claim.

He noted that the inspector also ensures that traffic is addressed. He explained that during asphalt work, it is known to occur where the tack coat is placed and a motorist does not obey the traffic control flags and drives over the tack, getting it all over the side of their car. He stressed that the inspectors play a very important role to ensure workmanship and safety is maintained.

President Tisdell noted that the Local Roads total rehabilitation budget is approximately \$5 million. He pointed out that the proposed contract is approximately four percent of that total to supplement DPS personnel out on the site to ensure work is completed to the City's requirements.

Vice President Morita responded to Mr. Zendel, noting that when her subdivision's streets were redone two summers ago, an inspector was provided who follows the contractors to ensure that they are doing everything they are supposed to do, in the manner that it should be done, so the City gets what it pays for. She noted that it requires someone who understands what the contractor should be doing and when, who can measure the thicknesses, who can observe the material quality, and someone who can watch how the material is being rolled out. She stated that when problems are encountered, such as unexpected ponding or drainage issues, the inspector is responsible for these problems being addressed. She commented that the City's staff cannot cover such an extensive program on its own.

Mr. Deel pointed out that the request is for a not-to-exceed amount, and questioned whether the contract encompassed a flat fee basis or was based on another structure.

Mr. Schneck responded that a rate is given based on personnel on site and will be an hourly expense. He commented that if the costs are ten percent less, the City will pay ten percent less. He stated that a not-to-exceed ceiling exists.

Mr. Deel commented that it is an hourly contract with the City only paying for the work actually performed, via an itemized bill.

Mr. Schneck confirmed that the City will receive a detailed breakdown of days and inspectors.

Ms. McCardell pointed out that the City received five bids for this work and the contractor selected was the lowest responsive responsible bidder.

Mr. Schneck explained that the City retains five engineering firms to help on various types of projects. Those firms are selected based on a quality-based selection process. He noted that cost is a component; however, other criteria is reviewed when selecting a consultant. He pointed out that this is different from a contractor, as typically those are selected by unit-based bids.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0102-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for construction engineering services for the proposed 2018 Asphalt Road Rehabilitation Program to Spalding DeDecker, Rochester Hills, Michigan in the not-to-exceed amount of \$206,700.00 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.

2018-0132 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for the 2018 Concrete Road Replacement Program in the amount of \$2,776,063.49 with a 10% project contingency in the amount of \$277,606.35 for a total not-to-exceed cost of \$3,053,669.84; Mark Anthony Contracting, Inc., Utica, MI

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

Allan Schneck, Public Services Director, stated that two options are being presented to Council for consideration. He expressed kudos to the Engineering Division for preparing the plans and specifications and working in partnership with the Purchasing Division to issue the request for proposals in the first quarter of the fiscal year. He explained that in doing so, the City typically receives very favorable unit pricing, which he noted occurred with respect to the Concrete Program. He stated that the bids came under budget by over \$500,000; and, therefore, it is recommended that Option 2 be pursued. He noted that mobilization and traffic control are all lump sum items in the contract, and he noted that the streets recommended in Option 2 will need to be done next year if not undertaken this year. He stated that in addition to taking advantage of favorable unit pricing, undertaking these streets will relieve operation and maintenance crews of the need to continue to patch these areas. He commented that the City's limited resources can be focused elsewhere in the City.

Dr. Bowyer questioned how many additional roads will be undertaken for Option 2.

Mr. Schneck responded that if approved, Arlington Drive and Meadowview Court would be added to the list included in the Council memorandum.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0103-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for the 2018 Concrete Road Replacement Program to Mark Anthony

Contracting, Inc., Utica, Michigan in the amount of \$2,776,063.49 with a 10% project contingency in the amount of \$277,606.35 for a total not-to-exceed cost of \$3,053,669.84 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.

2018-0135 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction survey and as-needed inspection services for the proposed 2018 Concrete Road Replacement Program in the not-to-exceed amount of \$65,760.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [040918 Agenda Summary.pdf](#)
[SDA 2018 Concrete Road CE Services Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, explained that similar to the Asphalt Rehabilitation Program, the City needs assistance in delivering the project. He noted that for the Concrete Rehabilitation Program, a City inspector will be performing the inspection; however, when the concrete sections are torn out, the construction engineering subcontractor surveys to ensure the elevation of the street replacement is appropriate for horizontal and vertical road alignment.

Public Comment:

Lee Zendel, 1575 Dutton, noted that the Concrete Rehabilitation Program is roughly twice the price of the Asphalt Program; however, the engineering is one-third of the price. He questioned why these amounts are so different.

Mr. Schneck responded that Council is requested to approve services for the survey portion of the project. He noted that City staff will be doing the inspection itself. He explained that the City does not have a surveying division or the surveying expertise needed in-house to perform these services. He stated that these services are a part of Spalding DeDecker's expertise. He stressed that drainage is very important and the road must be reinstalled with the appropriate low points, high points and cross-section. He stated that Spalding DeDecker will place the survey control to allow the contractor to re-establish the road where it needs to be placed.

President Tisdell commented that a life cycle cost study between asphalt and concrete was reviewed three or four years ago; and while concrete itself is significantly more expensive, the engineering services cover a much greater area for asphalt road rehabilitation.

Mr. Schneck concurred, noting that the Hot Melt Asphalt program rehabilitates approximately ten miles of road versus two miles for the Concrete Program.

Dr. Bowyer questioned whether the inspection services covered the entire program or only the added part for Option 2.

Mr. Schneck responded that it would be for the entire Concrete Program. He pointed out that the City would be taking the accounting for the amount of concrete

placed and footage of under-drain being installed. Spalding DeDecker's services will be to provide the survey control.

Dr. Bowyer questioned whether concrete requires as much oversight as asphalt.

Mr. Schneck responded that both require a significant amount of oversight. He explained that testing is done for concrete to ensure water composition and cylinders made and broken to test strength; however, he noted that the City's in-house Engineering Division will be doing the majority of the concrete inspection work. He stressed that the City does not have the capability of providing the survey control in-house.

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

Aye 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0104-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for construction survey and as-needed inspection services for the proposed 2018 Concrete Road Replacement Program to Spalding DeDecker, Rochester Hills, Michigan in the not-to-exceed amount of \$65,760.00 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.

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting - Monday, April 23, 2018 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Morita and seconded by Bowyer to adjourn the meeting at 9:07 p.m.

MARK A. TISDELL, President
Rochester Hills City Council

TINA BARTON, MMC, Clerk
City of Rochester Hills

*MARY JO PACHLA, CMMC
Administrative Coordinator - City Council
City Clerk's Office*

Approved as presented at the April 23, 2018 Regular City Council Meeting.