



# 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)

*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."*

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Monday, April 23, 2018

7:00 PM

1000 Rochester Hills Drive

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### 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** 6 - Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdel

**Absent** 1 - Susan M. Bowyer

### Others Present:

*Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Nancy Butty, Fire and Life Safety Educator  
Maya Iyer, Rochester Hills Government Youth Council representative  
Kevin Krajewski, Deputy Information Systems Director  
Rochelle Lyon, Information Systems Administrator II  
Sara Roediger, Planning and Economic Development Director  
Allan Schneck, Public Services Director  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Tom Talbert, Strategic Innovations Specialist  
Laurie Taylor, Assessing Director  
Pamela Valentik, Economic Development Manager*

*Dr. Bowyer provided prior notice that she would be unable to attend.*

### PLEDGE OF ALLEGIANCE

*Rochester Hills Community Emergency Response Team (CERT) led by Team Volunteer Leader Brian Kevelin led the Pledge of Allegiance.*

## APPROVAL OF AGENDA

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

## COUNCIL AND YOUTH COMMITTEE REPORTS

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

*Mr. Deel* introduced **Maya Iyer**, RHGYC Representative, and stated that she is a Freshman at Rochester High School, plays basketball, and is in her first year on the RHGYC.

*Ms. Iyer* reported that the RHGYC is preparing for hosting a Youth Summit on Saturday, May 5, 2018. She stated that it will be a fun and educational event, and noted that registration is available on the RHGYC's page on the City's website. She announced that the Annual 5K Walk/Run is set for Saturday, June 16, 2018 at Bloomer Park. Innovation Hills will be the beneficiary this year. A link to registration is on the website. She noted that applications for the 2018-2019 RHGYC are on the website, with a deadline for submission of May 15, 2018.

### **Rochester-Avon Recreation Authority (RARA):**

*Mr. Deel* announced that RARA will host opening day activities at Borden Park on Saturday, May 19, 2019 from 9:00 a.m. to 1:00 p.m.

### **Older Persons' Commission (OPC):**

*Mr. Kubicina* noted that the OPC's largest fundraiser to benefit Meals on Wheels, A Night at Monte Carlo, is set for Saturday, April 28, 2018 at the Royal Park Hotel. He announced that a series of musical events, Music, Madness, and a Mix of Motown, will be held on May 9, 10, 11, 16, and 17 from 12:00 noon to 3:00 p.m., and on May 18 from 7:00 p.m. to 9:00 p.m. Tickets for the afternoon performances are \$17 and include lunch. Tickets for the evening performance are \$14.

### **Public Safety and Infrastructure Technical Review Committee (PSITRC):**

*Ms. McCardell* announced that the PSITRC will hold a meeting on Wednesday, May 9, 2018 at 6:00 p.m. at City Hall.

### **Rochester-Auburn Hills Community Coalition (RAHCC):**

*Ms. McCardell* announced that a Yoga Saturday will be held on May 19, 2018 at City Hall. Details are forthcoming.

**Rochester Hills Museum Foundation:**

*Vice President Morita noted that the Rochester Hills Museum is undertaking a project to redo its exhibits. She explained that by this time next year the 20-year-old exhibits will be updated and refreshed in a different format.*

**RECOGNITIONS**

**2018-0137** Proclamation in Recognition of the Rochester Hills Community Emergency Response Team (CERT)

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Mayor Barnett explained that the Community Emergency Response Team (CERT) volunteers are ready to serve during times of crisis. He stated that they helped during the recent large power outage and coordinated efforts after the tornado a couple of years ago. He commented that the CERT team trains year-round, and present a report to the Mayor each year of the work they have done and volunteer hours logged. He read the proclamation honoring the team's efforts. He introduced **Nancy Butty**, Fire and Life Safety Educator, and stated that she coordinates the CERT team.*

*Ms. Butty stated that this is an amazing group of people who give of their time. She noted that anyone interested in joining the CERT team can contact her at the Fire Department and attend a six-week training class that will begin May 19, 2018.*

*Council congratulated the team members for their contribution to the city.*

**Presented.**

**Whereas**, the Rochester Hills Community Emergency Response Team program, also known as CERT, provides education to local area volunteers regarding disaster preparedness; and

**Whereas**, members are trained in the areas of medical response and operations, fire safety, traffic control, team organization and light search and rescue; and

**Whereas**, the Rochester Hills CERT volunteers continue to remain active in the local community, working with both the sheriff's deputies and fire department personnel; and

**Whereas**, the current CERT consists of the following dedicated team members:

Joe Binder  
Tammy Brown  
Elspeth Coats  
Karen Dimond  
Karen Garr  
Ron Harvey  
Tamie Jones

Beth Johnson  
Brian Kevelin  
Cathy Kroll  
Bradly Lawrence  
Jane Mancour  
Erik Rubin  
Kate Tansley  
Joe Tarajos  
Randy Truscott  
William Vibbert  
Bill Warner  
Yvonne Whiteley  
Dawn Yerge-Gialanella

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of the City of Rochester Hills hereby thank the Rochester Hills Community Emergency Response Team for their extraordinary service for the safety and protection of our residents.

## PLANNING AND ECONOMIC DEVELOPMENT

**2006-0294** PUBLIC HEARING - Request to approve an amended Consent Judgment pertaining to Adams/Hamlin Development Co. v. the City of Rochester Hills, Case No. 2004-060730-CZ, entered on April 20, 2006 and specifically regarding two parcels of land totaling approximately 28 acres, located at the northeast corner of Hamlin and Adams, Parcel Nos. 15-29-101-022 and -023; Rochester Hills, Oakland County, Michigan

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Suppl Presentation.pdf](#)  
[Amended Consent Judgment REDLINED 2-27-18.pdf](#)  
[Goldberg Introductory Cover Letter 4.12.18.pdf](#)  
[Goldberg Companies - Diversified Real Estate 2017.pdf](#)  
[Rochester Hills FAQ 2.pdf](#)  
[Conceptual Elevations.pdf](#)  
[Public Hearing Notice 042318.pdf](#)  
[020518 Agenda Summary.pdf](#)  
[Consent Judgment 013018.pdf](#)  
[Suppl Presentation 020518.pdf](#)  
[Site Plan \(SK-5\) CONCEPT-17037.pdf](#)  
[Hamlin-Adams Brownfield Plan Final 110917.pdf](#)  
[Plan Comparison Table 121117.pdf](#)  
[Memo on Brownfield Plan 013018.pdf](#)  
[Legacy Introductory Cover Letter.pdf](#)  
[Legacy Rochester Hills FAQ.pdf](#)  
[Goldberg Companies - Diversified Real Estate 2017.pdf](#)  
[Legacy Proposed Elevations.pdf](#)  
[Conceptual Rendering 012618.pdf](#)  
[Minutes CC 41906.pdf](#)  
[041906 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[041906 Resolution.pdf](#)  
[020518 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**President Tisdell** announced that the Public Hearings for Legislative Files 2006-0294 and 2018-0130 would be held concurrently.

In attendance were **Sara Roediger**, Planning and Economic Development Director, **Seth Mendelsohn**, Goldberg Companies, **Bret Stuntz** and **Tony Anthony**, AKT Peerless, and **Thomas Wackerman**, ASTI Environmental.

**Ms. Roediger** noted that the property under consideration consists of 28 acres on the northeast corner of Hamlin and Adams Roads, which was a former illegal landfill resulting in a number of areas of contamination. She explained that it is zoned Single Family Residential; however, development is governed by a Consent Judgment approved in April of 2006 as the result of a controversial rezoning request. She noted that the Goldberg Companies approached the City to request it consider a different development for the parcel, which would require an amendment of the Consent Judgment in order to proceed. She explained that the existing Consent Judgment provides for 95,500 square feet of office and 72,600 square feet of retail; and the City can choose to either allow development per the current Judgment or to amend for the proposed project.

She presented an overview of the proposed project, consisting of 368 residential luxury apartments with development focused toward the corner of Hamlin and Adams Roads. A 100-foot buffer will exist to the north, and the easternmost portion of the property between residential and Innovation Hills Park will remain an undeveloped natural area.

She summarized the differences between the existing and proposed Consent Judgments. She noted that the existing Judgment allows for \$3.5 million in environmental cleanup, while the proposal will result in \$13.4 million in cleanup yielding cleanup to residential standards on most of the property with encapsulation of the rest. She mentioned that estimated road trips resulting from the proposed Judgment would be less, with 2,000 to 2,700 trips versus 10,100 trips for the existing Judgment.

She explained that since Council's February 5, 2018 meeting, language was added to address the following:

1. Final building elevations will be approved as a part of site plan review consistent with the surrounding neighborhood and provide a Tudor style with partial fieldstone front facade.
2. Trees within the northern buffer will not be removed unless absolutely necessary.
3. Reimburse up to \$20,000 toward the cost of constructing a right turn lane off of northbound Adams onto Portage Trail if constructed within 10 years of the Consent Judgment (as opposed to two years previously proposed).
4. Specify how the landscape allowance would be divided amongst the 13 abutting parcels.
5. Install outdoor exercise equipment for public use on the east property adjoining Innovation Hills.

She reviewed the proposed Brownfield Plan, noting that it was recommended unanimously by the Brownfield Redevelopment Authority during two reviews.

The Plan was also reviewed by Chief Financial Officer Joe Snyder and Assessing Director Laurie Taylor. The initial taxable value of the property is \$37,440, with a future taxable value of \$19.75 million. Tax capture will begin in 2020 for an estimated 18 years to reimburse \$13,419,587 including eligible activity costs, contingency and a five percent interest. She explained that because of the extent of the cleanup, the project is appropriate and eligible to allow for interest.

She noted that the Reimbursement Agreement is an in-house internal document which allows the City to collect up to \$10,000 per year for oversight costs. She explained that City Staff and the City's consultants recommend approval.

She stated that if all items are approved this evening, the City Attorney will work with the Mayor, Staff and legal counsel, and the Amendment would go through the Court. The Brownfield Redevelopment Authority's next step would be to submit a Act 381 Work Plan to the Michigan Department of Environmental Quality (MDEQ), with the MDEQ having final approval of the Plan. A site plan will need to be submitted to the City.

**Mr. Mendelsohn** noted that changes were made to the proposed Consent Judgment since the February Council Meeting, and he stated that their environmental team members were in attendance to answer any questions.

**Mr. Stuntz** explained that the property has a presence of landfilling from the 1950s and 1960s, with household-type trash above a residential standard. He noted that the eastern corner shows contamination from the dumping of paint waste with a substantially higher level of contamination on the site. He pointed out that the delineation between the two parcels was pushed eastward with the entire western parcel slated to be cleaned to the highest residential standard. He noted that the eastern parcel will receive a feasible and customary type of encapsulation to isolate the contamination and keep it from migrating. He explained that between February and now there has been time to work with the City to evaluate the property and work on a reimbursement schedule. He noted that the schedule shows a maximum of 18 years if all activities anticipated are deemed necessary.

**President Tisdell** noted that this is not a choice between the proposed development and status quo. He pointed out that the property is ruled by a Consent Judgment for an approved commercial development or consideration of a proposed residential development.

**President Tisdell Opened the Public Hearings for Legislative Files 2006-0294 and 2018-0138 at 7:33 p.m.**

**Lawrence Schloss**, 2851 Current Drive, stated that the original party to the 2006 Consent Judgment is not involved in the negotiations. He questioned whether Vice President Morita has recused herself from any financial consideration for landscaping. He commented that he opposes the project as he believes it is being ushered in and has legal and environmental problems.

**Melinda Hill**, 436 Streamview Court, expressed her opposition, stating that the

city does not need 368 apartments. She commented that it is too dense and will create problems with infrastructure. She stated that ownership is surpassing renting and apartments promote a transient community.

**Laura Cunningham**, 3335 Kenwood Drive, stated that as an architect, she has concerns that the development proposed is too dense, and there is a lack of details on landscaping and curb cut locations for traffic control. She noted that the whole site will not be cleaned up and questioned what the long-term care plan will be. She commented that the developer has not contacted residents. She expressed concern regarding cleanup activities and dust control, and stated that she would hope the City will make the approvals meet all current standards.

**Edmund Baron**, 3310 Greenspring Lane, stated that while he can see that the company is reputable and has developed in 10 to 12 areas similar to Rochester Hills, he still has concerns regarding resident safety. He questioned whether methane is a concern, noting that years ago a home on Parke Street close to a landfill blew up. He mentioned that the Medical Main Street project was scrapped because the first bulldozer on the property sank.

**Seeing No Further Public Comment, President Tisdell Closed the Public Hearing at 7:44 p.m.**

**President Tisdell** requested concerns and questions raised during the Public Hearing be addressed. He noted that Vice President Morita has chosen to refrain from accepting the offer of compensation for landscaping made to 13 abutting or adjacent residents.

**Vice President Morita** stated that she and her husband have chosen to opt out of the offer of compensation in order to remain in the conversation. She noted that page 24 and 25 of the redlined version of the proposed Consent Judgment provides wording that eliminates her participation. She mentioned that if she and her husband sell their home within two years a new owner will be able to partake of the offer.

**President Tisdell** noted that the cleanup of the western parcel would be supervised by the MDEQ and result in a No Further Action (NFA) standard.

**Mr. Anthony** stated that the area where the development will occur is a removal action. He noted that the eastern area mentioned during public comment will result in some material left in place and encapsulated within that area. He explained that a clay layer runs below, a clay wall barrier will be installed, and a cover installed over the top to prevent direct contact or infiltration of water into the material. He stated that this is one of the most protective ways for the Clinton River, and he noted that migration is occurring today.

**Mr. Wackerman** stated that this is clearly a cleanup of the residential portion and will meet the unrestricted residential standard. He noted that there will be significant cleanup on Parcel B as well with excavation and removal of material. He pointed out that under the previous Consent Judgment and Plan, there was no way for the MDEQ to be actively involved in cleanup activities. He explained that the rules have changed, and under the current proposed Plan and Consent

*Judgment the MDEQ will be actively involved, with 10 to 12 plans filed with the MDEQ for review. He stated that at the end of the process, the MDEQ will issue a No Further Action letter, and all activities to create an unrestricted residential closure will be complete. He noted that Parcel B will have documentation of due care and compliance, which will indicate what will be done on that parcel to protect both currently and going forward.*

**President Tisdell** mentioned that the MDEQ did not fare favorably during the Flint water incident, and he commented that they are under a significant amount of scrutiny.

**Mr. Wackerman** responded that the MDEQ is incredibly conservative now. He commented that the MDEQ has been one of the top five most conservative agencies in the country.

**President Tisdell** questioned whether the project could be considered too dense and would promote a transient population.

**Mr. Mendelsohn** responded that their developments do not have a large transient population and explained that their main focus is members of the community who want to downsize as well as millennials growing older and wanting to start a family. He mentioned that a large conservation area will be included. He noted that prices will be determined by market forces and will be significantly higher than anything currently located in the community with amenities above as well. He explained that young families and individuals in their 30s can come into a community and start there.

**President Tisdell** questioned whether there is a methane concentration in Parcel A.

**Mr. Anthony** responded that a recent methane study detected no methane. A study was also done in 2008, and in the 10-year period, the results have shown that no methane has crossed from the property across Hamlin Road.

**Mr. Mendelsohn** pointed out that venting will be added in the event methane is encountered. He mentioned that compaction was also checked.

**President Tisdell** questioned whether site planning will be reviewed by the MDEQ and the Planning Commission.

**Ms. Roediger** responded that landscaping and curb cuts will be reviewed by the Planning Commission and recommendations for approval will go to City Council.

**Vice President Morita** noted that a meeting was held with adjacent neighbors. She questioned how dirt would be kept onsite and not in the street or airborne in dust.

**Mr. Anthony** stated that an excavator will load the dirt into trucks and there will be a requirement for wetting or mechanical dust suppression methods. He noted that air monitoring will be implemented with monitor stations set up along boundaries between the excavations and the houses.



**Vice President Morita** stated that the monitoring areas should be moved around the site.

**Mr. Anthony** responded that while he did not feel that it is necessary to do so as spacing and location would be adequate to intercept a cloud elongating by the wind, he would have them moved.

**Mr. Wackerman** noted that this will be the subject of a fugitive dust control plan, and the MDEQ will monitor and determine the equipment needed.

**Vice President Morita** questioned whether tires will be rinsed down before leaving the site.

**Mr. Anthony** responded that a decontamination area will be set up at the point of egress which will consist of a mechanical means to knock dirt off of the tires and the truck. He explained that if dirt is being tracked onto the road, street sweepers will be required on a daily basis.

**Vice President Morita** stated that the residents should have assurances that dirt will not be on the walking paths.

**Mr. Wackerman** responded that the dirt should not be off the property and details of the program will be a part of a future sedimentation control plan.

**Vice President Morita** noted that the Medical Main Street project was for the former Suburban Softball site, and she noted that compaction issues were encountered. She mentioned that any recent activity bringing dirt onto that site is only to check compaction and how fast the dirt is sinking. She expressed appreciation that the developer has offered to help create a right turn lane for Portage Trail to mitigate entrance and traffic issues, and noted that language to this effect is in the redlined Consent Judgment.

**Mr. Hetrick** questioned what recent testing has been done at the site in addition to methane.

**Mr. Anthony** responded that the bulk of testing was done in 2007 including soil borings which provided the characterization of the site. He noted that another investigation is underway with findings updated.

**Mr. Stuntz** stated that the methane testing was done last year. He explained that while the MDEQ is reviewing the 381 Plan, more investigations will be undertaken.

**Mr. Anthony** noted that once removal is complete, additional samples will be collected to verify that all materials have been removed to MDEQ guidelines.

**Mr. Hetrick** questioned whether additional testing could adjust what the hot spots would be.

**Mr. Anthony** responded that the squares have been drawn conservatively, and it is his opinion that the areas could be smaller.

**Mr. Hetrick** questioned the development density.

**Ms. Roediger** responded that the City has worked with the applicant to reduce the density as much as feasible, with 35 fewer units than originally proposed. She noted that the environmental cost for the cleanup was considered.

**Ms. McCardell** commented that she had a Bachelor's Degree in Environmental Science, and stated that the number one consideration dividing Council was the cleanup. She noted that the proposed cleanup goes above and beyond, and she stated that she appreciates the extras thrown in to give the project a great feel for Rochester Hills.

**Mr. Anthony** stated that the developers do not want dirt migrating off the site. He commented that he has the benefit of knowing more about the details for protection, and monitors are only one line of a multiple-line defense.

**Mr. Deel** questioned what steps will be taken to prevent methane migration.

**Mr. Anthony** responded that there has been no methane detected crossing Hamlin Road, and the MDEQ has not seen any migration in their monitoring. He pointed out that each building will have a sub-slab depressurization system to prevent vapors from collecting.

**Mr. Deel** questioned what responsibility or liability the developer will have for any dirt coming off of the site.

**Mr. Anthony** responded that their firm is in the project to build relationships and has 30 years of experience. He commented that it is his personal reputation on the line.

**Mr. Deel** questioned whether it would ever be viable to have single family homes developed on the site.

**Mr. Mendelsohn** responded that cleanup costs alone make single family homes not viable. He pointed out that the lender and insurance company required methane testing, and stated that had any methane been found, they would not be financing the project. He stated that their company is not a merchant builder, and this will be one of their communities. He noted that the other requirement is a NFA classification of the property that the units will be built on so that there is no stigma remaining on the property.

**Mr. Deel** commended the company, noting that in negotiations they have met every one of the City's demands. He stated that this shows the level of commitment they have to Rochester Hills.

**Mayor Barnett** noted that this and previous Councils have grappled with this property for decades. He commented that to see a tract of land in Rochester Hills that has not been developed is a clue that something is wrong with the property.

*He stated that there are not many people that want to invest \$13.8 million into cleaning up a property before money can be made. He noted that there are many landfill areas that the City would like to see developed and turned back into value-added parcels in the community. He pointed out that Vice President Morita had Staff meet with all 13 adjacent homeowners. He stated that the worst thing possible is to leave the site as it is. He noted that Councils and residents want to see less traffic versus more, residential versus commercial/retail, and more cleanup versus less.*

**Vice President Morita** noted that out of 13 adjacent residences, 12 attended the meeting and 11-1/2 favored the development. She noted that one spouse was in opposition.

**Mayor Barnett** mentioned that the compensation for the adjacent homeowners is similar to an agreement made during the development of the Village of Rochester Hills. He commented that the City's weakness is that it is largely a community of 2,500 to 3,500 square foot homes. He stated that there is a burgeoning market for this type of development. He mentioned that the next item on the agenda is to consider a foreign company adding to its workforce in Rochester Hills.

**Mr. Kubicina** noted that no one has mentioned this evening that Innovation Hills is adjacent to the parcel. He stated that cleanup of this parcel will enhance its property value, and Innovation Hills will enhance the quality of life for the residents of the development.

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0105-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Amended Consent Judgment pertaining to Adams/Hamlin Development Co. v the City of Rochester Hills, Oakland County Circuit Court Case No. 2004-060730-CZ.

**Be It Further Resolved**, that the City Attorney and the Mayor are authorized to execute the amendment to the Consent Judgment and any other documents necessary to implement this settlement on behalf of the City.

**Be It Finally Resolved**, that the City Attorney is authorized to undertake the necessary actions to arrange for the Amended Consent Judgment to be entered by the Court and recorded at the Register of Deeds.

**2018-0130** PUBLIC HEARING - Request for Approval of a Brownfield Plan for Legacy of Rochester Hills, City file No. 17-043, for the remediation of property for a proposed residential apartment development on 28 acres located at the northeast corner of Hamlin and Adams, zoned by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, Goldberg Companies, Applicant

**Attachments:** [042318 Agenda Summary.pdf](#)  
[ASTI Memo on Brownfield Plan 040918-041218.pdf](#)  
[Hamlin-Adams Brownfield Plan Final - 04 09 18.pdf](#)  
[Rochester IRR 040618.pdf](#)  
[Applicant response TIF & Interest.pdf](#)  
[ASTI Memo on 381 Work Plan 040418-041218.pdf](#)  
[Hamlin Adams Act 381 Work Plan DRAFT 4 4 2018.pdf](#)  
[Minutes BRA 041018.pdf](#)  
[PHN 042318.pdf](#)  
[Hamlin Adams Brownfield Application.pdf](#)  
[Memo Roediger 4-10-18 Mtg..pdf](#)  
[Brownfield Policy Final.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Public Hearing and Discussion for this item was held during Legislative File 2006-0294 immediately preceding this item.**

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0106-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Brownfield Plan for Legacy of Rochester Hills, for remediation of property for a proposed residential apartment development on 28 acres located at the northeast corner of Hamlin and Adams, zoned by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, Goldberg Companies, Applicant, with the following findings and conditions.

**Findings:**

1. The submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.
2. The subject parcels qualify as a "facility" under the terms of Act 381.
3. The submitted plan qualifies for the use of tax increment financing based on the policies and goals of the Brownfield Redevelopment Authority.
4. If implemented, the amount, pay-back period and use of tax increment financing is reasonable for the eligible activities proposed.
5. The submitted Internal Rate of Return (IRR) evaluation supports the need for the requested incentive.
6. The applicant has demonstrated that the proposed project requires a 5% interest capture to succeed.
7. The extreme circumstances associated with this site's history and the desire of the City to use this site for residential purposes have increased the cost of environmental cleanup. Therefore, the City finds that the requested interest cost is considered an eligible and appropriate activity in this case.

**Conditions:**

1. A reimbursement agreement shall be negotiated between the City and the applicant prior to any TIF monies being paid out for eligible activities. The reimbursement agreement and the Brownfield Plan will dictate the total cost of eligible activities subject to payment, provided that the total cost of eligible activities subject to payment or reimbursement under the reimbursement agreement shall not exceed the estimated costs set forth in the

Brownfield Plan by more than 15% without requiring an amendment to the Brownfield Plan.

2. That if the extent of due care activities related to the subject site is altered or revised due to a change in the proposed development plans or proposed use of the site, the applicant shall submit for an amended Brownfield Plan to the Brownfield Redevelopment Authority.
3. Items to be addressed in the letters from ASTI Environmental dated April 12, 2018 as discussed by City Council.

**2018-0156** Request for Approval of the Brownfield Reimbursement Agreement for Hamlin/Adams Properties, LLC for the Legacy Rochester Hills project, City File No. 17-043, located at the northeast corner of Hamlin and Adams Roads

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Brownfield Reimbursement Agmt with RH.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Discussion for this item was held during Legislative File 2006-0294 preceding this item.**

***Sara Roediger, Planning and Economic Development Director, stated that the details of the reimbursement agreement were covered during Legislative File 2006-0294 this evening. She noted that the formal document was prepared by City Staff and was reviewed by legal counsel to ensure that the City recoups its costs.***

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0107-2018

***Resolved***, that the Rochester Hills City Council hereby approves the Brownfield Reimbursement Agreement for Hamlin/Adams Properties, LLC for the Legacy Rochester Hills project, approximately 28 acres located at the northeast corner of Hamlin and Adams Roads.

**2005-0377** PUBLIC HEARING - Request to consider approval of the Sixth Amendment to the Consent Judgment in the case, Grand/Sakwa Properties Acquisitions, LLC v City of Rochester Hills, Oakland County Circuit Court Case No. 02-046199-AW, concerning the development use of the property located south of M-59, north of Adams

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Suppl Presentation.pdf](#)  
[Suppl KOSTAL Presentation.pdf](#)  
[KKS Letter.pdf](#)  
[KKS - Order for Sixth Amendmt to Consent Judgmt \(041218\) w/Exhibits.pdf](#)  
  
[KKS - Exhibits to Order for Sixth Amendm to Consent Judgmt \(As submitted to City 041218\).pdf](#)  
[Original Consent Judgment 040303.pdf](#)  
[Original Consent Judgment-Exhibits.pdf](#)  
[Grand Sakwa CJ Amend PH Notice.pdf](#)  
[052505 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Agenda Summary 051805.pdf](#)  
[Resolution 051805.pdf](#)  
[Resolution 052505.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning and Economic Director, and **Holger Lettmann**, President and CEO of KOSTAL Kontakt Systeme, Inc., were in attendance.

**Ms. Roediger** noted that the Marketplace Existing Consent Judgment covers 104 acres south of M-59 and west of Adams Road. The property is zoned Office-Research-Technology and Industrial. The Consent Judgment was approved in 2003 and was the result of a controversial realignment of M-59. KOSTAL proposes to purchase 16 acres next to Meijer. Any amendment to the Consent Judgment must go back to the Court. She noted that the existing Judgment is open and vague on uses, and provides for a maximum of 800,000 square feet of ground floor building. She explained that 523,000 square feet has been built, leaving 277,000 for additional development.

She noted that in order to accommodate KOSTAL's proposal, the ground floor maximum would need to be increased to 840,000 to accommodate 266,000 square feet of office headquarters. At the present maximum, only 17,000 square feet would remain.

She explained that the proposal would prohibit the construction of any additional hotels on the Marketplace site, limit remaining buildings to two stories, allow a freestanding monument sign for KOSTAL, and allow the KOSTAL building to consist primarily of metal panels and not require decorative canopies or awnings.

She stated that if approved, the next step would be for the property owner and the City to agree on an amended Consent Judgment, a site plan would need to be submitted for review by a technical review committee, and a recommendation made to City Council.

**Mr. Lettmann** stated that approval is crucial for KOSTAL as without it the company will not be able to relocate within Rochester Hills. He presented an overview of his company and their locations throughout Michigan and the world. He explained that the company is privately held and family run, and noted that their product lines focus on electrification and powertrains and autonomous driving technology.

He noted that the company has seen solid growth in sales and the number of employees since 2010. He stated that this will be the company's headquarters and only location in the Americas. He pointed out that all departments will be self-contained here, with customer interfaces within Metro Detroit. He commented that the company operates mainly on a day shift, with 35 to 40 workers at a late and night shift. Shipping and receiving would operate from 7:00 a.m. to 6:30 p.m., with approximately nine total trucks per day. He noted that the manufacturing operation consists of production molding and manufacturing, and is low noise and clean.

He explained that the plan is to build in three stages, and one scenario is to remain in Oakland County, with three different location options of the Marketplace property, Dutton Road, and Featherstone. The other scenario is for the company to move south to Athens, Alabama. He noted that timing is still in the due diligence phase, with a construction phase proposed for 2019 and 2020 and a move out of the current building in 2021.

He discussed revenue growth projections, and noted that the workforce is estimated to grow from 187 to 206, and then to 274 employees in 2027. The first building would be 120,000 square feet, would expand to 180,000 square feet, and eventually grow to 300,000 square feet. He mentioned that the current average wage/salary for an employee is \$57,800.

He pointed out that the company is purchasing a corner parcel from the Michigan Department of Transportation, and the remainder would be a part of the Marketplace property. He stated that the preliminary site plan is complete, and was redesigned to rotate truck ramps to the south away from facing Adams Road.

**Ms. Roediger** stated that the City has been working well with KOSTAL and commented that it is a good business to have in the community. She noted that the company is currently on Hamlin Road, and the City is excited to have this option to keep them in Rochester Hills.

**President Tisdell Opened the Public Hearing at 8:50 p.m.  
Seeing No Public Comment, President Tisdell Closed the Public Hearing at 8:51 p.m.**

**Vice President Morita** questioned where the monument sign would be placed and if it would be on the parcel or off-site.

**Mr. Lettmann** responded that it would be on the site somewhere in the southeast corner.

**Ms. Roediger** noted that any signage would have to meet current Ordinance requirements.

**Mr. Hetrick** commented that putting together a business plan that has a ten-year outlook is outstanding, and the projected growth tells much about the thought process that goes into the company. He stated that KOSTAL is a

company worth keeping. He questioned how a review committee would be involved.

**Ms. Roediger** responded that the Consent Judgment specifies an alternate review process. She noted that staff from the departments including Fire and Planning would be involved in making a recommendation to City Council.

**Mr. Deel** questioned what type of truck traffic would be on the site.

**Mr. Lettmann** responded that trucks would include everything from a UPS truck to larger.

**Ms. McCardell exited at 8:55 p.m.**

**Mr. Deel** stated that KOSTAL has been a great partner for Rochester Hills providing good paying jobs. He commented that it will continue to keep Rochester Hills in the forefront in these emerging technologies.

**Mayor Barnett** commented that this is an exciting evening. He stated that this property is a good spot for KOSTAL as it is zoned for this type of development. He noted that this is a win for the city and KOSTAL has been a great partner. He mentioned that individuals in both Rochester Hills and nearby Auburn Hills were notified that this was being proposed. He noted that the City now has 99 percent occupancy.

**Ms. McCardell re-entered at 8:57 p.m.**

**Mr. Lettmann** expressed his thanks from the KOSTAL team for the City's support.

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0108-2018

**Resolved**, that the Rochester Hills City Council approves the Sixth Amendment to the Consent Judgment in the case, Grand/Sakwa Properties Acquisitions, LLC v City of Rochester Hills, Oakland County Circuit Court Case No. 02-046199-AW.

**Further Resolved** that the City Attorney and the Mayor are authorized to execute the Amendment to the Consent Judgment and any other documents necessary to implement this settlement on behalf of the City of Rochester Hills.

**Be It Finally Resolved**, that the City Attorney is authorized to undertake the necessary actions to arrange for the Amended Consent Judgment to be entered by the Court and recorded at the Register of Deeds.



## PUBLIC COMMENT for Items not on the Agenda

**President Tisdell** cautioned that those residents who wish to speak on an event occurring last week in the City should keep in mind that there is an active criminal investigation ongoing and their commentary should not jeopardize any investigation.

**Edmund Baron**, 3310 Greenspring Lane, commented on the Cost Participation Agreement for preliminary engineering services for the widening of Adams Road from Hamlin to Walton Boulevard approved at the last meeting, noting that when Oakland Technology Park was under development, a boulevard was studied for that stretch of roadway. He suggested Council review discussion from those meetings. He pointed out widening that roadway will destroy the roadway, knocking down the hills. He noted that utilities are under the road; and the land across from the University is owned by the University, with the professors owning the homes themselves. He stated that the price tag 20 years ago was estimated at \$57 million.

**Virginia Patrick**, 417 Wynstone Circle S., Oakland Township, stated that she is involved in the Detroit Regional Interfaith Voice for Equality, and noted that the Rochester Hills community should be aware of racial profiling and safety. She urged the City to look at how to promote diversity in the community, and suggested assigning a committee to take on these issues.

**Reverend Sharon Janet**, 3930 Dunning Road, stated that she is Pastor at Abiding Presence Lutheran Church and is involved in the Interfaith network along with many religious leaders seeking to contribute positively to the eradication of covert and overt prejudices. She requested Council support the Mayor's Compact to celebrate diversity, promote and support a town hall, establish a Mayor's committee for diversity and inclusion, work to strengthen the skills of officers in the Sheriff's Department, and encourage recruitment of a more diverse staff.

**Jill Dunphy**, 1610 Fair Oak Drive, stated that she is a representative of the Greater Rochester Inclusion Network, and supports a welcoming community that is inclusive and safe for everyone. She noted that the Mayor's press release after the event last week was strict and firm, and included Council's resolution reaffirming its policy. She stated that the City should set diversity goals and suggested the hiring of a full-time diversity officer.

**Khary Mason**, 125 Wimpole Drive, commented that a significant portion of the members of the community are constantly under attack and noted that these are not isolated incidents. He stated that the elected bodies do not reflect the diversity of the community.

**Reverend Kenneth Tanner**, 1840 Carter Road, stated that he is a Pastor at Holy Redeemer which has an increasing multiracial membership. He commented that he was impressed with Sheriff Bouchard's statement on the day of the incident. He encouraged Council to recruit minority members to run for office.

## 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.

**2018-0159** Approval of Minutes - City Council Regular Meeting - April 9, 2018

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

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

Enactment No: RES0109-2018

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on April 9, 2018 be approved as presented.

**2018-0138** Request for Acceptance of a Sanitary Sewer Easement granted by Rochester Hills Acquisition Group, LLC, a Delaware Limited Liability Company, for the Medilodge Addition

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Sanitary Sewer Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0110-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a sanitary sewer easement granted from Rochester Hills Acquisition Group, LLC, a Delaware Limited Liability Company, whose address is 2625 Townsgate Rd., Suite 330, Westlake Village, CA 91362, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel No. 15-09-401-015.

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

**2018-0139** Request for Acceptance of a Watermain Easement granted by Rochester Hills Acquisition Group, LLC, a Delaware Limited Liability Company, for the Medilodge Addition

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Watermain Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0111-2018

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted from Rochester Hills Acquisition Group, LLC, a Delaware Limited Liability Company, whose address is 2625 Townsgate Rd., Suite 330, Westlake Village, CA 91362, for the construction, operation, maintenance, repair and/or replacement of a watermain over, on, under, through and across land more particularly described as Parcel No. 15-09-401-015.

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

- 2018-0140** Request for Approval of a Storm Water System Maintenance Agreement between the City of Rochester Hills, and Rochester Hills Acquisition Group, for the Medilodge Addition

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Stormwater Maintenance Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0112-2018

**Resolved**, that the Rochester Hills City Council, hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Rochester Hills Acquisition Group, whose address is 2625 Townsgate Rd., Suite 330, Westlake Village, CA 91362, for the Medilodge Addition, for Parcel No. 15-09-401-015.

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

- 2018-0155** Request for Purchase Authorization - DPS/ENG: Approval of Blanket Purchase Order/Contract in the amount of \$90,000.00 to provide engineering services to NOCWA for a two-year period to expire on March 31, 2020; Orchard Hiltz, and McCliment, Livonia, MI

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0113-2018

**Resolved**, that the Rochester Hills City Council authorizes the approval of a Blanket Purchase Order/Contract to Orchard, Hiltz, and McCliment, Livonia, Michigan in the amount of \$90,000.00 for a two-year period to expire on March 31, 2020.

- 2018-0154** Request for Purchase Authorization - CITYWIDE: Blanket Purchase Order for citywide printing services in the amount not-to-exceed \$78,450.00 through April 30, 2019; Image Printing, Inc., Royal Oak, MI

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0114-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for citywide printing services to Image Printing, Inc., Royal Oak, Michigan in the amount not-to-exceed \$78,450.00 through April 30, 2019 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 Hetrick, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mayor Barnett** commented on last week's event, noting that he was contacted by the Sheriff's Department immediately and has been in constant communication with them. He stated that he put out a statement the next day on behalf of the City that was both personal and passionate. He commented that it is good for the community to take a look at the topic, and stated that his office has been working on launching a Mayor's Advisory Diversity and Inclusion Committee engaging a unique group of people around the topic including experts in the business community and in the field, and leadership at Oakland University. He commented that he will be looking to engage citizens. He stated that when people make stupid decisions, the Court will deal with them. He noted that after the incident, nearly 100 residents stepped up to say that this is not who the community is. He pointed out that next year he will take the mantle as America's Mayor, and he mentioned that the Council of Mayors' highlights Infrastructure, Inclusion and Innovation as their theme for the year. He noted that Rochester Hills is leading the discussion at the table.

He made the following announcements:

- Last Friday a prescribed burn was held in front of City Hall to manage invasive species.
- Yesterday was Earth Day. This past weekend 2,400 six-inch brown trout were dumped into the Clinton River.
- FANUC Robotics hosted the Mayor's Business Council last week. FANUC is the world's leading manufacturer of robotics and robotic industries.
- An Arbor Day celebration will be held at Meadow Brook on Friday, April 27, 2018. The Daisies from Musson Elementary will participate this year.
- Dr. Ora Hirsch Pescovitz was inaugurated as Oakland University's seventh President.
- Former Rochester Hills resident Desiree Linden won the Boston Marathon. Ms. Linden trains in Rochester Hills, and was the first American woman to win the Marathon in 33 years.
- A banner is available for signing to welcome Deputy David Hack back to Rochester Hills. He will be returning to Michigan from his rehabilitation stay in the first or second week of May.

**President Tisdell** stated that he has been a proud member of City Council for the past seven years, and commented that over time the City has received many awards and accolades. He noted that the city's success starts with its excellent residents. He stated that everyone needs to pay attention to the issues raised this evening, and commented that he is committed to work with the Mayor and City

*Staff regarding any committee to be formed. He pointed out that it is difficult to recruit candidates to run for office and noted that many have run unopposed. He stated that it is difficult to encourage people to dedicate the extensive amount of time and intensity to a job that does not receive much public gratitude.*

*In response to Public Comment regarding Adams Road, he noted that the City is participating in a very early initial engineering study to see what can be done. As Oakland University owns much of the right-of-way, it would be his thought that the University has some sort of development plans for the future. He commented that the City is very happy to be invited to the table to see what type of potential development might result.*

**Vice President Morita** expressed her thanks to the residents for coming out this evening. She stated that much has been said about diversity, and she noted that she is part of an interfaith interracial household. She commented that it is scary to have something happen as occurred last week; and stated that while it is worthwhile to have discussion, the discussion must be undertaken appropriately. She noted that while she likes the idea of a Mayor's committee, she does not want a situation where things are blown out of proportion and everyone loses sight of addressing the underlying problem. She expressed her thanks to Mayor Barnett for taking the first step.

**Mr. Deel** stated that it is nice to see so many people both in support of diversity and inclusion, and in support of the young man at the center of the event. He noted that he lives in a multi-ethnic household, and stated that discussions in his home are very similar. He stated that the incident did not reflect the values in the community, and what defines a community is not the action of one individual but in the way that everyone responds. He pointed out that when a home burned down recently, the community came together with donations; and when a Deputy was hurt, the community came together to support him and his family. He noted that the man responsible for the incident has been charged with a crime. He pointed out that charges are brought in the name of the people, as actions against one is an action against all. He stated that the real action that the community has taken is to stand firm and say this behavior will not be tolerated in Rochester Hills.

*He commented that he is very happy to hear that Deputy Hack is recovering and will be on his way back to Michigan.*

**Mr. Hetrick** stated that he is thankful that Deputy Hack is returning and recovering. He stated that it will be critical how the City responds to recent events, and noted that action will be taken. He commented that the underlying issues should be exposed and answers and solutions found.

**Mr. Kubicina** stated that he is impressed with the residents who came to speak this evening. He noted that the City often notes that it is in the top ten best cities in the nation, and that does not say that we cannot improve. He encouraged those in attendance to come back for another meeting. He expressed his thanks to Vice President Morita for her comments.

*Ms. McCardell stated that when she first heard of the incident she was very angry, and she commented that she is aware that there has been an issue in the community with diversity and inclusion. She noted that it is important to begin a conversation with individuals who are different. She stated that she was exposed to many different races and cultures while in the military. She noted that the Mayor's committee is a step in the right direction, and commented that she ran for Council because she is a more liberal voice.*

*City Clerk Tina Barton announced that tomorrow at 4:00 p.m. is the filing deadline for seeking office for State positions, Circuit Court, and Probate Court. She stated that those candidates filing will have until this Friday at 4:00 p.m. to withdraw. She mentioned that anyone interested in becoming a Precinct Delegate has until May 8 at 4:00 p.m. to file at the Oakland County Clerk's Office.*

## ATTORNEY'S REPORT

*City Attorney John Staran had nothing to report.*

## NEW BUSINESS

**2018-0150** Request for Purchase Authorization - MIS: City Council waiver under Section 2-275(c), of the formal competition requirement for purchases exceeding \$25,000.00, 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; Purchase Authorization for the purchase of Network Service and Storage Platform Upgrade in the amount of \$343,350.00; IT Solutions Group, Novi, MI

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Network Upgrade Cost Comparison.pdf](#)  
[HP Cost Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Kevin Krajewski, Deputy Information Systems Director, and Rochelle Lyon, Information Systems Administrator II, were in attendance.*

*Mr. Krajewski stated that the proposed project, although off-schedule, presents the City with a unique opportunity to meet improved functionality, provide enhanced service, and reduce operating costs. He explained that HP is discontinuing the City's current product and wants to move the City over to their new product. HP will give credit for something the City purchased in 2016, and is providing a short time-frame to take advantage of the offer.*

*He added that the proposed company is also familiar with the City's system and migrating data over. He noted that Council is requested to waive its Purchasing Ordinance for formal competition for items over \$25,000. He stated that if not done now, the purchase will most likely be required in three years at a much higher cost.*

*President Tisdell noted that support of a product pending discontinuance is always an issue.*

*Mr. Deel* commented that this is a superior product allowing for updates multiple times each day, with less downtime and data loss in the event of a crash.

*Mr. Krajewski* added that the frequent updates will protect against virus or infection. He noted that the City replicates now one time per week, with nightly backups. He explained that the new product will allow for replication several times each day, with the ability to pull a system back two, three or four hours. He mentioned that in the event of the destruction of this site, the new system will replicate processes as well as storage, allowing for rebuilding the system at a different location.

*Mr. Deel* questioned whether there were additional securities involved.

*Mr. Krajewski* responded that it is more of a storage and server capacity upgrade.

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0115-2018

**Resolved**, that the Rochester Hills City Council waives Section 2-275(c) of the Purchasing Ordinance, the formal competition requirement for purchases exceeding \$25,000.00 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 Network Service and Storage Platform Upgrade in the amount of \$343,350.00 to IT Solutions Group, Novi, Michigan and authorizes the Mayor to execute the agreement on behalf of the City.

**2018-0157** Request for Purchase Authorization - ENG: Blanket Purchase Order/Contract for right-of-way acquisition services for the Auburn Road Reconstruction from Culbertson to Dequindre in the not-to-exceed amount of \$166,517.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

**Attachments:** [042318 Agenda Summary.pdf](#)  
[Proposal for ROW acquisition services.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that it is proposed to retain Hubbell, Roth & Clark, Inc., for right-of-way acquisition on Auburn Road between Dequindre and Culbertson. He noted that Mr. Hetrick had submitted a question as to why this was not included in the budget when the Auburn Road discussions were occurring, and he stated that the preliminary engineering discussed broad concepts. Once Orchard, Hiltz & McCliment (OHM) was retained and greater detail was undertaken, designs changed and the need to garner easements was determined. He explained that the great majority of the easements are grading easements and will not be permanent. Other acquisitions will be mostly in the compact roundabouts.

*He mentioned that while it was thought that there was a source of funding from the Pathway Fund, in conversations with Joe Snyder, Chief Financial Officer, and Paul Davis, Deputy Public Services Director/Civil Engineer, it was determined that as the roadway improvements will take the easements, it will be recommended that funding come from Major and Local Streets. He noted that retained earnings will not be tapped and the funds required will be budgeted from unexpected revenues from the Michigan Department of Transportation.*

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

**Aye** 6 - Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Absent** 1 - Bowyer

Enactment No: RES0116-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for right-of-way acquisition services for the Auburn Road Reconstruction from Culbertson to Dequindre to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the not-to-exceed amount of \$166,517.00 and further authorizes the Mayor to execute a contract on behalf of the City.

## **ANY OTHER BUSINESS**

*None.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, May 7, 2018 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, it was moved by Morita and seconded by Deel to adjourn the meeting at 10:04 p.m.*

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*MARK A. TISDEL, President  
Rochester Hills City Council*

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



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

*Approved as presented at the May 7, 2018 Regular City Council Meeting.*