



Rochester Hills

Minutes - Draft

City Council Regular Meeting

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

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, January 25, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - David Blair, Susan M. Bowyer, Ryan Deel, Dale Hetrick, Stephanie Morita and David Walker

Absent 1 - Theresa Mungioli

Others Present:

Bryan Barnett, Mayor

Tina Barton, City Clerk

Aman Dosanjh, Rochester Hills Government Youth Council

Leanne Scott, Deputy Clerk

Joe Snyder, Chief Financial Officer

John Staran, City Attorney

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

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

Absent 1 - Mungioli

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

President Deel introduced Aman Dosanjh, Rochester Hills Government Youth Council (RHGYC) Representative.

Ms. Dosanjh stated that she is a tenth grader at Rochester High School. She shared that she serves on the Human Resources Technical Review Committee as the RHGYC Representative. She announced that during the month of January, the Youth Council is working on a special video message to express their appreciation toward teachers and staff in the Rochester Community School District.

Southeast Michigan Council of Governments (SEMCOG):

Mr. Hetrick shared that he was elected as an Executive Committee Alternate to Southeast Michigan Council of Governments (SEMCOG) and **Mayor Barnett** was elected as an Executive Committee Delegate to SEMCOG. He announced that at the Executive Committee meeting they had a presentation from Sue McCormick, C.E.O. Great Lakes Water Authority (GWLA) and was informed that the City can expect a zero increase to a modest decrease in sewer rates and an approximately two percent increase in water rates.

Planning Commission:

Vice President Boywer announced that at the last Planning Commission meeting two (2) new developments were presented for the Auburn Road Corridor. She shared that Action Auto located at Auburn Road and John R will be undergoing building enhancements and renovations to spruce up the area. She stated that the Auburn Road Corridor will have its first mixed-use three-story development consisting of businesses and residential penthouse suites. She stated that it is exciting to see the activity and development in the Auburn Corridor area.

ORDINANCE FOR ADOPTION

2020-0574 Request for Acceptance for Second Reading and Adoption - An Ordinance to amend Division 4, Article VI of Chapter 70, E-Cigarettes, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the age limits and to repeal conflicting or inconsistent Ordinances

Attachments: [012521 Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[01112021 Agenda Summary.pdf](#)
[01112021 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

John Staran, City Attorney, stated that the Ordinance amendment raises the legal age from 18 to 21 years old to purchase vaping products. He shared that change will be consistent with Federal Law and allow the Sheriff's Department to enforce the local Ordinance.

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

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

Absent 1 - Mungioli

Enactment No: RES0018-2021

Resolved, that an Ordinance to amend Division 4, Article VI of Chapter 70, E-Cigarettes, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify the age limits and to repeal conflicting or inconsistent Ordinances is hereby Accepted for Second Reading and Adoption and shall become effective on Monday, February 1, 2021 following its publication in the Oakland Press on Sunday, January 31, 2021.

PUBLIC COMMENT for Items not on the Agenda

President Deel read an email received from Tom Kuhn, County Commissioner, highlighting the following:

He stated that he represents the City of Rochester and City of Rochester Hills, 11th District. He shared that he serves on the Public Health and Safety Committee that oversees the County's Health Department, including Oakland County's COVID pandemic response. He announced that the County is accepting vaccine sign-ups and encouraged individuals who are interested in registering to visit www.oakgov.com. He stated that in December, he and Commissioner Adam Kochenderfer brought forth a resolution to increase the priority of teachers and personnel to receive the vaccine due to the importance of in-person education and protecting the teachers and staff. He shared that the resolution received unanimous bi-partisan support from the Commission. He encouraged anyone with questions to contact him at (248) 227-2462 or via email at tekuhn@aol.com.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett provided the following updates:

- He shared that Oakland County has administered approximately 3,000 vaccines this past weekend. He stated approximately 6,800 doses are scheduled to be delivered this week. He stated that 170,000 people have registered for "save your spot" in line for the COVID vaccine.

- He expressed his appreciation for the Rochester Hills staff and residents for their participation in Stuff a Snow Plow Program in partnership with the Neighborhood House. He shared that residents donated a total of 3,700 pounds of food and five (5) car loads of clothes to the Clothes Closet. He stated it was a unique way to get involved.

- He announced the Art on Auburn Project will begin on February 1, 2021. He stated that students from Rochester and Avondale Schools will be invited to submit artwork to be selected and placed on the Auburn Road Corridor roadway. The theme is "What Does Community Mean to Me." On Thursday, January 28, 2021, at 7:00 p.m. the Paint Creek Center for the Arts will host a webinar to provide information about the program.

- The Rochester Hills Fire Department responded to a fire on Hickory Lawn this past weekend. He stated that everyone was safe and the Department was on scene to investigate. He shared that the Fire Department was selected to

participate in a new pilot program that will provide metrics to assist departments in efficient response times and better understand the data collected. He stated that this is a great opportunity for the Fire Department to display their exemplary work both regionally and nationally.

- He announced that the City recently launched its Rochester Hills Connect feature to provide the latest news about the City of Rochester Hills through notifications delivered via email, text, or both. He encouraged individuals to visit www.rochesterhills.org and select RH Connect to choose from various notification options.

Ms. Morita requested Mayor Barnett provide Council with the description and access link to the Rochester Hills Connect.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2020-0573 Request to Confirm the Mayor's appointment of Timothy Wood to the Construction / Fire Prevention Board of Appeals for the remainder of a vacant three (3) year term to expire December 31, 2022

Attachments: [012521 Agenda Summary.pdf](#)
[McCracken Resignation.pdf](#)
[Wood CQ.pdf](#)
[Resolution \(Draft\).pdf](#)

A motion was made by Bowyer, seconded by Walker, that this matter be Adopted by Resolution to appoint Timothy Wood to the Construction/Fire Prevention Board of Appeals to fill the unexpired term of Chris McCracken ending December 31, 2022. The motion carried by the following vote:

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

Absent 1 - Mungioli

Enactment No: RES0019-2021

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Timothy Wood to the Construction / Fire Prevention Board of Appeals for the remainder of a vacant three (3) year term to expire December 31, 2022.

NEW BUSINESS

2021-0006 Request to Approve an Amendment to Oakland County Sheriff's Office 2019-2021 Law Enforcement Services Agreement with the City of Rochester Hills for the Public Safety and Public Health Payroll Reimbursement Program or Other CARES Act Grant Funding

Attachments: [012521 Agenda Summary.pdf](#)
[OCSO Memo & Contract.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, stated this request is to add language relating to the Public Safety and Public Health Payroll Reimbursement Program established through the State of Michigan utilizing a portion of the State's allotment of the Federal CARES Act Fund. He explained that per the State of Michigan, communities that contract with their respective County for policing services are not directly eligible for reimbursement, as those communities do not pay the police staff. He stated, however, the City worked closely with the Oakland County Commissioners to request the Oakland County Sheriff's Office to submit a reimbursement request for policing services for the months of April and May 2020 on behalf of the City of Rochester Hills. He shared that they have received over \$150,000 which was passed through Oakland County to the City and anticipates an additional \$75,000 to be received in mid-February. He stated that Oakland County is requesting Council's approval of the revised agreement for their files.

Vice President Bowyer recognized Mr. Snyder for facilitating the reimbursement process between the City of Rochester Hills and Oakland County which also benefited other local municipalities in Oakland County.

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

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

Absent 1 - Mungioli

Enactment No: RES0020-2021

Resolved, that the Rochester Hills City Council hereby approves the Amendment to the Oakland County Sheriff's Office (OCSO) 2019-2021 Law Enforcement Services Agreement with the City of Rochester Hills for Public Safety and Public Health Payroll Reimbursement Program (PSPHRP) or Other CARES Act Funding and further authorizes the Mayor to execute the amendment on behalf of the City.

2020-0578 Request to Adopt the proposed amendments to *City Council Rules of Procedure* Article X. Electronic Meetings to correspond to 2020 PA 254

Attachments: [012521 Agenda Summary.pdf](#)
[01112021 Agenda Summary.pdf](#)
[Proposed Resolution Amendment 2020-PA-0254.pdf](#)
[Resolution \(Draft\).pdf](#)

President Deel stated that this item will bring City Council into compliance with the current amended updates to the Open Meetings Act as it relates to electronic meetings.

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

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

Absent 1 - Mungioli

Enactment No: RES0021-2021

Whereas, the Michigan Open Meetings Act, MCL 15.261 et seq. was recently further amended by the enactment of Public Act 254 of 2020 to modify statutory provisions authorizing electronic meetings and remote attendance by members of a public body using telephonic or video conferencing means; and

Whereas, the City Council desires to continue to meet and conduct the public business of the City in a manner that permits both the general public and members of the City Council and other City boards and commissions subject to the Open Meetings Act to participate by electronic means, and the City Council further desires to amend the City Council Rules of Procedure to correspond to 2020 PA 254.

Therefore, It Is Resolved by the Rochester Hills City Council that Article X of the City Council Rules of Procedure is hereby amended, as follows:

Article X. **Electronic Meetings**

Section .01 **Electronic meetings authorized**

The City Council may meet and conduct its meetings, in whole or in part, by electronic means using telephone conferencing or video conferencing technology without regard to physical place and physical presence requirements, in accordance with Section 3a of the Open Meetings Act, MCL 15.263a, as amended, through March 31, 2021.

Beginning April 1, 2021 through December 31, 2021, City Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any City Councilmember absent because of military duty, a medical condition, or when a statewide or local state of emergency or state of disaster is declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person. As used in these Rules, the term "medical condition" means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a City Councilmember to minimize the spread of a contagious disease.

Beginning January 1, 2022 members of the City Council may participate by electronic means in City Council meetings only to accommodate their absence due to military duty.

Section .02 **Conduct of electronic meetings**

An electronic meeting of the City Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the City Council and be heard by both the Council and other public participants. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the City Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the City Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which City Councilmembers are physically absent due to military duty or a medical condition and

who are being accommodated by remote participation, all other City Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the City's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the City Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Article is posted at least 18 hours before the meeting begins. Any notice of the meeting of the City Council held electronically must clearly contain all of the following:

- (a) Why the City Council is meeting electronically;
- (b) How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- (c) How members of the public may contact members of the City Council to provide input or ask questions on any business that will come before the Council at the meeting; and
- (d) How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the City Council, the City shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the City necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the City Council are excluded from participation in a closed session of the City Council that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

Section .03 Agenda for regular business meetings; electronic meetings

The order of business for all meetings of the City Council conducted electronically and held during through March 31, 2021, and held beginning April 1, 2021 through December 31, 2021 for City Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as set forth in Article V, Section .01 of the City Council Rules of Procedure. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence

of individual City Council members due to military duty or a medical condition.

Section .04 **Public comments**

During City Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Council.

Section .05 **Councilmember attendance by phone/video**

A member of the City Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and this Article may request accommodation of their absence to permit their remote participation in and voting on Council business by two-way telephonic or video conferencing communication. A City Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the Clerk, or the Clerk's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. City Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the City Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Councilmembers are participating by telephone or video conferencing.

Any member of the City Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village or township and the state from which the member is attending the meeting remotely.

Section .06. **In-Person Meetings Before April 1, 2021**

For a meeting of a public body held in person before April 1, 2021, the public body shall do both of the following:

(a) To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least 6 feet from anyone from outside the individual's household.

(b) Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.

Section .07 **Other boards and commissions**

All other City boards and commissions and the members thereof are governed by and shall conform to the provisions contained in this Article setting forth the requirements and procedures by which absent members and the public may remotely participate in meetings electronically by telephone or video conferencing. In the event of any conflict between these rules and the bylaws or procedural rules of the other board or commission, this Article is controlling authority.

- 2021-0010** Request to Rescind the current approval of the Records Retention and Disposal Schedule referred to as Records Automation Management Program (RAMP) and Approve the Adoption of the Michigan State Administrative Board Approval General Record Retention and Disposal Schedules, GS1, GS8, GS18, GS19, GS23, GS24, GS26, GS28, GS30, GS31 and GS32

Attachments: [012521 Agenda Summary.pdf](#)
[GS1_Nonrecords.pdf](#)
[GS8 Cities and Villages.pdf](#)
[GS18 Fire_Ambulance Depts.pdf](#)
[GS19 Prosecuting Attorneys.pdf](#)
[GS23 Elections Records.pdf](#)
[GS24 City and Village Clerks.pdf](#)
[GS26 Local Govt Human Resources.pdf](#)
[GS28 City and Village Treasurers.pdf](#)
[GS30 Local Govt Information Technology.pdf](#)
[GS31 Local Govt Financial Records.pdf](#)
[GS32 Local Govt Parks and Recreation Depts.pdf](#)
[Resolution \(Draft\).pdf](#)

***Tina Barton**, City Clerk, stated that in 2008 the City adopted a Records Retention and Disposal Schedule that was specific to Rochester Hills. She noted that at the time the State did not offer an extensive schedule, therefore, the City wanted to ensure one was in place. She explained that the City has been operating off of the current schedule for the last thirteen (13) years and has determined that the best option is to come into alignment with the updated Michigan General Record Retention and Disposal Schedule. She stated that this request is to rescind the City's current Record Retention Schedule and adopt the State's Retention Schedule which will bring the City in alignment with most communities across the State of Michigan. She mentioned that this will also lay the ground work for the City's Imaging Project.*

***Ms. Morita** stated that the Records Retention Policy was raised approximately eight (8) years ago and since then she has observed the City's efforts to standardize records retention and provide direction to Staff and City Council on how those records are retained.*

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

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

Absent 1 - Mungioli

Enactment No: RES0022-2021

Whereas, in 2008, the City of Rochester Hills adopted the Records Automation Management Program (RAMP), a records retention and disposal schedule that was specific to the City of Rochester Hills; and

Whereas, it is not in alignment with the updates of the Michigan General Record Retention and Disposal Schedules; and

Whereas, adoption of Michigan State Administrative Board Approval General Record Retention and Disposal Schedules GS1, GS8, GS18, GS19, GS23, GS24, GS26, GS28, GS30, GS31 and GS32 would ensure that we are consistent with the majority of the municipalities in the state.

Therefore, Be It Resolved, that the Rochester Hills City Council hereby rescinds the current approval of the Records Retention and Disposal Schedule referred to as Records Automation Management Program (RAMP) and approves the adoption of the Michigan State Administrative Board Approval General Record Retention and disposal Schedules GS1, GS8, GS18, GS19, GS23, GS24, GS26, GS28, GS30, GS31, GS32, and any future updates to these schedules.

ANY OTHER BUSINESS

Mayor Barnett announced that an email was sent to Council with the link to Rochester Hills Connect per Ms. Morita's request and thanked Council for their assistance in promoting RH Connect.

NEXT MEETING DATE

- Joint Planning Commission/City Council Meeting - Monday, February 1, 2021 - 7:00 p.m.
- Regular Meeting - Monday, February 8, 2021 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Walker and seconded by Hetrick to adjourn the meeting at 7:35 p.m.

*RYAN DEEL, President
Rochester Hills City Council*

*LEANNE SCOTT, MMC, Interim City 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.