



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

Vision Statement: The Community of Choice for Families and Business

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

Monday, October 19, 2020

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER - President Deel called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.

President Deel called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Sean Canto, Fire Chief/Emergency Services Director
Bill Cook, Assistant Chief/Fire Marshall
Scott Cope, Building/Ordinance/Facilities Director
Ken Elwert, Parks & Natural Resources Director
Vince Foisy, Communications Systems Administrator
Larry Gambotto, Captain/Training Officer
Todd Gary, Deputy Fire Chief
Pamela Gordon, Human Resources Director
Matt Einheuser, Natural Resources Manager
Sara Roediger, Planning & Economic Development Director
Allan Schneck, Public Services Director
Leanne Scott, Deputy Clerk
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Tom Talbert, Strategic Innovations Specialist
Maria Willet, Chief Assistant to the Mayor
Captain Bart Wilson, Oakland County Sheriff's Office*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

COUNCIL AND YOUTH COMMITTEE REPORTS

Old Persons' Commission (OPC):

Mr. Hetrick reported that the Older Person's Commission (OPC) has begun a phased approach to opening its facilities. The pool, enrichment art and fitness classes are currently available. In the coming weeks, the cardio and weight room will be available for use. Over time, there will be full facility usage on a limited basis determined by the number of people at the OPC. He noted individuals should be prepared to have a temperature check and to sign a release form upon entering the facility.

Rochester Hills Museum Foundation:

Ms. Morita announced the Museum may have pumpkins available to the community for a monetary donation. She encouraged interested individuals to contact the Museum to inquire about availability.

Avondale Youth Assistance (AYA):

Ms. Morita announced that the Avondale Youth Assistance (AYA) is moving forward with its programs for the fall. AYA is currently looking at providing an adaptive online tutorial camp for kids in the Avondale School District. She encouraged families with students in the Avondale School District who are in need of additional assistance, to contact her at moritas@rochesterhills.org.

Rochester Area Youth Assistance (RAYA):

Ms. Mungioli reported the Rochester Area Youth Assistance (RAYA) has been active and engaged. They recently participated in the Downtown Rochester Halloween Fest. She encouraged families who are in the Rochester School District and need assistance, to please contact RAYA.

Rochester Avon Recreation Authority (RARA):

Ms. Mungioli announced the Rochester Avon Recreation Authority (RARA) is opening its facility and conducting craft shows, self-defense classes, and babysitting classes for students. Classes are being held indoors where allowed and will adapt to outdoor classes if needed. She encouraged all who are interested in programming information to view their website.

Rochester Hills Government Youth Council (RHGYC):

President Deel reported that the Rochester Hills Government Youth Council (RHGYC) toured the Department of Public Services (DPS) facility where they participated in a presentation given by Allan Schneck, Public Services Director

and his team. He noted it was an informative and educational opportunity for the RHGYC.

PRESENTATIONS

2020-0404 Swearing-In Ceremony - Lieutenant/Paramedics

Attachments: [10192020 Agenda Summary.pdf](#)

Sean Canto, Fire Chief/Emergency Services Director, introduced the two Department members who were receiving a promotion milestone to the rank of Lieutenant; **David Kopko** and **Loren Mitchell**.

Deputy Clerk Leanne Scott administered the Oath of Office to Lieutenant/Paramedic David Kopko and Lieutenant/Paramedic Loren Mitchell.

Council congratulated Lieutenant/Paramedic David Kopko and Lieutenant/Paramedic Loren Mitchell on their promotions.

Presented.

2020-0417 Legislative Update presented by State Senator Mallory McMorrow

Attachments: [10192020 Agenda Summary.pdf](#)

State Senator Mallory McMorrow presented the following Legislative updates:

- Senate Bill 1108 passed, amending the Open Meetings Act to allow meetings of a public body to be held electronically or with remote participation under certain circumstances. This is a bill that she co-sponsored. It does have a sunset provision of allowing virtual meetings through the end of the year.
- Senate Bill 1095 passed, allowing for the creation of regional hubs for some nursing homes, extended care facilities. COVID-positive individuals may be transferred to those facilities with a physician's written acknowledgement that the individual is medically stable for transfer and the family being notified of the transfer at least 24 hours before it occurs.
- She acknowledged and thanked City Clerk Tina Barton for joining her in a virtual 'Ask A Clerk' Town Hall that was facilitated on Facebook Live. Hundreds of people tuned in to get their election questions answered. The video is available on YouTube, Facebook and her Twitter account.
- The court ruling that would require any ballot that was post-marked by Election Day be counted was overruled by the Appeals Court. Ballots received after 8:00 p.m. on Election Day will not be counted. She has advocated for constituents to take advantage of drop boxes, extended hours that clerks are hosting or make plans to vote on Election Day.

Council Discussion:

President Deel shared that he reached out to Senator McMorrow's office on Thursday to discuss Senate Bill 1108 and was advised to contact the Michigan Municipal League (MML). He also contacted State Representative Michael Webber, who in turn contacted Lee Chatfield's office. Representative Webber sent him a text message when the Bill was signed, providing him the peace of mind to proceed with business as usual.

Ms. Morita questioned why the bill was not pushed out until the end of next year, which would allow local municipalities to determine on their own when they have a state of emergency and whether they need to meet virtually.

Senator McMorrow stated that she advocated for a version of the bill that would have a permanent addendum allowing for the local level to determine whether or not they have an emergency. However, her colleagues in the majority want to see the sunset at the end of the year. She noted that further discussion needs to take place relative to the rules that would allow virtual meetings, as she feels they are valuable.

Ms. Morita expressed her appreciation to Senator McMorrow, and stressed the need for Council to be able to meet virtually at least through the end of the year.

Senator McMorrow thanked Ms. Morita for her feedback and stated she wants this item back on an agenda for discussion prior to the Lame Duck session.

Ms. Mungoli questioned the likelihood of an appeal of the recent ruling from the Supreme Court rescinding the 14-day extension for the receipt of mail-in ballots. She also requested that Senator McMorrow provide the website where residents can track their ballot online.

Senator McMorrow stated it is very unlikely the Supreme Court will appeal the decision this close to Election Day. She reiterated voters should take advantage of drop boxes, extended hours at their local Clerk's office or make plans to vote on Election Day, and informed them that they can track their absentee ballot at www.michigan.gov/vote.

Ms. Mungoli stated she will be assisting in the Election Day process, and encouraged residents to apply to be added to the Rochester Hills Election Inspector wait list or consider contacting a neighboring community if interested in working as an election inspector.

President Deel thanked Senator McMorrow for providing her Legislative Update.

Presented.

2020-0409 Presentation of the Deer Management Advisory Committee - 2020 Report

Attachments: [10192020 Agenda Summary.pdf](#)
[Presentation 2020.pdf](#)

Matt Einheuser, Natural Resources Manager, introduced **Deborah Barno**, Chair of the Deer Management Advisory Committee (DMAC).

Ms. Barno presented the following information:

- In spite of the pandemic, the Deer Management Advisory Committee (DMAC) was able to accomplish a few of their goals. In the spring, they mailed out their brochure on how to co-exist with deer to every household in the city with utility bills.
- Last year the DMAC recommended that the temporary signage, put out from October through the end of December, be increased to six (6) signs. The increased signage will hopefully provide greater awareness and less deer/vehicle crashes and injuries in the city.
- Deer-vehicle crash locations are consistent from year-to-year, with hot spots on Adams Road, Tienken Road, Walton Boulevard, Avon Road and Auburn Road. When planning for signage placement, the hot spots are taken into consideration in order to get optimal coverage.
- The deer aerial survey in 2019 showed 423 deer, this year it is down to 361 deer. The decrease in deer is suspected to be from construction and new neighborhoods, moving the deer farther north.
- Deer-vehicle collisions were at 168 in 2019; up from the reported 151 in 2018, but still under the 200 threshold. She broke out the number of collisions by month, revealing that the numbers were highest in November. Those numbers were significantly reduced in December by including signage through the end of December.
- Nuisance complaints have decreased and deer feeding complaints have stayed the same.

Ms. Barno explained that the DMAC was not able to conduct their Annual Gardening with Deer Seminar due to the pandemic. She noted that all of the recommendations from 2019-2020 will be bumped into next year.

DMAC Recommendations for 2020-2021:

- Continue outreach through spring and fall press releases and articles.
- October 2020 will be declared Deer Awareness Month.
- Hold the "Gardening with Deer" seminar in Spring 2021.
- Continue to explore other opportunities to provide gardening information and assistance to residents experiencing deer conflicts.
- In 2020 expanding to six (6) changeable message boards in high deer-vehicle crash areas from October 1 - January 1.
- Continue aerial deer count survey in January 2021.

President Deel questioned whether the DMAC considered offering "Gardening with Deer" as a virtual presentation.

Ms. Barno responded that they had not discussed that as an option. She stated that the DMAC does have resources available online, and noted that they will assess options for in-person or virtual seminars in the earlier part of the year.

Mr. Blair thanked Ms. Barno for her presentation. He stated that when he was campaigning, the top two (2) issues were traffic and deer. He pointed out that

data he has reviewed indicates that aerial surveys might under estimate the deer by up to 50% and stated that the recommendations shared in the presentation do not stop the trend of increased deer population. He questioned what council members can share with residents with respect to what efforts are being made to deal with the deer population.

Ms. Barno responded that the committee works within the metrics that were recommended by the committee and adopted by Council; primarily staying with non-lethal methods of deer management as long as deer crashes stayed under 200 from year-to-year and there is no more than a 20 percent increase in deer population. She stated the main focus of the DMAC is to reduce the number of deer-vehicle crashes, however, they have expanded their mandate to provide residents with resources and solutions relating to deer nuisance. She recognized the continued frustration among residents and commented that ultimately, we are trying to co-exist with the deer.

Mr. Blair questioned whether the committee felt it has to stay within certain constraints based on Council's previous decisions.

Ms. Barno responded she does not feel DMAC is working within constraints, however, she shared that some committee members believe that something more has to be done. She stated the committee is cautious when it comes to considering hunting or culling to reduce the deer population and cited safety as a major concern within the neighborhoods. She noted that many other communities are dealing with the same issue.

Mr. Elwert stated that although the DMAC's charge is more specific, City staff is following details at the State level and tracking a variety of areas. He explained that staff is not limited as to what can be discussed and reviewed.

Vice President Bowyer thanked Ms. Barno for her presentation and noted she was glad to see the December count is down. She questioned if the new geo-thermal method being used to count deer is actually contributing to the higher number of deer being counted.

Mr. Einheuser responded that the City is not currently utilizing a thermal method to count deer. He stated that the City is currently conducting the deer count by helicopter using GPS. He noted that previously the City contracted with the County to conduct the count every two (2) years. He explained that the City conducting the count allows for it to be completed every year and eliminates the factor of different people doing the counting. He commented that while the general count is the same method, it does show more deer in the areas that are being viewed. He noted that he was uncertain as to whether that equates to a higher population or whether more deer are getting pushed through natural areas. He noted, however, it certainly does suggest more deer.

Vice President Bowyer noted that with the construction taking place, more deer are moving to the north end of the City. She mentioned City Council does get an occasional complaint, but noted that residents have also commented on how enjoyable it is to see deer in their own backyards.

Ms. Mungiola thanked Ken Elwert, Matt Einheuser, Lance DeVoe and Ms. Barno for the work they do in support of the committee. She voiced concern about not knowing the level of severity in the deer-vehicle accidents; whether it was light damage, a totaled vehicle or personal injury. She stated she wants to look at the safety of the residents. She commented that currently there is no way to track that information and questioned if the Oakland County Sheriff's Office could provide that data. She stated her concerns relative to the potential spread of disease, as well as the safety of the community and the animals. She mentioned that the deer food chain is changing, which could potentially result in deer consuming pollinator plants for which efforts are being made to restore. She suggested that additional metrics be reviewed to show the impact the deer have in the community overall.

Ms. Barno shared that the data presented is primarily crashes. She noted there have not been personal injuries reported.

Mr. Hetrick thanked Ms. Barno for her presentation. He noted that the reduced number of crashes in December is an indicator that the additional signage is doing as expected. He suggested that additional metrics be considered moving forward, particularly to get better sense of the community involvement. He noted that there may be other opportunities going forward based upon the suggestions coming from Council and feedback from residents.

Mr. Elwert responded that the committee is specifically charged with focusing on safety. He reminded council they would be delving into a different area if DMAC establishes a metric in social caring capacity upon their direction.

Mr. Hetrick stated it may be something the committee considers in way of providing additional balance in how the committee evolves into the next generation.

President Deel questioned whether the City has numbers on the severity of the accidents that take place.

Mr. Einheuser responded that there is data on whether a death is involved and confirmed that the City has not had any deaths. He stated he will check to see what kind of data is available for the level of severity.

Mr. Elwert noted that certain information collected may lend to privacy issues. He pointed out that sometimes a Deputy or Police Officer may be hesitant to classify the level of damage other than a death or totaled car due to insurance issues.

President Deel stated that public safety is very important. He noted that the committee needs to look at the qualitative issue of the accident from it being a minor fender bender, up to the loss of life. He thanked Ms. Barno, Mr. Einheuser, Mr. Elwert and the committee for their part in helping make the community a better place to live. He noted the committee is making an absolute difference in the community.

Presented.

2020-0410 Green Space Advisory Board Status Report 2020

Attachments: [10192020 Agenda Summary.pdf](#)
[Presentation.pdf](#)

Darlene Janulis, Green Space Advisory Board (GSAB) Chair provided the following presentation:

Values of Green Space

Some of these values have never been more apparent than now during COVID

- *Studies consistently show*
 - *Green spaces are associated with better mental health and physical health*
 - *Reduce stress*
 - *Improve air quality and water quality*
 - *Green spaces provide economic benefits*
 - *Increase property value*
 - *Green spaces provide ecological and environmental benefits*
 - *Quality habitat for diverse wildlife*
 - *Improve stormwater impacts*
 - *Green Spaces improve recreation opportunities*

Green Space Background

In 2005 the City residents approved a 0.3 mill 10-year open space millage to acquire and preserve natural green space.

- *The millage purpose was modified in 2013 to allow for:*
 - *Protection*
 - *Care and maintenance*
 - *Improved pedestrian accessibility*
- *Property Summary*
 - *Total Number of Green Space Parcels: 7*
 - *Total Green Space Acreage: 127 Acres*

Green Space Advisory Board

In 2005 City Council created a nine (9) member Green Space Advisory Board (GSAB) to develop strategies and recommendations to Council to:

- *Fiscal review of stewardship projects*
- *Review any new acquisition nominations*
- *Outreach*

Ms. Janulis stated that the GSAB was unable to fulfill some of their goals for 2020 due to COVID; including education, continued engagement and volunteer stewardship. However, they were able to complete the Green Space Priority Fact Sheet and conduct a Winter Walk. She shared that the plan is to carry over the

goals into 2021.

Matt Einheuser, Natural Resources Manager, highlighted the activities they were able to accomplish in 2020:

2020 Stewardship

Marked the start of working with a new contractor - Cardno

Work largely focused on Innovation Hills Green Space, Harding Green Space, and Ruby Green Space

Total of approximately 25 projects on six (6) properties

Continued with City-wide phragmites treatments and other stewardship support (river projects and Innovation Hills wetland restoration)

Innovative solutions to tracking the projects and efforts

Ms. Mungoli thanked Mr. Einheuser and Ms. Janulis for their report and acknowledged their exceptional work. She questioned whether the invasive species are being removed by chemical or physical methods, and if the chemicals being used are environmentally friendly.

Mr. Einheuser responded that it depends upon the species. He shared that woody invasives are removed by forestry mowing and phragmites are removed by girdling; cutting around the bark and applying herbicides to kill it. He noted that they try to minimize using chemicals as much as possible.

Vice President Bowyer thanked Mr. Einheuser and Ms. Janulis for their presentation. She pointed out that the Green Spaces are providing a great habitat for the animals and concurred that there should be no poisonous chemicals used that could harm the growth of nutritional plants for the animals to eat.

Ms. Janulis recognized Vice President Bowyer for being a blessing to the committee. She acknowledged her tireless work, being present at every meeting, participating in hikes and providing good direction.

Mr. Hetrick thanked Mr. Einheuser and Ms. Janulis for their presentation. He remarked how encouraging it is to see the improvement in the properties from the time of purchase to now. He stated that phragmites and other invasive species management is an outstanding use of funds in the Green Space Perpetual Trust Fund.

Mayor Barnett shared his appreciation to Ms. Janulis for her leadership and to the Green Space Advisory Board (GSAB) for their commitment to this initiative. He stated that the GSAB has made a big difference in community.

President Deel thanked Mr. Einheuser and Ms. Janulis for their presentation. He reiterated how important Green Spaces are as they reduce stress, improve air and water quality, and provide an open space for the people in the community. He expressed Council's appreciation for everything the GSAB does behalf of the City.

Presented.

PUBLIC HEARINGS

2020-0387 FY 2020 3rd Quarter Budget Amendments

Attachments: [10192020 Agenda Summary.pdf](#)
[3rd Qtr BA \(Detail\).pdf](#)
[3rd Qtr BA \(Overview\).pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, presented the request for the FY 2020 3rd Quarter Budget Amendment which proposes to increase total revenues by \$271,000.00 and decrease total expenditures by \$716,000.00, resulting in a net impact on citywide fund balances of \$987,000.00. He noted the bulk of the amendment reflect FY 2019 true-up amounts in an attempt to reflect the true cost of services provided in FY 2019 as compared to the original budget allocation. He reported the grand total 2019 Interfund true-up amounts represent a net reduction of \$380,000.00 citywide in operating expenses and offsetting revenue.

Mr. Snyder explained that the \$271,000.00 increase in total revenue is primarily due to grants associated with the Auburn Road Corridor Project. These grants totaled approximately \$830,000.00 and were underway in 2019, but the City did not receive the funds until the first few months of 2020. He stated the City also received approximately \$125,000.00 from the Oakland County Pilot program for local streets. He indicated the additional revenues are offset by a reduction in revenues due to the 2019 true-ups. He explained the \$716,000.00 decrease in total expenditures, of which \$418,000.00 was a decrease in operating expenditures primarily due to 2019 true-ups.

He pointed out there was an increase in \$30,000.00 in capital projects mainly due to the fire station alerting system, that was offset by some reductions and actual capital projects costs or purchase costs. He stated in order to keep in compliance with the City's Fund Balance Policy, there were \$328,000.00 less in transfers out, primarily to balance funding or to reflect a deduction in capital project transfers either with a project coming in under budget or being deferred.

He stated that if approved, the City's net structural surplus will grow from approximately \$8 million to approximately \$9 million, which is a good step in the right direction as they look to be going into a positive 4th quarter budget amendment to wrap up the year.

President Deel opened the Public Hearing at 8:39 p.m.
Seeing no public comment, President Deel closed the Public Hearing at 8:40 p.m.

Council Discussion:

Ms. Morita requested that Mr. Snyder confirm that approximately \$700,000.00 of the budget amendment is to go from Facilities to Major Roads to help pay for

items such as rebar trees and the Auburn Road Corridor.

Mr. Snyder confirmed Ms. Morita's statement and pointed out that the project was initially budgeted 100 percent out of the Facilities Fund. However, it was determined that the road, median and roundabouts should have been part of Major Roads and not Facilities. He explained that they are taking the funds already approved out of Facilities, recapturing it back in the Capital Improvement Fund and reallocating it to Major Roads. He stated the bottom line stays the same because 100 percent of the funding for the Auburn Road Corridor Project comes from the Capital Improvement Fund.

Ms. Morita stressed that if Council approves the budget amendment, they will be approving an expenditure for rebar trees, ribbon sculptures and other items.

Mr. Snyder stated the dollars were technically approved months ago, this is accounting for them in the correct place.

Ms. Mungoli questioned the grant funding for the Auburn Road Corridor that totaled \$833,000.00.

Mr. Snyder responded these were a few different grants that were applied for in 2019 and monies did not come in until March or April of 2020 and, therefore, are being accounted for this year.

Ms. Mungoli requested a list of the grants; their dollar amounts and what they specifically cover. She stated grants usually contain certain conditions and she would like to better understand the use and conditions of these grants.

Mr. Snyder replied that he would provide that information. He added that in short, it was for some of the greenway improvements along the corridor, plantings to help mitigate storm water run off as well as safety improvements for the area.

Ms. Mungoli questioned what portion of the changes are contingency dollars and what expenditures approved earlier in the year did not use the contingency fund.

Mr. Snyder responded that most Capital Projects are in the completion phase and wrapping up. He stated that information will be reflected in the 4th Quarter Budget Amendment.

Ms. Mungoli questioned why transfers are done mid-year instead of waiting until the end of the year.

Mr. Snyder explained that it makes less of an impact on the end of the year while providing a more accurate gauge along the way.

Ms. Mungoli thanked Mr. Snyder, his department and other departments that are responsible for the positive Fund Balance and questioned if some of the money received is COVID.

Mr. Snyder responded that COVID dollars will be reflected in the 4th Quarter Budget Amendment.

Mayor Barnett shared an update he received from Allan Schneck, Public Services Director, stating that the grants received for the Auburn Road Corridor project were for the following items: rain gardens, roads, transportation alternative program and enhancements. He mentioned that the City did not receive the Bloomberg Grant and as a result did not move forward with the Art Project. He pointed out that this past week, the City received a \$5,000.00 grant from the Southeast Michigan Council of Governments (SEMCOG) for a Pacer Road Management System. He stated that the City seeks additional funding any way it can. He assured Council that more specifics relative to the dollar amounts associated with grants will be provided. He acknowledged the Road Commission, the Michigan Department of Transportation (MDOT), as well as others gave substantial dollars to get the project moving.

Vice President Bowyer thanked Mr. Snyder and Mayor Barnett for obtaining the grants for the Auburn Road Corridor and stated she is 100 percent in support of what has been done.

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

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

Nay 1 - Morita

Enactment No: RES0251-2020

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

Whereas, the Public Hearing for the proposed FY 2020 3rd Quarter Budget Amendments was noticed on October 1, 2020; and

Whereas, the proposed FY 2020 3rd Quarter Budget Amendments were available for public viewing beginning on October 9, 2020; and

Whereas, at its October 19, 2020 meeting City Council held a Public Hearing on the proposed FY 2020 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following FY 2020 fund totals as amended:

TOTAL BUDGET SUMMARY	Current Budget	Change	Amended Budget
101 - General Fund	\$ 26,170,420	\$ (22,240)	\$ 26,148,180
202 - Major Road Fund	\$ 9,351,180	\$ 684,190	\$ 10,035,370
203 - Local Street Fund	\$ 11,822,420	\$ (17,010)	\$ 11,805,410
206 - Fire Department Fund	\$ 12,966,060	\$ -	\$ 12,966,060
207 - Special Police Fund	\$ 9,969,840	\$ (150)	\$ 9,969,690
213 - RARA Millage Fund	\$ 694,690	\$ -	\$ 694,690
214 - Pathway Maintenance Fund	\$ 701,190	\$ -	\$ 701,190
226 - Solid Waste Fund	\$ 89,850	\$ -	\$ 89,850
232 - Tree Fund	\$ 157,000	\$ -	\$ 157,000
244 - Water Resources Fund	\$ 660,790	\$ 9,220	\$ 670,010
265 - OPC Millage Fund	\$ 1,212,880	\$ -	\$ 1,212,880
299 - Green Space Fund	\$ 306,290	\$ -	\$ 306,290
331 - Drain Debt Fund	\$ 208,880	\$ -	\$ 208,880
369 - OPC Building Refunding Debt Fund	\$ 748,170	\$ -	\$ 748,170
393 - Municipal Building Refunding Debt Fund	\$ 830,850	\$ -	\$ 830,850
402 - Fire Capital Fund	\$ 2,667,680	\$ 150,000	\$ 2,817,680
403 - Pathway Construction Fund	\$ 521,750	\$ -	\$ 521,750
420 - Capital Improvement Fund	\$ 6,457,990	\$ (410,590)	\$ 6,047,400
510 - Sewer Department	\$ 16,535,700	\$ (86,090)	\$ 16,449,610
530 - Water Department	\$ 20,485,290	\$ (146,760)	\$ 20,338,530
593 - Water & Sewer Capital Fund	\$ 18,163,900	\$ -	\$ 18,163,900
595 - Water & Sewer Debt Fund	\$ 1,377,780	\$ -	\$ 1,377,780
596 - Solid Waste Fund	\$ 662,200	\$ -	\$ 662,200
631 - Facilities Fund	\$ 18,614,000	\$ (715,290)	\$ 17,898,710
636 - MIS Fund	\$ 4,088,820	\$ (17,830)	\$ 4,070,990
661 - Fleet Fund	\$ 6,719,420	\$ (143,200)	\$ 6,576,220
677 - Insurance Fund	\$ 415,000	\$ -	\$ 415,000
736 - Retiree Healthcare Trust Fund	\$ 179,180	\$ -	\$ 179,180
752 - Cemetery Perpetual Care Trust Fund	\$ -	\$ -	\$ -
761 - Green Space Perpetual Care Trust Fund	\$ 310,400	\$ -	\$ 310,400
844 - BRA: Legacy	\$ 180,320	\$ -	\$ 180,320
848 - LDFA Fund	\$ 529,820	\$ -	\$ 529,820
870 - RH Museum Foundation Fund	\$ 100	\$ -	\$ 100
GRAND TOTAL - ALL FUNDS	\$ 173,799,860	\$ (715,750)	\$ 173,084,110

ORDINANCE FOR INTRODUCTION

- 2020-0396** Request for Acceptance for First Reading - An Ordinance to add Division 4, Portable and Stationary Generators, to Chapter 70, Article IV of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the use of generators for power supply, repeal conflicting Ordinance, and prescribe a penalty for violations

Attachments: [12072020 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[11162020 Agenda Summary.pdf](#)
[11162020 Resolution.pdf](#)
[10192020 Agenda Summary.pdf](#)
[10192020 Ordinance.pdf](#)
[10192020 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Scott Cope, Director of Building/Ordinance/Facilities explained that a resident who is choosing to use a gas generator to provide electricity to their home due to a disagreement with DTE Energy prompted the introduction of this Ordinance. He stated that the City has received several complaints from neighbors regarding this matter. He noted that the City contacted the resident to discuss options, however, they did not qualify for Community Development Block Grant (CDBG) funds or the Oakland County Home Program, and were not interested in doing anything other than using the generator. Mr. Cope shared that upon further review of the Ordinance and electrical codes, and consultation with City Attorney Staran, the City did not find any means to deal with the situation and, therefore, are proposing this Ordinance language for Council approval.

Mr. Cope explained that the purpose of the Ordinance is to regulate the use of generators, to control the nuisance and danger that they may create and specifically to require electric power come from either a public or privately owned utility company. He stated under the proposed Ordinance the use of generators would only be permissible during a power failure; allowing for use until normal power is reconnected. He noted this Ordinance would not impact anyone who has a current generator or anyone who wants to install a generator in the future. It would, however, ensure that they are not used as a permanent power source.

Council Discussion:

President Deel asked if there is a safe harbor provision in the Ordinance allowing for periodic testing to ensure it is in operable order.

Mr. Cope replied that it is not the intent of the Ordinance to cite residents for testing. He stated the City tests their generators and understands the importance of testing the units on a regular basis.

City Attorney John Staran noted that testing was not discussed in creating the Ordinance. He stated if Council moves to accept the Ordinance for First Reading, it should be brought back before Council for a Second Reading with additional verbiage to include a testing provision.

Ms. Morita shared that she has a whole house generator and expressed her home is frequently without power because DTE does not maintain the lines and infrastructure. She stated she does not want to get in the middle of the homeowner's dispute with DTE by enacting an Ordinance. She mentioned the Ordinance as framed does not properly account for residents who have properly permitted generators that test on a weekly schedule. She requested that the Ordinance be reviewed for further consideration to ascertain other issues that

may be impacted and account for those inconsistencies before bringing it back before Council for another first reading. She mentioned that if this is a noise violation, then it should be addressed under the Noise Ordinance.

Mr. Cope stated that the noise level does not exceed the level that is cited in the current Noise Ordinance. He explained the introduction of the Ordinance is an attempt to be responsive to the concerns.

Ms. Morita acknowledged her appreciation for Mr. Cope's work in addressing the residents' concerns. However, she stressed that by addressing the perceived needs of those particular neighbors, it may in turn inconvenience the rest of the City.

Mr. Cope concurred that some modifications will need to be made, and stated that he and Mr. Staran will work on those items to come to a solution that will be reasonable.

Mr. Staran commented that if Council is not comfortable with the Ordinance as presented, it would make sense to postpone this item and bring it back when it is in a different form.

President Deel shared an article from National Public Radio (NPR) indicating that generators create more than noise issues, they also present public safety issues stating that at certain levels, just five (5) minutes of carbon monoxide exposure is enough to be fatal. He expressed his concern as it relates to safety and requested that Mr. Cope work on proposed language that would be acceptable to Council.

Mr. Blair stated he agrees that there are legitimate safety issues when it comes to running generators that should be enforced in an Ordinance. He questioned if the City has reason to believe the resident is improperly feeding their panel and whether or not the City or Fire Department has the authority to conduct an inspection.

Mr. Cope noted that most of the safety concerns related to the electrical portion of running a generator is covered by the Electrical Code and it enables the City to enforce them. He shared that in this particular case, the Electrical Inspector did confirm it meets the Electrical Code. He mentioned that the Building Department does not look at every generator connection and normally only gets involved if someone has expressed a concern.

Ms. Mungoli concurred with Ms. Morita, stating that she does not want to get in the middle of a battle between the resident and DTE by developing an Ordinance for one person or situation. She shared that she too will be purchasing a generator due to DTE's inability to keep the power stable within the community. She pointed out that individuals such as herself are now working from home and week-day only testing could cause an inconvenience.

Mr. Cope stated he tried everything to resolve this issue before developing an Ordinance that appeared to be for one person. He noted that the Building Department has not had any other complaints that he is aware of. He stated

that he understands the perspective and comments being shared and will work with Mr. Staran to create an Ordinance that will be more conducive and apply to the City as a whole.

President Deel stated that generators can provide lifesaving efforts in emergency situations, especially for individuals who use CPAP machines or rely on other medical equipment. He commented, however, portable generators can cause fires, electrocutions, contact burns and carbon monoxide poisoning that can result in death. He reiterated that it is not only a nuisance, but a public safety issue as well.

Mayor Barnett thanked President Deel and recognized the comments of the Council Members. He thanked the staff for introducing the proposed Ordinance and acknowledged it is not easy. He shared that he spoke with the homeowners regarding the individual in question, and commented that if they were on this Zoom meeting they would plead with Council stressing that they pay taxes and should not be deprived of their quality of life. He noted it is not as simple as a decibel Ordinance and likened it to starting a lawn mower at 6:00 a.m. leaving it running all day, every day. He stated it would be difficult to enforce because it does meet the levels for the Noise Ordinance. He reiterated that the goal is to have something to provide recourse if someone chooses to run their generator all day because they do not want power from DTE.

Vice President Bowyer stated that she would like to see a more enforceable Ordinance for portable and stationary generators. She noted that the Ordinance will need to take into consideration both residents and business owners.

President Deel thanked Mr. Cope and City Attorney Staran for all their hard work and expressed his appreciation for what they are trying to do in this situation.

Mr. Cope thanked Council for their discussion and feedback, stating it is very helpful. He commented they will do their best to develop an Ordinance that works for everyone.

Discussed.

PUBLIC COMMENT for Items not on the Agenda

Gary McClure, 2561 Patrick Henry, Auburn Hills, stated that although he is an Oakland County Sheriff's Deputy, he is not representing himself tonight in his official capacity. He noted that he is speaking as a citizen on behalf of his friend, Lori Lubman. He mentioned that he has provided a packet of information for each of the Council members, and read a letter detailing the history of a legal issue Ms. Lubman has been part of.

Lori Lubman, P.O. Box 70793, Rochester Hills, shared her concerns relative to the investigation of a complaint she filed with the Oakland County Sheriff's Office. She claimed that she is not getting the support she needs from the City Council, the Mayor, or the Oakland County Sheriff's Office relative to this complaint.

Tom Yazbeck, 1707 Devonwood Drive, Rochester Hills, stated he is a long-term Rochester Hills resident. He acknowledged Council for their recent achievements such as the Auburn Road Project and the playground plan for Innovation Hills Park. He shared information on the positive developments with local transportation, specifically SMART, highlighting that bus routes have been adjusted to provide better service. He suggested that Council devote time and thought into improving access to mobility in Rochester Hills.

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.

2020-0377 Approval of Minutes - City Council Regular Meeting - June 22, 2020

Attachments: [CC Min 06222020.pdf](#)
[Resolution \(Draft\).pdf](#)

Enactment No: RES0252-2020

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on June 22, 2020 be approved as presented.

2020-0378 Approval of Minutes - City Council Regular Meeting - July 13, 2020

Attachments: [CC Min 07132020.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0253-2020

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 13, 2020 be approved as presented.

2020-0385 Approval of Minutes - City Council Regular Meeting - July 27, 2020

Attachments: [CC Min 07272020.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0254-2020

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on July 27, 2020 be approved as presented.

- 2020-0386** Request for Approval of Winter Maintenance Agreement for Livernois Road between the Road Commission for Oakland County and the City of Rochester Hills for 2020-2021

Attachments: [10192020 Agenda Summary.pdf](#)
[2020-2021 Livernois Winter Maint Agrmt.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0255-2020

Resolved, that the City of Rochester Hills City Council hereby approves the 2020-2021 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County for Livernois Road and further authorizes the Mayor to execute the contract on behalf of the City.

- 2020-0389** Request for Acceptance of the Sanitary Sewer Easement granted by Vitaliano Terracciano, a married man, and Monica R. Terracciano, his wife, for Christenbury Site Condominiums

Attachments: [10192020 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0256-2020

Resolved, that the Rochester Hills City Council hereby accepts a Sanitary Sewer Easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under, through and across land more particularly described as Parcel #15-01-278-010, granted by Vitaliano Terracciano, a married man, and Monica R. Terracciano, his wife, whose address is 19910 Westchester Drive, Clinton Township, MI 48038, for Christenbury Site Condominiums.

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

(The following two (2) Legislative Files pertain to Campus Corners Outlot)

- 2020-0390** Request for Acceptance of the Water Main Easement granted by Campus Corners Associates, a Michigan limited liability partnership, for Campus Corners Outlot

Attachments: [10192020 Agenda Summary.pdf](#)
[Water Main Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0257-2020

Resolved, that the Rochester Hills City Council hereby accepts a Water Main Easement for the construction, operation, maintenance, repair and/or replacement of a water main

on, under, through and across land more particularly described as Parcel #15-15-101-014, granted by Campus Corners Associates, a Michigan limited partnership, whose address is 1334 Maplelawn, Troy, MI 48084, for Campus Corners Outlot.

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

- 2020-0391** Request for Acceptance of the Water Main Easement granted by Claridge Partners, LLC, a Michigan limited liability company, for Campus Corners Outlot

Attachments: [10192020 Agenda Summary.pdf](#)
[Water Main Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0258-2020

Resolved, that the Rochester Hills City Council hereby accepts a Water Main Easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across land more particularly described as Parcel #15-15-101-026, granted by Claridge Partners, LLC, a Michigan limited liability company, whose address is 43536 Galloway, Northville, MI 48167, for Campus Corners Outlot.

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

(The following three (3) Legislative Files pertain to Auburn Pharmaceuticals)

- 2020-0392** Request for Acceptance of the Sanitary Sewer Easement granted by J4 Rochester Hills, LLC, a Michigan limited liability company, for Auburn Pharmaceutical

Attachments: [10192020 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0259-2020

Resolved, that the Rochester Hills City Council hereby accepts a Sanitary Sewer Easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under, through and across land more particularly described as Parcel 15-21-276-014, granted by J4 Rochester Hills, LLC, a Michigan limited liability company, whose address is 2354 Bellingham, Troy, MI 48083, for Auburn Pharmaceutical.

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

- 2020-0393** Request for Acceptance of the Water Main Easement granted by J4 Rochester Hills, LLC, a Michigan limited liability company, for Auburn Pharmaceutical

Attachments: [10192020 Agenda Summary.pdf](#)
[Water Main Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0260-2020

Resolved, that the Rochester Hills City Council hereby accepts a Water Main Easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across land more particularly described as Parcel #15-21-276-014, granted by J4 Rochester Hills, LLC, a Michigan limited liability company, whose address is 2354 Bellingham, Troy, MI 48083, for Auburn Pharmaceutical.

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

- 2020-0394** Request for Approval of a Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and J4 Rochester Hills, LLC, a Michigan limited liability company, for Auburn Pharmaceutical

Attachments: [10192020 Agenda Summary.pdf](#)
[Storm System Maint Agrmt.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0261-2020

Resolved, that the Rochester Hills City Council hereby approves the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and J4 Rochester Hills, LLC, a Michigan limited liability company, whose address is 2354 Bellingham, Troy, MI 48083, for Auburn Pharmaceutical, Parcel #15-21-276-014.

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

- 2020-0395** Request for Approval of Traffic Control Order PK-115-20 No Parking within the River Trail Drive right-of-way from Portage Trail Drive easterly for 170 feet in the Clinton River Valley Subdivision, Section 20

Attachments: [10192020 Agenda Summary.pdf](#)
[Map.pdf](#)
[Traffic Control Order.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0262-2020

Whereas, Traffic Control Order No. PK-115-20 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.: and

Whereas, said Traffic Control Order covers:

River Trail Drive within Clinton River Valley Subdivision - Section 20

PK-115.1 No Parking within the River Trail Drive right-of-way from Portage Trail easterly for 170 feet.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the City Engineer and Transportation Engineering Manager have considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved;

Resolved, that the Rochester Hills City Council approves the issuance of the Traffic Control Order.

Now, Therefore Be It Resolved, that a certified copy of this Resolution is filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

2020-0388 Request for Purchase Authorization - DPS/GAR: One (1) Four Ton Asphalt Patching Unit in the amount of \$25,220.57; Falcon Road Maintenance Equipment, Freeland, MI

Attachments: [10192020 Agenda Summary.pdf](#)
[RFP-RH 20-041 Tabulation.pdf](#)
[Asphalt Patching Unit Photo.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0263-2020

Resolved, that the Rochester Hills City Council authorizes the purchase of one (1) Four Ton Asphalt Patching Unit to Falcon Road Maintenance Equipment, Freeland, Michigan in the amount of 25,220.57.

2020-0413 Resolution Affirming Decisions made by City Council at the remote participation meetings (Zoom) held between April 30, 2020 through the present

Attachments: [10192020 Agenda Summary.pdf](#)
[Adopted Resolutions - 05042020 - 09212020.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0264-2020

Whereas, pursuant to and in accordance with Executive Orders issued by Michigan Governor Gretchen Whitmer during the COVID-19 pandemic, including, but not limited to Executive Orders 2020-15, 2020-48, 2020-75, 2020-129, and 2020-154, the Rochester Hills City Council held and conducted multiple electronic, remote-participation city council meetings after April 30, 2020, and has undertaken various actions and made various decisions during those remote-participation meetings; and

Whereas, the Michigan Supreme Court, on October 2, 2020, issued its Opinion in *In re Certified Questions - Midwest Inst of Health v Governor* (Case no. 161492) determining, among other things, that the Executive Orders issued by Governor Whitmer after April 30, 2020 relating to the COVID-19 pandemic are invalid; and

Whereas, the Michigan Open Meetings Act, at MCL 15.270(5), authorizes the City Council to reenact and ratify the decisions made at the remote participation meetings held after April 30, 2020.

Therefore, It Is Resolved, that the Rochester Hills City Council:

1. Hereby reenacts, ratifies, reaffirms, and readopts any and all decisions made by the City Council at the remote participation meetings held between April 30, 2020 and the present.
2. A complete listing of the decisions being reenacted, ratified, reaffirmed, and readopted is attached hereto as an Exhibit.

Passed the Consent Agenda

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

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

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Deel reported on October 2, 2020 the Michigan Supreme Court struck down over one hundred (100) Executive Orders issued by Governor Gretchen Whitmer as "an unlawful delegation of Legislative power to the Executive Branch in violation of the Michigan Constitution." He noted a few of those orders allowed public bodies to meet remotely. He stated Council was scheduled to meet via zoom on October 5, 2020, however, after discussion with City Attorney Staran they determined it was best to cancel that meeting.

He stated that the Michigan Legislature passed an amendment to the Open Meetings Act last week authorizing cities to continue to hold meetings virtually. He expressed his gratitude to State Representative Michael Webber for taking the time to contact him personally to notify him that the Order was signed, allowing Council to proceed with holding their meetings virtually.

President Deel shared that he and Councilwoman Mungioli participated in Fire Ops 101 Training earlier in the month. He expressed his appreciation for the opportunity to participate in the simulations and demonstrations, and noted that it is a fantastic program. He shared that one of his biggest take-aways is that the investment the City makes in its Fire Service has benefits not only in the ability to save residents' lives, but also by providing them with the necessary equipment to safely perform their jobs it ultimately saves the City money in the long-term. He encouraged everybody on Council to participate next year.

Ms. Mungioli concurred with President Deel that it was a fabulous event. She thanked Vice President Bowyer and Mr. Walker for the suggestion as it was an eye-opening experience to see what firefighters and paramedics go through on a day-to-day basis. She noted that the Department was very proud of all the equipment the City provides them.

She wished everyone a Happy Halloween and informed residents that Halloween will still take place in the City of Rochester Hills. She encouraged those participating to wear a mask, social distance and enjoy.

Mayor Barnett reported the following updates:

- He addressed the public comments made earlier stating that when the concerns were brought to his attention, he immediately took them to the leadership of the Oakland County Sheriff's Department who expressed a different depiction of the events than what was explained tonight. He stated that the Sheriff's Department now has new leadership and offered to connect Ms. Lubman with them noting that he believes the situation was handled in a fair and equitable way.
- The Museum has 40 pumpkins available for purchase at \$5.00 a piece. Halloween will take place, with trick or treating hours from 6:00 p.m. to 8:00 p.m. Residents are encouraged to review the CDC website for guidelines; including those passing out candy do so in their driveway, trick or treat with members in your own family and wear a mask.
- The City has had a few ribbon cuttings in the last 10 days, celebrating businesses who opened up in the community despite the fact it being a challenging time. The new businesses include; Dry Goods at the Village of Rochester Hills, Gardner White and Yaldo Eye Center. He extended his appreciation to them for their investment within the community.
- He thanked Council Members for attending the Innovation Hills Ground Breaking Ceremony and noted the front-page of the Oakland Press article titled "The Park for a New Generation." He shared that donations were received and the energy that continues to exist around Innovation Hills is palpable and exciting.
- He mentioned the Oakland Press article titled "\$13 million half-mile Auburn Corridor construction wraps in Rochester Hills." He stated the story was positive and talked about the increase in property value that is occurring in that particular area. He mentioned this is an indication the investment is already starting to pay off.
- Recycle Bank hired Rochester Hills resident, Elise Nadu to assist with their programming. He mentioned that Recycle Bank has been a good partner during the COVID period. The City has provided the opportunity for residents to donate recycle points to different non-profit organizations in the community. The three (3) organizations residents donated to were Neighborhood House, Haven and Leader Dogs. He extended his appreciation to the residents who continue to support the Recycle Bank program.
- The Fire Department has provided a unique virtual opportunity to students in-lieu of in-person tours. He shared that the Department started the ABC's for Little Fire Fighters where every morning at 9:00 a.m. on Facebook they read a page and letter of the day from a book and show a cool piece of equipment. They have received over 25,000 views on Facebook. He extended a "thank you" to Chief Canto; John Lyman, Fire & Life Safety Educator; and firefighting staff on a job well done.
- Monday, November 9, 2020, is the Transportation Master Plan Virtual Workshop at 7:00 p.m. and another date will be scheduled for January. This platform will allow residents to provide input on transportation and other areas of concern. He stated discussion will take place around travel, signal technologies and intersection redesign.
- He shared updates from The Department of Public Services. The Downtown Rochester resurfacing project is approximately 95% complete and should be done by Friday. He announced that there is only one more scheduled day for the closure of Dequindre at the Auburn Road Corridor.
- He recognized and congratulated Paul Shumejko, Transportation Engineer

Manager, who was awarded the Institute of Transportation Engineers Presidents' Award. He noted that this is the highest award the Institute gives.

President Deel extended his congratulations to Mr. Shumejko on the recognition and achievement.

ATTORNEY'S REPORT

City Attorney John Staran noted that the Open Meetings Act (OMA) was amended and expressed his hope to get more advance notice as to what is going on in Lansing with State Legislature. He shared that he is working with the City Administration to plan and consider everything that can be done lawfully to continue meeting virtually or in some type of hybrid format in order to keep everyone safe and comfortable.

NEW BUSINESS

2020-0412 Request for Approval of Michigan Department of Natural Resources Canada Goose Nest Destruction application and permit for Avon Lakes Homeowners' Association

Attachments: [10192020 Agenda Summary.pdf](#)
[Homeowners Association Letter.pdf](#)
[MDNR application.pdf](#)
[Resolution \(Draft\).pdf](#)

Jerry Turgeon, Representative from Avon Lakes Home Owners Association (HOA), requested a five (5) year resolution to approve the Michigan Department of Natural Resources Canada Goose Nest Destruction application and permit. He stated in normal circumstances the HOA would obtain the required signatures of seventy percent (70%) of homeowners. He noted this year, due to COVID, it was not feasible to obtain the necessary signatures.

Ms. Morita stated she would normally oppose this type of request because she believes the HOA should go to the homeowners to ask for permission; however, under the current situation she understands why that would be difficult.

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

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

Enactment No: RES0265-2020

Resolved, that the City of Rochester Hills requests the Michigan Department of Natural Resources to allow Avon Lakes Homeowners' Association to conduct a program of Canada Goose Nest Destruction for a period of five (5) years.

2020-0368 Request for Purchase Authorization - HR: Blanket purchase order for a three-year subscription, including software support and maintenance for the City's cloud-based applicant tracking, performance management, and learning management systems in the amount not-to-exceed \$109,000.00; Governmentjobs.com, Inc., DBA NEOGOV, El Segundo, CA

Attachments: [10192020 Agenda Summary.pdf](#)
[NEOGOV - Roch Hills Renewal Agrmnt.pdf](#)
[Resolution \(Draft\).pdf](#)

Pamela Gordon, Human Resources Director, shared that one of Human Resource's (HR) goals has been to expand the use of Technology for greater efficiency in HR programs. She explained that in 2017 they identified NEOGOV software as it provides a suite of HR applications designed specifically for public agencies. She informed Council that HR has implemented three (3) of their applications over the past three (3) years: 1) Insight - for applicant tracking; 2) Perform - for performance evaluation and management; and 3) Learn - for online training. She stated they have negotiated a three-year agreement with NEOGOV with one annual payment for all three (3) applications and requested Council's approval of the three-year agreement.

Mr. Blair questioned if the software has been reliable and performing well thus far. He stated that he does not want the City to be in a situation where it is difficult to obtain their data from a cloud base application provider if they chose to switch to a different provider at a later date.

Ms. Gordon responded that the three (3) applications have been reliable for the City. She mentioned that any time a change is made to software applications, it can prove to be difficult. She noted they have not had an occasion to consider making a switch and by adding the two (2) other applications it allowed for functionality and compatibility.

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

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

Enactment No: RES0266-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order for a three-year subscription, including software support and maintenance for the City's cloud-based applicant tracking, performance management, and learning management systems to Governmentjobs.com, Inc., DBA NEOGOV, El Segundo, California in the amount not-to-exceed \$109,000.00 for a three-year subscription and further authorizes the Mayor to execute an agreement on behalf of the City.

2020-0405 Request for Approval of the 2020-2021 Police School Liaison Program between the Rochester Community School District, the City of Rochester, Oakland Township, and the City of Rochester Hills

Attachments: [10192020 Agenda Summary.pdf](#)
[2020-21 Pol Liaison Calc.pdf](#)
[Resolution \(Draft\).pdf](#)

Captain Bart Wilson, Oakland County Sheriff's Office (OCSO), shared that the year was off to a rocky start due to COVID-19 issues. He stated the Rochester Community School District was meeting virtually and the School Liaison Officers were continuing to work with students by doing daily check-ins. He noted currently there are five (5) officers; three (3) deputies from the OCSO and two (2) City of Rochester Police Officers. He shared that the school district is now meeting in-person and the School Liaison Officers are now back to their normal duties.

Ms. Morita thanked Captain Wilson for serving the community, and extended her appreciation for the outreach done by Deputy Hickson and K-9 dog Tazer within the schools and community. She shared that Deputy Hickson and Tazer made an appearance at an Avondale Youth Assistance (AYA) meeting and all in attendance enjoyed connecting with them.

President Deel thanked Captain Wilson for his attendance and acknowledged the wonderful job the Oakland County Sheriff's Office does everyday and extended Council's sincere appreciation to everyone at the Rochester Hills Sheriff's Office Substation.

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

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

Enactment No: RES0267-2020

Resolved, that the City of Rochester Hills City Council hereby approves the Police Liaison 2020/2021 (school year) budget in the amount of \$625,297, of which as a participating party, the City of Rochester Hills' contribution is \$292,176 as presented,

Be It Further Resolved, that the Mayor is authorized to execute the documentation on behalf of the City.

2020-0406 Request for approval of an Interlocal Agreement between the City of Rochester Hills and the City of Rochester for Chief Financial Credit Union, located at Diversion and Rochester Road, Parcel Nos. 15-14-301-007 and 15-14-154-004

Attachments: [10192020 Agenda Summary.pdf](#)
[Chief Financial Interlocal Agrmt.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Planning & Economic Development Director, announced that the Chief Financial Credit Union purchased the Scuba Shop building on Rochester Road and have plans to renovate and move their branch office into that facility. She informed Council that the building is partly located in both the City of Rochester and the City of Rochester Hills. She noted due to locality in both cities, it was necessary to develop an agreement across multiple jurisdictions for the review process. She stated that after meetings with City Attorney John Staran, the City of Rochester's legal team and Chief Financial Credit Union's legal team, an Interlocal Agreement was developed to explain the review process for applicants. The Agreement requires the applicant to submit site plans to both communities and a Joint Planning Commission will review the plans. She noted Chief Financial Credit Union is proposing a drive-thru which is a Conditional Land Use in the City of Rochester Hills; therefore, the City will have its traditional public hearing and recommendation of use to City Council. She explained that the Rochester Hills Planning, Engineering and Building Departments will review it from an advisory standpoint and follow the rules of the City of Rochester's Ordinances and Codes, with the exception of the utility connections or items from Engineering that are considered to be black and white. She added that Rochester City Council has approved the local agreement, the plans have been submitted to both communities and is currently in the review process. She mentioned that this item will come

before City Council as a Conditional Use item in the future.

President Deel thanked Ms. Roediger for her presentation and added it is nice to see redevelopment on that site. He stated that the Interlocal Agreement looks to be an effective and efficient way to move forward.

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

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

Enactment No: RES0268-2020

Whereas, the proposed Chief Financial Credit Union is located on the northeast corner of Diversion and Rochester Road in the City of Rochester Hills and the City of Rochester and;

Whereas, given the fact that the majority of the building will be located in Rochester, the Interlocal Agreement addresses the issue of having different standards for development in Rochester Hills and Rochester by requiring the development to be designed and reviewed under the development standards of the City of Rochester and;

Whereas, Rochester Hills would reserve the right to review and permit any connections to or use Rochester Hills' utilities, roads and public infrastructure in accordance with Rochester Hills' codes, standards and requirements.

Resolved, that the Rochester Hills City Council hereby approves the Interlocal Agreement between the City of Rochester Hills and the City of Rochester for Chief Financial Credit Union and authorizes the Mayor and City Clerk to execute the Agreement on behalf of the City.

- 2020-0411** Request for Purchase Authorization - FIRE: Project Budget for the implementation of the Fire Department Radio Upgrade project in the not-to-exceed amount of \$255,169.00; Oakland County, Pontiac, MI and other vendors as needed

Attachments: [10192020 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

Sean Canto, Fire Chief/Emergency Services Director, shared that several years ago Oakland County began the implementation of their public radio safety system replacement with the plan of putting the new radio system in play by 2021. He noted that the current system being used is approximately twelve (12) years old and has outlived its usable life. He stated Oakland County recently notified the Rochester Hills Fire Department if they paid their portion by December 1, 2020, the City would receive an additional ten percent (10%) off the original thirty percent (30%) that was agreed upon in the County Bid process. He stated the current expenditure amount is approximately \$256,000.00 with a revenue credit of approximately \$21,000.00, taking the expenditure down to approximately \$235,000.00 which is under the three-year budget cost. He noted that the \$21,000.00 credit is to be used for hardware only and not such things as installation and licenses.

President Deel shared his appreciation for being able to participate in the Fire

Ops 101 training.

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

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

Enactment No: RES0269-2020

Resolved, that the Rochester Hills City Council hereby authorizes a project budget for the implementation of the Fire Department Radio Upgrade project to Oakland County, Pontiac, Michigan and other vendors as needed in the not-to-exceed amount of \$255,169.00.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- Regular Meeting - Monday, November 16, 2020 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Mungioli and seconded by Hetrick to adjourn the meeting at 10:28 p.m.

*RYAN DEEL, President
Rochester Hills City Council*

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

*SHEILA BROWN, Administrative Secretary
City Clerk's Office*

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